

A. D. 1779.

(91)
A C T S
O F R E V I S E D
A S S E M B L Y
O F T H E S T A T E O F
N O R T H - C A R O L I N A .

STATE of NORTH-CAROLINA.

At a GENERAL ASSEMBLY begun

and held at Newbern on the 14th Day of April, in the Year of our Lord 1778, and from thence continued by Adjournments and Prorogations to the 19th Day of January, at Halifax, in the Year of our Lord 1779, being the third Session of this Assembly.

RICHARD
CASWELL,
Esq; Govern-
or.

C H A P. I.

An Act to regulate and establish a Militia in this State.

I. **W**HEREAS a well regulated Militia is absolutely necessary for the defending and securing the Liberties of a free State;
II. *BE it therefore Enacted by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the Authority of the same, That the Militia of this State be divided into six Brigades, as it heretofore stood by an Act, intituled, An Act to establish a Militia in this State, viz. one in each of the Districts of Edenton, Newbern, Wmington, Halifax, Salisbury, and Hillsborough, and each Brigade to be commanded by a Brigadier General. And the Militia of every County shall consist of all the effective Men, from sixteen to fifty Years of Age inclusive (except Quakers, Menonists, Dunkards, and Moravians) to be formed into one or more Regiments, each under the Command of a Colonel, Lieutenant-Colonel, and two Majors. Every Regiment shall be divided into Companies, consisting of fifty Rank and File at least, two Serjeants, two Corporals, one Drummer, and one Fifer, and each Company to be under the Command of a Captain, Lieutenant, and Ensign. That every Company shall stand divided into four Divisions, and shall go on Service according to the first, second, third, and fourth Numbers, as they have heretofore drawn under an Act, intituled, An Act to establish a Militia in this State. Provided nevertheless, That where any Militia Man shall remove himself out of one Company into another, he shall produce a Certificate from the Captain of the Company from which he came, setting forth the Division to which he belonged, and the Duty he has performed in that Division; and the Captain of the Company to which he came shall cause him to be enrolled in the Division he stood in before his Removal. And if any Person so removing shall fail to produce such Certificate when thereto required by the Captain of the Company to which by his Removal he shall or may belong, such Captain shall cause the Person so failing to be enrolled in the Division then liable to be called out, and shall serve accordingly.*
III. *AND be it further Enacted, by the Authority aforesaid, That in every County where the Militia have not been divided and numbered as aforesaid, that the commanding Officer*

Preamble.

Militia estab-
lished.

Divided and
numbered,
of

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Muster Rolls
to be return-
ed.General and
private Mus-
ters.Brigadiers
to return
Muster Rolls.Soldiers ac-
countrements.Arms for
poor Militia
Men.Allowance
to Militia.Quarter Ma-
sters.

Light Horse.

of such County shall immediately upon the Publication hereof cause such Militia to be divided and numbered as aforesaid, under the Penalty of One Hundred Pounds, to be recovered by Action of Debt, by any Person suing for the same, in any Court of Record having Cognizance thereof.

IV. *AND be it further Enacted, by the Authority aforesaid, That every Captain shall on or before the Twentieth Day of April next, and once in every Six Months afterwards, return a Muster Roll of his Company, divided and numbered as aforesaid, to the commanding Officer of the Regiment, under Pain of forfeiting Fifty Pounds for every Default; and the commanding Officer of each Regiment shall make an exact Return from such Lists within twenty Days after receiving the same, to the Brigadier General of the District, under Pain of forfeiting Two Hundred and Fifty Pounds for every Default.*

V. *AND be it further Enacted, by the Authority aforesaid, That the commanding Officer of every Regiment shall once in every Year, and oftener if thereto required by the Brigadier General of the District, order a General Muster at the Court-House of their County, or such Place where the Court is held, or such other Places as is or may be appointed by Law, under Pain of forfeiting Twenty Five Pounds for every Default; and every Captain shall muster and train his Company, divided as before directed, once in every two Months, and oftener if directed by the commanding Officer, under Pain of forfeiting Five Pounds for every Default; and every Soldier neglecting or refusing to attend the General Muster, shall forfeit the Sum of Forty Shillings, and if a private Muster, Twenty Shillings, to be recovered as herein after directed.*

VI. *AND be it further Enacted, by the Authority aforesaid, That the Brigadier Generals respectively shall return an exact Roll of all the Officers and Soldiers of their Brigades, distinguished into their proper Companies and Divisions, to the Governor, once in every Year, and oftener if required, under the Penalty of Five Hundred Pounds for every Default.*

VII. *AND be it further Enacted, by the Authority aforesaid, That each Militia Soldier shall be furnished with a good Gun, Shot Bags, and a Cartouch Box or Powder Horn, a Cut-throat or Tomahawk; and every Soldier neglecting to appear at any Muster accounted as above, shall forfeit for every such Offence Ten Shillings, if at a General Muster, and Five Shillings if at a private Muster (unless he can make it appear they were not to be procured) to be recovered as other Fines: And when any Person shall appear to the Field Officers not possessed of sufficient Property to afford such Arms and Accountrements, the same shall be procured at the Expence of the County, and given to such Persons on Muster Days, or when ordered into Service; which Guns and Accountrements, after such Service, shall be returned to the Captain of the Company, and by him carefully preserved for future Occasions. And whenever the Militia are called into Service they shall be allowed as follows: One Baggage Waggon, or two Carts for the Field Officers of every Regiment; two Waggons, or four Carts, for the Captains and Subaltern Officers of each Regiment; and two Waggons, or four Carts, to each Company, if necessary; each Waggon, with four Horses, to be allowed Ten Dollars per Day; each Cart, with two Horses, to be allowed Five Dollars per Day, and to be found Forage and Shoes for their Horses; Ammunition Waggons at the Discretion of the Brigadier General; the same Rations to Men and Officers as allowed to the continental Army, to be supplied by Commissaries appointed by the Brigadier; one Bell Tent to each Company, entrenching Tools, six Axes, and a sufficient Number of Camp Kettles, to be furnished by the commanding Officer of each Regiment; and the Pay of the Men and Officers as follows, to wit, a Colonel per Day Forty Shillings, Lieutenant Colonel Thirty Six Shillings, a Major Thirty six Shillings, a Captain Twenty Eight Shillings, Lieutenant Twenty Four Shillings, a Surgeon Thirty six Shillings, an Adjutant Twenty Four Shillings, an Ensign Twenty Shillings, a Serjeant Twelve Shillings, a Corporal, Drummer, and Fifer, Ten Shillings, each Rank and File Man Eight Shillings; and that the non-commissioned Officers and Privates shall have and receive a Bounty of Twenty Dollars for every Month they shall be, according to the Governor's Orders, on actual Duty; a Brigadier General Five Pounds, and each Brigadier shall be allowed one Baggage Waggon.*

VIII. *AND be it further Enacted, by the Authority aforesaid, That there shall be one Quarter Master to every Brigade, who shall be appointed by the Brigadier General, with Power to appoint Deputies; and every Colonel or commanding Officer of a Battalion shall appoint a Quarter Master to attend the same, or any Detachment thereof, when ordered into actual Service, to continue only until such Battalion or Detachment shall join the Brigade of which it shall be a Part. And every Quarter Master shall keep an exact Account of the Disbursements within his Department, and shall be compelled to produce Vouchers on Oath for every Expenditure before the same shall be allowed; and the Quarter Master for each Brigade shall not appoint more than one Deputy for each Regiment, and each Brigade Quarter Master shall be allowed Captain's Pay and Rations, and each Deputy Lieutenant's Pay and Rations.*

IX. *AND be it further Enacted, by the Authority aforesaid, That there shall be Twenty Five Light Horse Men, and no more, from each Regiment, to be arrayed in one or more Companies when they shall have joined the Brigade, at the Discretion of the Brigadier General; and that each and every Light Horse Man shall find and provide his own Horse and*

Accountrements.

Accoutrements, and shall have the same Bounty as a Foot Soldier, and Sixteen Shillings per Day, together with Forage and Shoes for his Horse; and a Chaplain may be appointed to each Brigade by the Brigadier General, to be approved of by the Field Officers of the Brigade; which Chaplain shall have the same Pay and Rations as a Colonel, and be allowed Forage for his Horse.

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Captain

X. *AND be it further Enacted*, That no Officer or Soldier in the Militia Service shall be tried for any Offence against the Militia Law, or the Articles of War, except by a Court Martial, composed of Militia Officers.

Militia Soldiers how tried.

XI. *AND be it further Enacted*, That no Brigade, Regiment, or Division of Militia, shall be under Command of any but Militia Officers, except when such Militia shall be ordered by the civil Power to join the continental Troops, in which case the continental Officer of equal, and the Militia Officer of superior Denomination, shall command.

How commanded.

XII. *AND be it further Enacted*, That such Division as shall at any Time be called into Service, shall be formed into Companies of not less than Fifty Men each, with a proportionable Number of Officers, Sergeants, Corporals, Fifers, and Drummers; and all the Officers of each Regiment shall agree among themselves concerning who shall command the Men directed to march into actual Service; but if they cannot agree, the commanding Officer shall divide Lots to be drawn, and the Officers on whom such Lot shall fall, shall command in their proper Rank and Department; and such Draft of Officers shall be taken and made previous to the Draft of the Soldiers; and if any Officer shall resign prior to the Draft of the Militia Soldiers aforesaid, such Officer shall be placed in the Division then liable to a Draft: And if any Officer of whom the Lot of commanding as aforesaid may fall, should resign his Command before the Expiration of the Service, such Officer shall forfeit and pay the Sum of Five Hundred Pounds, to be applied and recovered as other Fines are herein directed. *Provided*, That nothing herein contained shall extend, or be construed to extend, to bar any Officer or Officers from resigning his or their Office, before any Alarm or Orders for raising Men, without incurring any Penalty by this Act inflicted.

Divisions formed, and how commanded.

Pen. on Officers resigning.

XIII. *AND be it further Enacted*, That all Persons within the Ages of Sixteen and Fifty shall be liable to be drafted; and every Person so drafted obliged to serve, or find an able bodied Person in his Room. *Provided*, That the Governor, Speakers of both Houses of the Assembly, Justices of the Superior Courts of Law, Attorney General, continental Delegates, Public Secretary, Quakers, Menonists, Dunkards, Moravians, and such Persons as 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 an 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; shall be exempted from a Draft; and that no Justice of the Peace, Member of the Council of State, Ministers of every Denomination, or Surgeons, continental Post Masters and Post-Riders, shall be obliged to attend General or Private Musters, but shall nevertheless be subject to a Draft.

Who may be drafted. Exemptions.

XIV. *AND be it further Enacted*, That for all Defaults at private Musters, if the Delinquent shall fail to appear at the next succeeding Muster, and shew sufficient Cause for such Default, the Captain shall issue his Warrant to the Sergeant for levying the above Fines, by Distress on the Delinquent's Goods and Chattels; and the Fines so collected shall be applied towards providing Arms for such as have not sufficient Property to procure such for themselves.

Fines levied.

XV. *PROVIDED*, That where any Person shall fail to appear at any private Muster, and the Captain of the Company may suspect such Person of having an Intention of removing himself out of the County before the next succeeding Muster, in such Case it shall and may be lawful for the Captain to issue a Citation against such Defaulter, requiring him by a certain Day (not exceeding Ten from the Date thereof) to appear and shew Cause, if any he can, why the Fine should not be levied; and if he shall fail to appear, or appearing to make sufficient Excuse, he shall be subject to the same Proceedings as if he had failed to make Excuse at the succeeding Muster: And every Person who shall think himself aggrieved, may complain to the next Court Martial; and if the said Court shall think he was unjustly fined, they shall order the Money to be refunded (if paid) and if any Security has been given, that the same be released: And if any Person shall withdraw himself, or abscond from the Company to which he belongs, after being lawfully drafted, or shall desert his Colours when on actual Service, such Person shall be held and deemed a continental Soldier during the War.

Citations issued.

Appeal.

Pen. for absconding.

Court Martial.

XVI. *AND be it further Enacted*, That there shall be a Court Martial held the Day after every General Muster, to be composed of one Field Officer, and six Captains or Subalterns at least; which said Court shall have full Power to inquire into the Age and Abilities of all Persons enlisted, and to exempt such as they judge incapable of Service, and of all Neglects and Omissions, as well by any Officer as Soldier, and to hear and determine all Appeals whatever, and to dispose of all Fines for the Use of the County; and the said Court is hereby directed and required to keep a Register of all their Proceedings, and for that Purpose to appoint a Clerk, and allow him a reasonable Salary out of the Fines.

XVII.

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Pen. for re-
sisting Com-
mand.Pen. on
drafted Per-
sons neglecting
to appear.Disobedie
Officers or
Soldiers to be
tried.Exempt from
Arrests.Oath admin-
istered.Manner of
impressing
Waggons, &c.Rules for
Brigades in
Service.

XVII. *AND be it further Enacted*, That if any Soldier shall, during the Time of any Muster, resist his commanding Officer, or refuse his lawful Commands, such Soldier shall and may be taken into Custody by Order of the commanding Officer, and shall pay such a Fine as his said Officer shall assess, not exceeding the Sum of Ten Pounds if at a private Muster, or Twenty Pounds if at a general Muster. *Provided nevertheless*, That such offending Soldier shall have the Right of appealing to the succeeding Court-Martial to be held for his County, he first giving Bond and Security in double the Sum assessed to the commanding Officer, that he shall well and truly prosecute the Appeal with Effect. And if the said offending Soldier shall fail in his Appeal, it shall and may be lawful for the said Court Martial to confirm such Fine, with Costs, at their Discretion.

XVIII. *AND be it further Enacted*, That if any Officer or Soldier shall neglect or refuse to appear when drafted, or otherwise called into actual Service, or fail to deliver an able bodied Man in his Room to the commanding Officer of the County to which such drafted Person may belong, (and the said Officer is hereby required to receive such Substitute and to give from under his Hand a Discharge to such drafted Person so providing such Substitute) such Delinquent so failing or refusing to appear and march agreeable to Command of his Officer, after having received Five Days previous Notice of such Draft, shall be held and deemed a continental Soldier for one Year, and the Service of such Substitute shall be considered as the Service of the drafted Person himself; and such drafted Person shall be entitled to the same legal Exemption in future Drafts as if he had rendered personal Service. *Provided always*, That no Person shall be received as a Substitute who shall be in the same Division with the drafted Person offering such Substitute.

XIX. *AND be it further Enacted by the Authority of the same*, That if any Officer or Soldier when in actual Service, shall wilfully disobey the lawful Commands of his Superior or Commanding Officer, it shall and may be lawful for such his Commanding Officer, to cause him to be arrested and held in safe Custody, until a Court Martial can be held over such Offender, the said Court not to consist of less than One Field Officer, Three Captains, three Lieutenants, and Three Ensigns, or a Majority of them, from the Regiment to which such Officer or Soldier shall belong, and such Offender shall suffer such Punishment such Court Martial shall direct. *Provided always*, That if the Offender shall be an Officer he shall not be subject to any corporal Punishment; and whether he be Officer or Soldier he shall not be subject to the Loss of Life, Limb, or Member.

XX. *AND be it further Enacted*, That no Officer or Soldier going to, continuing at, or returning from any Muster, in any reasonable Time, shall be liable to be arrested by any in any civil Action or Process whatever; any Law, Usage or Custom, to contrary standing.

XXI. *AND be it further Enacted*, That in all Cases where it shall be requisite to administer the Oath, relative to any military Matters, any Field Officer or Captain is hereby required to administer the same.

XXII. *AND be it further Enacted*, That no Officer or Soldier of the Militia or Regulars in this State shall press any Waggon, Cart or Horse, Arms or other Things, of any Nature whatsoever, unless a Warrant is thereto by Warrants under the Hands and Seals of Two Justices of the Peace (not being Militia Officers then in actual Service) of the County where such Press shall be necessary; and any Officer or Soldier before he shall press any Thing as aforesaid, shall demand the same peacefully from the Owner or Possessor thereof, and in Case of Refusal shall produce his Warrant as aforesaid, before he proceeds to impress; and if the Owner or Possessor shall still refuse the Thing demanded, it shall be lawful to impress the same; and every Officer or Soldier who shall offend against this Act shall forfeit and pay One Hundred Pounds for every such Offence to the Person injured, and be moreover liable to the Action or Actions of the Party grieved, to be recovered before any Jurisdiction having Cognizance thereof; and every Thing so pressed or obtained shall be valued by Two Freeholders on Oath, and a Certificate of the Valuation given by such Valuers to the Owner or Possessor from whom the same shall be pressed or obtained, in Order that if the same shall not be restored to the Owner or Possessor, he may be allowed such Valuation by the Public. And in Case such Article or Articles so impressed shall be injured while in the Public Service, the Damage shall be valued as other Articles by this Law are directed to be valued, and he shall receive the Amount of such Valuation.

XXIII. *AND be it further Enacted by the Authority aforesaid*, That when any Brigade shall be ordered into actual Service, the following Rules and Regulations shall be observed: One Waggon Master shall be appointed to every Twelve Waggons, and that the Commanding Officer shall continue or discharge the same at his Discretion, who before he enters upon his Duty shall take an Oath, that he shall faithfully execute the said Office, and the Commissaries shall every Morning make a Return to the Waggon Master of the Provisions, which the Waggon Master having examined and compared, shall return signed and certified to the Commanding Officer: And the Waggon Master shall attend, as his special Duty, to the Arrangement of the Waggons, taking Care that every Morning no more begin to march than One for every Ton of Provisions, except where there may be Half a Ton or upwards over and above what will make a Ton for every Waggon but One, in which Case the One Waggon

gon shall be kept in Service until so much is consumed as to render it below Half a Ton, and in all Cases where the Quantity over a Ton for each Waggon is less than Half a Ton, the Overplus shall be distributed into the other Waggons as equally as may be, and every Morning all the empty Waggons shall be discharged, except otherwise ordered by the commanding Officer as aforesaid; each Waggon having first obtained a Certificate from the Waggon Master, setting forth the Number of Days it had been in Service, and the Place where discharged, and the Distance to return; and for every Twenty Miles of such Return each Waggon shall be allowed One Day's Pay, and Half the Sum shall be allowed for such Carts as shall be employed in the Service; and every Waggon Master shall be allowed the Pay and Rations of a Captain. Also that there be a Pay-Master to be appointed to each Brigade, who shall attend the same and be allowed Major's Pay and Rations, and he shall produce as Vouchers Receipts from every Officer and Soldier who shall appear on the Muster Roll of the Brigade to which he belongs, for such Sums as he shall pay away.

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XXIII. AND be it further Enacted, by the Authority aforesaid, That the Divisions made for drafting the Militia in the several Counties in this State, according to a Resolve of Congress passed at Halifax in May, One Thousand Seven Hundred and Seventy Six, shall continue, and the Persons who have in Pursuance thereof been drafted or voluntarily enlisted and actually called forth into the Service of this State, shall not be again drafted or called in actual Service of this State till, according to the Order of the said Divisions, it shall in Rotation come to their Turn to be again drafted and called into actual Service of this State; any Thing in this Act contained to contrary notwithstanding.

Former Divisions to continue.

XXV. AND be it further Enacted by the Authority aforesaid, That if any Militia Officer shall fail or neglect to call his respective Regiment, Company or Corps together, or to exercise, discipline and train the same when assembled in Manner as by this Act is directed, such Officer so failing or neglecting as aforesaid, shall forfeit and pay as follows, to wit. A Colonel Commandant the Sum of One Hundred Pounds, a Lieutenant Colonel the Sum of Seventy Five Pounds, a Major the Sum of Seventy Five, a Captain the Sum of Fifty Pounds, a Lieutenant the Sum of Thirty Pounds, and an Ensign the Sum of Twenty; which several Penalties and Forfeitures may be sued for and recovered by Action of Debt, Bill or Plaint, before any Jurisdiction having Cognizance thereof, with Costs; one Moiety whereof shall be paid to the Brigadier General of the District, to be applied towards purchasing Arms, &c. for the Use of the County where the Forfeiture shall be, and the other Half to the Person who shall sue for the same.

Pen. on Officers neglecting their Duty.

XXVI. AND be it further Enacted, by the Authority aforesaid, That every Militia Officer, before he shall enter upon the Execution of his Office, shall take the Oath appointed for the Qualification of public Officers, and also the following Oath, to wit,

To take the Oath.

I A. B. do solemnly swear, that I will execute the Office of
Skill and Ability, without Favour, Affection, or Partiality, and according to Law.

to the best of my

SO HELP ME GOD.

XXVII. AND be it further Enacted, by the Authority aforesaid, That where any Invasion or Insurrection shall happen within this State, that the nearest Militia Officer shall give immediate Notice thereof to the commanding Officer of the County, who shall communicate the same as soon as may be to the Brigadier General of the District, who shall convey the same to the Governor or Commander in Chief; and in the mean Time every such Officer shall use his utmost Endeavours to collect a Force sufficient to repel the Enemy, or suppress the Insurrection; and every Officer failing herein, shall be subject to such Punishment as shall be adjudged by a Court Martial.

Proceedings on Invasions.

XXVIII. AND be it further Enacted, by the Authority aforesaid, That every Sergeant, for levying any Fine for not attending at general or private Musters, and for not appearing properly equipped, shall have and receive the following Fees, to wit, For non-Attendance Four shillings, for Fines for not being equipped One Shilling and Four Pence, to be paid out of the said Fines: And when any Apprentice or Servant, or Minor, shall absent himself from Militia Duties, he shall be subject to the Penalties by this Act directed for Offences of the same Nature; and if by this Act such Offences are made subject to a Fine or Fines, such Fine or Fines shall be levied by Distress upon the Effects of the Master or Mistress of such Servant or Apprentice, or upon the Effects of the Parent of such Minor, or of his Guardian, in Case he shall be an Orphan.

Sergeant's Pay.

Apprentices and Servants Fines.

XXIX. AND be it further Enacted, by the Authority aforesaid, That when the Militia of this State shall be ordered into Service, the commanding Officer shall receive a Tent for every six Men under his Command from the Commissary of Stores; and after the Expiration of such Service, the commanding Officer shall return the Tents, together with all Pots, Camp Kettles, Axes, and other Tools, to the Colonels of their respective Counties, where all such Articles shall be carefully preserved by him for further Occasions.

Tents for the Militia in Service.

XXX. AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the commanding Officer of the Militia in this State to continue any Brigade, Regiment, or Division of Militia, on actual Service, for any Time not exceeding three Months, if he shall think that the Safety of the State require it. Provided, it shall not extend, or be construed to extend, to authorize him to continue the Militia now on actual Service out of this State, longer than the Time they were drafted for.

Continuance of the Militia in Service.

B

XXXI. AND

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Proceedings
on Complaint
against Officers

XXXI. *AND be it further Enacted, by the Authority aforesaid, That where any Complaint shall be made against any Officer of the Militia, the commanding Officer, if the Complaint be not against himself, if so, the next Officer in Command, shall cause a Court Martial to be called, which shall consist of one or more of the Field Officers, and at least the Majority of the Captains of the Regiment, who shall hear the Charges and Allegations made against any Officer or Officers, provided such be made upon Oath, and a Notice of Ten Days at least given to the Party complained against; and if such Complaint shall appear to be well founded, and to warrant a Removal of such Officer, the said Court Martial shall and may sentence such Person accordingly, and at the same Time recommend a proper Person to succeed such Officer; and if such Sentence relates to a Field Officer, the President of the Court shall make return of all the Proceedings of the said Court Martial to the next General Assembly; but if the same relates to a Captain or subaltern Officer, the said President shall make Return of the said Proceeding to the Brigadier of the District, and if the same be approved of by him, then the commanding Officer of the County shall proceed to procure a Commission from the Governor for such Person so recommended.*

Company of
Horic.

XXXII. *AND be it further Enacted, by the Authority aforesaid, That if any Number of Men, not exceeding Thirty, or less than Fifteen, shall form themselves into a Company of Horic, accoutring each and every Man thereof with a Carbane, a Cutlass, and a Pair of Pistols, under the Command of a Captain, Lieutenant, and Cornet, it shall and may be lawful for such Company, first signifying the same to the Colonel of the County to which they belong, at the same Time recommending the Officers for the said Company, to obtain from the Governor, to whom the Colonel Commandant of the County in which they reside is hereby required to signify the same, Commissions for the said recommended Officers; and thenceforth, as long as the said Company may continue, shall be exempt from all Foot Service whatsoever; and when on Service, the Captain shall have and receive Forty Shillings per Day, Lieutenant Thirty Six, and Cornet Twenty Four. *Provided nevertheless, That the said Company shall be as much subject to the Command and Orders of the Colonel of the Regiment to which they may belong, as any Company of Foot within the same.**

General Muster
in Rowan.

XXXIII. *WHEREAS the Court-House in Rowan County is situated upwards of forty Miles from the North West Extremity of said County, which renders it very inconvenient and disadvantageous to the Inhabitants of that Part of said County to attend at General Musters: For Remedy whereof, Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing this Act, it shall and may be lawful for the commanding Officers of said County, whenever it shall be found necessary to hold a General Muster, to order the District or the following Captains to meet at Reid's Old Field, near Henry Chamber's, viz. Joseph Dineen, David Crawford, David Caldwell, George Davidson, Patrick Morrison, James Purness, Gabeith Fells, William Wilson, Jacob Nobeels, Samuel Reed.*

Not at the Ct.
House.

XXXIV. *AND be it further Enacted, by the Authority aforesaid, That it shall not be lawful for the commanding Officer of said County to order the aforesaid Districts to meet at the Court-House of said County, unless it may be absolutely necessary to call the whole Regiment together.*

Court Martial
for the Dis-
trict.

XXXV. *AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the commanding Officer of said County, when he orders a General Muster of said District, to order one or more of the Field Officers of the said County to attend the same, and there hold a Court Martial to try and determine all Matters and Things, in as full and as ample a Manner, as any other Regimental Court Martial in this State.*

District not
affected by
Death.

XXXVI. *AND be it further Enacted, by the Authority aforesaid, That in case of the Death or Resignation of all, or any of the said Captains, it shall not be construed so as to affect any of the said Districts as they now stand, so as to deprive any Militia Man in said District from the Benefit of this Act; any Law, Usage or Custom, to the contrary, notwithstanding.*

Pay of the Mi-
litia.

XXXVII. *AND be it further Enacted, by the Authority aforesaid, That the Militia of this State, now in actual Service, shall from the passing of this Act be intitled to the same Pay, Rations and Subsistence, and all other Privileges, which any of the Militia of this State are intitled to by Virtue of this Act.*

Rep. Clause.

XXXVIII. *AND be it further Enacted, by the Authority aforesaid, That all former Acts, or Parts of Acts, which come within the Purview of this Act, are hereby repealed and made void.*

C H A P. II.

An Act for raising Forces for the Defence of this and the neighbouring States, and other Purposes therein mentioned.

Preamble.

1. **W** H E R E A S it is necessary for the Support of this and the neighbouring States, that a Force should be immediately embodied and marched to the reasonable Relief of the Militia of this Government who are now in actual Service, and whose Time of Service will expire in the Month of April next.

II. 28

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Volunteers to be enlisted.

Drafts to be made.

Number of Men to be raised.

Men to march

Drafted Men to march.

Regiments formed.

Colonels to pay the Bounty.

If advanced; Interest allowed them.

Men to march to assist the neighbouring States.

Continuation of the Act.

II. *BE it therefore Enacted by the General Assembly of this State, and by the Authority of the same, That the Governor do immediately issue Orders to the Colonels of the respective Counties, directing them to call a General Muster of the Militia of the several Counties, and such Colonels are hereby empowered to enlist all such able bodied Men who will engage to serve this State for Three Months from the Time of leaving the Limits thereof, and shall pay as a Bounty to all such able bodied Volunteers the Sum of Three Hundred Dollars; and such Volunteers shall be further entitled to the daily Pay and such Subsistence which the Militia when in actual Service are authorized to receive; and shall be further entitled to draw upon the Public Commissary daily and every Day for a Jill of Spirits.*

III. *AND be it further Enacted, That in Case a sufficient Number of Volunteers cannot be had, the Colonels of the respective Regiments shall direct Draughts to be made, in such Manner and in such Proportions as has been heretofore directed by the Laws of this State for regulating the Mode of Draughts.*

IV. *AND be it further Enacted by the Authority aforesaid, That the Governor shall allot to each and every County of this State its respective Proportion of Fifteen Hundred Men, which Proportion such County is hereby enjoined to furnish; and the Colonels of the respective Regiments are empowered and directed to raise their proportional Number in the first Instance by the enlistment of Volunteers as aforesaid, and in Case of their Deficiency, to complete the Quota by Draughts; and such draughted Soldier shall be entitled to a Bounty of One Hundred and Fifty Dollars, the Pay and Subsistence of Nine Months, and a Jill of Spirits; and such draughted Soldier shall be bound to serve for Three Months from the Time of leaving the Limits of this State.*

V. *AND be it further Enacted by the Authority aforesaid, That the Governor shall immediately order the Men to him only called Nine Months Men, and heretofore raised by Virtue of an Act of Assembly of this State, to march immediately to join the Army under the Command of General Lincoln.*

VI. *AND whereas many Persons lately drafted to march to the Southward, to re-inforce the Army under General Lincoln, have failed or refused to march accordingly, or after marching and continuing in Service for some Time, have deserted and returned home; Be it therefore Enacted by the Authority aforesaid, That the Colonels or commanding Officers in their respective Counties shall order all such Persons to march agreeable to the Orders issued by his Excellency the Governor; and if any Person so ordered shall fail to comply, he shall be subject to the Pains and Penalties in such Case by the Law provided for regulating the Militia of this State.*

VII. *AND be it further Enacted by the Authority aforesaid, That the Volunteers and drafted Men by this Act directed to be raised, shall be formed into Two Regiments, to be commanded by Militia Officers, and that the Field Officers and other Officers necessary for the Command of one of the said Regiments shall be taken out of the Districts of Hillsborough and Salisbury, and the Officers necessary for the other Regiments from the Districts of Halifax, Edenton, Newbern, and Wilmington, agreeable to the Militia Law.*

VIII. *AND be it further Enacted by the Authority aforesaid, That his Excellency the Governor be directed to grant Warrants on the Treasurers, or either of them, to the Colonels or commanding Officers in their respective Counties, for so much Money as shall appear to him to be necessary to pay the Bounty proposed and held out by this Act to Volunteers and drafted Men, taking Bond and Security for faithfully applying and accounting for the same.*

IX. *AND be it further Enacted by the Authority aforesaid, That if any Colonel or commanding Officer shall advance the Bounty by this Act directed to be paid to the Volunteers and draughted Men, such Colonel or commanding Officer shall be entitled to receive the Sum by him so advanced, with six per Centum Interest thereon, out of the Public Treasury, on Settlement of his Account with the General Adjutant.*

X. *AND be it further Enacted by the Authority aforesaid, That the Governor, with the Advice of the Council, shall be empowered to order the draughted Men, and also the Volunteers hereby directed to be raised, to the Assistance of our neighbouring State, and without the Limits of this Government, whenever our own Safety or the necessary Defence of our neighbouring States shall require it.*

XI. *PROVIDED always, That this Authority so invested in the Governor and Council of this State, shall not be continued longer than during the Term this Act shall be in Force, and this Act shall continue in Force for the Term of Six Months, and no longer.*

C H A P. III.

An Act for ascertaining what Property in this State shall be deemed taxable Property, the Method of assessing the same, and collecting the Public Taxes, and other Purposes.

I. *WHEREAS* the levying a Tax by general Assessment on Property will tend to the Ease of the Inhabitants of this State.

II. *BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all Lots and Lands, with their Improvements, Slaves under the Age of thirty Years, Horses, all Cattle from one Year old and upwards, Money, Money at Interest, and Stock in Trade of every Kind wherever the same may be, all Bonds, Notes and other Obligations which bear or include Interest, shall be held and deemed taxable Property liable to be taxed, and the Taxes laid thereon by Law collected agreeable to the Directions of this Act. Provided, that the Words Stock in Trade, shall not be construed to extend to Materials with any Tradesman or Manufacturer may have on Hand for carrying on such Trade or Manufacture.*

III. *AND*

Preamble.

Taxable Property.

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Manner of
taxing Proper-
ty.Assessors ap-
pointed.Entered Lands
taxable.Cattle & Slaves
taxed.Pen. on Per-
sons refusing
to give an Ac-
count of their
Property.

Poll-Tax.

III. *AND be it further Enacted by the Authority aforesaid*, That the several County Courts in this State shall, at their respective Courts to be held after the First Day of April next, and so at such Courts yearly and every Year, lay out their respective Counties into moderate and convenient Districts, and shall appoint a Justice of the Peace in each District to receive from every Inhabitant thereof a just and true Account, on Oath; of all the taxable Property within this State which such Person was possessed of, in his own Right, or as Agent, Factor or Attorney for any other Person, on the First Day of April then last past, distinguishing the Ages of the Slaves: And every Inhabitant of the respective Districts of each County in this State shall, within one Month after such Court, return, on Oath, to the Justice appointed to receive the same, a just and true Account of all such Articles as by this Law are declared to be taxable Property which he was possessed of as aforesaid on the First Day of April then last past, which Account shall be immediately delivered by the Justice receiving the same to the Persons appointed to ascertain the Value of the taxable Property of the Inhabitants of such County, together with an Account of the taxable Part of his own Estate on Oath; and the said Justice of the Peace is hereby required to administer to every Person delivering such Account as aforesaid, the following Oath: "I A B do swear, that the List by me now delivered contains a just Account of all the Lott, Lands and their improvements, Slaves under Sixty Years of Age, Horses, Cattle from One Year old and upwards, Money, Money at Interest, Stock in Trade, Bonds, Notes, and other Obligations, which bear or include Interest, which to me belonged, or were in my Possession, as Agent, Factor, or Attorney, on the First Day of April last, without Deduction for any Demands against me; and that I have not, directly or indirectly, lent or conveyed away any Part of my Property, with intent to evade Payment of the Tax to which by Law the same is liable."

IV. *AND be it further Enacted, by the Authority aforesaid*, That the said County Court shall annually appoint in their respective Counties as many honest and intelligent Freeholders as they shall think proper, (provided the whole shall not exceed Fifteen in Number) and to every Three of the said Number such Portion of the County shall be assigned, to be assessed as the County Court shall think fit; who shall on Oath, to be administered by any Justice of the Peace, value each individual Part of the taxable Property of every Inhabitant of such County (Negroes and Cattle only excepted) as near as may be to what they suppose the same would separately and distinctly then sell for, at public Sale, for the Currency of this State, and make Return thereof to the next succeeding County Court; and in case they cannot all agree in such Valuation, the Agreement of any Two shall be valid; but where they shall all differ in Opinion respecting the Value of any Kind or Part of taxable Property, then, and in that case, the Valuation of each of the said Persons shall be added together, and the third Part of all the three Sums shall be deemed the Value of the said Property, and returned to the Court accordingly: And such Assessors shall make a due, particular, and faithful Return, of all rateable Property, and in such Return shall specify the several Tracts of Land belonging to each Individual, the Quantity they contain, the County wherein they lie; and the Clerk of each County Court shall send a fair Copy of all such Returns to him made to the General Assembly annually, under the Penalty of Five Hundred Pounds.

V. *AND whereas Doubts have arisen whether Lands which have been entered in the Land Offices, and for which Deeds have not yet been obtained, should be deemed taxable Property: Be it Enacted, by the Authority aforesaid*, That when any Person or Persons have heretofore made, or shall hereafter make, Entries of Land in the Land Office of this State, agreeable to the Act in such Case made, and when no Caveats have been entered against such Entries, that then, and in that Case, such Lands shall be given as taxable Property, and assessed accordingly. *Provided always*, That this Clause shall not affect any Lands subject to the Operation of the Confiscation Law, and Entries of which are hereby declared null and void.

VI. *PROVIDED nevertheless*, That all Cattle, from one Year old and upwards, shall be, and they are hereby rated at Ten Pounds per Head; that all Slaves under Five Years of Age, and all who are between the Ages of Fifty and Sixty, shall be rated at One Hundred and Fifty Pounds each; all Slaves of Five Years old, and under Ten Years, and all between the Ages of Forty and Fifty, shall be rated at Four Hundred Pounds each; and all Slaves of Ten Years old and upwards, not exceeding the Age of Forty Years, shall be rated at Seven Hundred Pounds each. *Provided nevertheless*, That Slaves disabled by bodily Infirmities, or void of Reason, such Incapacity to be adjudged and certified by the County Court, shall not be considered as taxable Property, nor given in as such by the respective Proprietors: And the Persons so appointed to value the taxable Property of such Inhabitants, shall respectively, previous to their valuing the same, take before some Justice of the Peace the following Oath: "I A B, do solemnly swear, that I will faithfully, and to the best of my Information and Understanding, according to Law, value and appraise the taxable Property directed by Law to be valued and appraised, of the Inhabitants of the County wherein I am appointed for that Purpose."

VII. *AND be it further Enacted, by the Authority aforesaid*, That in case any Person or Persons, his, her, or their Attorney, Agent or Factor, shall fail or refuse in due Time to give in to the Justice of the Peace appointed to receive the same, on Oath, an Account of all his, her, or their taxable Property; agreeable to the Directions and true Intent and Meaning of this Act, it shall and may be lawful for the Assessors in their respective Counties to value and appraise, to the best of their Knowledge, the taxable Property of the Person or Persons so failing or refusing as aforesaid; and the Tax on all such Property shall be fourfold the Sum which such Amount of taxable Property for that Year would otherwise have been liable to, and shall be collected and accounted for as other Public Taxes.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That every Freeman in this State, of the Age of Twenty one Years and upwards (other than Soldiers in the Service of the Continent or of this State) who shall not possess the Value of Four Hundred Pounds in taxable Property, shall pay annually, in Lieu of Assessment on Property, a Poll-Tax equal to the Tax for that Year on Four Hundred

Hundred Pounds taxable Property, which shall be collected and accounted for as other Taxes mentioned in this Act. *Provided nevertheless*, That married Men, who are not possessed of One Hundred Pounds, taxable Property, shall pay annually, in Lieu of Assessment, a Poll Tax equal to the Tax for that Year on One Hundred Pounds.

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IX. *AND be it further Enacted, by the Authority aforesaid*, That the Sheriff of each respective County shall collect the Public Tax, and after deducting Five per Cent. for his Commissions, pay the same into the Hands of one of the Public Treasurers of this State, on or before the First Day of April in each Year; and the said Sheriffs respectively shall, previous to their collecting any of the Public Taxes, enter into Bond in the Court of his County, with two or more sufficient Securities, in Chief, with Obligation that he will well and truly account for and pay to the Public Treasurers, all such Sums of Money as he is liable for, agreeable to the Directions of this Act: And in case any Sheriff shall fail to collect, account for and pay, the Public Taxes as by this Act directed, such Sheriff shall forfeit his Commissions, and be liable to pay the whole Sums which he ought or should have collected; and when any Sheriff shall be in Arrear, it shall be lawful for either of the Treasurers, and they are hereby required, to move for judgment on the Bond of such Sheriff, in any Court having Cognizance thereof; and such Court, upon due Proof before them made that ten Days previous Notice had been given to such Sheriff, or his Securities, such Court shall cause the Sheriff to be called; and if he shall appear and contest the same, the Court shall order an Issue to be speedily made up and tried by a Jury, and shall give Judgment and award Execution accordingly; but where such Sheriff shall fail to appear, the Court shall cause a Jury to be sworn, to inquire what Arrears are due, and shall give Judgment and award Execution accordingly.

Sheriffs to collect Taxes.

X. *AND be it further Enacted, by the Authority aforesaid*, That in order to collect the Public Taxes with Ease and Convenience to the Inhabitants, the Sheriff of each County in this State, after giving due Notice thereof, shall within two Months after the Court to which the Assessor shall make their Return annually, attend two Days in each District in their respective Counties, to receive from the Inhabitants of such District their Public Taxes; and in case any Person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the Sum he shall be so taxed on or before the First Day of January in every Year, such Sheriff may, and they are hereby empowered to levy the same by Distress and Sale of the Goods and Chattels of such Delinquent, and shall be entitled to take and receive for such Distress the Sum of Two Dollars, and no more; provided that no Distress shall be made on Slaves without the Consent of the Owner thereof, if other sufficient personal Estate can be found: And the respective County Courts shall transmit yearly to the Secretary's Office an exact Account of the Valuation or Assessment, and of the rated Property, in their respective Counties; which Account shall be signed by the presiding Justice in such Court, and certified to the Clerk thereof.

Manner of collecting.

XI. *AND be it further Enacted, by the Authority aforesaid, and it is hereby provided*, That where it shall appear to the Sheriff that any Person in his County is about to remove himself and Effects out of the said County, that then it shall and may be lawful for the said Sheriff to distrain on so much of the Goods and Chattels of such Person as will fully pay his Taxes for that Year, and the Charges of such Distress.

Persons removing.

XII. *AND be it further Enacted, by the Authority aforesaid*, That the Justices of the respective County Courts, who shall fail or neglect to lay out their respective Counties into Districts as directed by this Act, or fail or neglect to appoint a Justice of the Peace for each District to receive the Accounts of the taxable Property of the Inhabitants thereof, or fail to appoint Constables to warn the Inhabitants of each District to give in, on Oath, to the Justice appointed to receive the same, an Account of their taxable Property; and every Justice of the Peace who shall be appointed to receive Lists of taxable Property from the Inhabitants of their respective Districts, or any of them, or any of the Persons to be appointed to value the Property of the Inhabitants aforesaid, who shall refuse or neglect to do so and perform the several and respective Duties required of them by this Act, or any of them; the Person or Persons so refusing or neglecting, shall forfeit and pay for every such Refusal or Neglect the Sum of Five Hundred Pounds good and lawful Money of the State; to be recovered by Action of Debt, in the Name of the Governor, and applied to the Use of the Public.

Pen. for neglecting the Duties of this Act

XIII. *AND be it Enacted*, That any Three Justices of any County, on the Death, Inability, Removal, or Refusal to act, of any of the Justices appointed by the County Court to receive Lists of taxable Property from the Inhabitants of said County; or any of the Assessors appointed to value the taxable Property aforesaid, shall, and are hereby empowered and required to appoint other Justices or Assessors, in the Stead of those so refusing to act, dying, removing, or being disabled.

Justices and Assessors kept up.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That Inventories of the Estates of Testators, Intestates, Minors, and other Persons, having in Possession the taxable Property of Persons residing out of this State, and Absentees, shall be delivered by the Executors, Administrators, Guardians, Agents, Attornies, or other Persons, having Possession of taxable Property belonging to Persons residing out of this State, in the same Manner as the Estates of other Persons; and on Refusal or Neglect shall be valued as aforesaid; and the Tax shall be levied of the proper Estate of such Person or Persons aforesaid, any Law, Usage, or Custom, to the contrary, notwithstanding.

Inventories of Testators, &c. to be given in by Guardians, &c.

XV. *AND be it further Enacted, by the Authority aforesaid*, That the real Estates of Persons residing out of this State, or Inhabitants thereof, who have not any personal Property therein, shall be assessed yearly by the Persons appointed to value the Estates of the Inhabitants, and a particular and separate Return thereof made to the County Court; and if the Assessment thereon shall not be discharged within one Year after the same become due, then such Estate, or so much thereof as may be necessary to discharge the several Assessments, with all contingent Charges, shall be sold by the County Court whereon the same shall lie, by Order of the County Court; any Law or Usage to the contrary, notwithstanding: And the taxable Part of the Estates of the Persons appointed to value the Property of the Inhabitants of each respective County in this State, shall be valued and appraised.

Estates of Absentees, &c.

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Assessors to be allowed for their Trouble.

appraised by the Court of the County wherein they reside; and the Sheriff shall collect and account for the same with the Public Treasurer as for other Taxes.

XVI. *AND be it further Enacted, by the Authority aforesaid, That the respective County Courts in this State may allow the Assessors of taxable Property reasonable Satisfaction for their Services, which Allowance being certified by the Clerk of such Court, shall be paid by the Sheriff of such County, who shall be allowed for the same in the Settlement of his Public Accounts; and may also allow the Persons appointed to summons the Inhabitants to return to the Justices Inventories of such Property, a reasonable Sum annually out of the County Tax, as a Recompence for such Services.*

Dower Lands, &c. to be taxed.

XVII. *AND be it further Enacted, by the Authority aforesaid, That every Person holding Lands by Title of Dower, Courtesy, or other Estate, for Life, or on Lease for Five Years or more, shall pay all such Taxes as shall be on the same assessed, in like Manner as other Owners of Lands are required by this Act.*

Quakers, &c. taxed.

XVIII. *AND be it further Enacted, by the Authority aforesaid, That the Moravians, Quakers, Menonists, and Dunkers, shall pay a threefold Tax, and all others who shall refuse to take an Oath of Allegiance as the Law directs, shall also pay a threefold Tax; and if any Person coming within either of the aforesaid Denominations, or refusing to take the Oath as aforesaid, shall fail to return an Inventory, of his taxable Property according to Law, the Person so failing shall pay four Times the Tax which shall be assessed on Persons in this State who comply in every Respect with the Laws thereof.*

Pen. on Delinquents.

XIX. *AND be it further Enacted, by the Authority aforesaid, That where it shall have so happened that any County in this State, or any District of a County in the State, or any Individual, by any Means whatsoever, have failed, refused or neglected, to give in Inventories of their Property, or contribute and pay their proper Taxes due by Act of Assembly for the Year One Thousand Seven Hundred and Seventy Eight now last past, that all such Counties, Districts, and Persons, shall be taxed and liable to pay Two Pence in the Pound on the Value of their or his taxable Property, over and above what the other Persons in this State who paid their Taxes the last Year shall be liable to.*

Repealing Clause.

XX. *AND be it further Enacted, by the Authority aforesaid, That an Act, intitled, An Act for levying a Tax by General Assessment, and other Purposes, passed at Newbern in April, One Thousand Seven Hundred and Seventy Seven; and also an Act passed at Newbern in November, One Thousand Seven Hundred and Seventy Seven, intitled, An Act for amending an Act, intitled, An Act for levying a Tax by Assessment, and other Purposes; be, and the same are hereby repealed and made void.*

C H A P. IV.

An Act to regulate and ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace, and Attornies, in this State, and directing the Method of paying the same, and other Purposes.

Preamble.

I. **W**HEREAS it is absolutely necessary that the Fees of Clerks in the Superior and County Courts, the Fees of Justices of the Peace, and Attornies, be regulated and ascertained;

Clerks Fees.

II. *BE it therefore Enacted by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the Authority of the same, That for the future the following Fees only shall be received by the Clerks of the Superior and County Courts, and no other or greater Fees or Charges whatsoever shall be deemed or construed by the former Acts of Assembly, to wit,*

For every leading Process returned to the first Court, and all subsequent Process, Appearances, Pleas, Rules, Orders, and other Services necessary thereon, until making up an Issue inclusive, and also for Dismission or final Judgment, where either happens, or for Confession of Judgment, to the Clerk of the Court Forty Shillings. For every Continuance or Reference of every Cause after the second Court, including all Fees for every Service necessary thereon, Eight Shillings. For the Court at which the Cause is determined, including all Fees for every necessary Service thereon, and entering final Judgment inclusive, Twenty Shillings, over and above the Fees above mentioned. For every Subpoena, provided the Party insert no more than four Witnesses in the same, Four Shillings. For every Execution or Order of Sale, when necessary, issued and returned, including all Services thereon, with taxing Cost and Copy, and entering Satisfaction, Sixteen Shillings. For every *Scire Facias* against Bail, with making up an Issue thereon, or entering Judgment without Plea, including all Fees for every Service necessary thereon (provided that the Party paying Costs shall not be subject to this unless the *Scire Facias* is necessary, and required by the Plaintiff) Sixteen Shillings. For giving a Copy of the Record of any Cause, when demanded by either of the Parties, Twelve Shillings. For every Order or Rule of Court made, or Matters foreign to the Suits depending in Court, and Copy thereof when demanded, Five Shillings and Four Pence. For entering on the Minutes the Probate of a Will, qualifying Executors, making Certificate, recording the Will, and giving Copy thereof, Twenty Four Shillings. For granting Administration, taking Bond, and all other Services thereon, Twenty Four Shillings. For all Services necessary to be done by the Clerk of the Court towards issuing Letters of Administration or Letters Testamentary, Ten Shillings. For all Services, providing, recording, and filing an Inventory, Account of Sales, or Account Current, exhibited by an Executor, Administrator, or Guardian, or for Search, Copy, and Certificate of the same,

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same, if the Estate be under One Hundred Pounds Value, Four Shillings, if above One Hundred Pounds Value, Eight Shillings. For every Marriage Licence and Bond, and all other necessary Services thereon, Sixteen Shillings. For Ordinary Licence and Bond, and all the Services necessary to be done thereon, Ten Shillings. For Tavern Rates, Five Shillings. For searching a Record out of Court, Two Shillings. For proving or entering Acknowledgment of a Conveyance of Land or other Estate, and certifying the same, with the Order of Registration, and Examination of a Feme Covert, without Commission, Five Shillings. For a Commission to take the Examination of a Feme Covert or Witnesses in any Cause depending in the Superior Court, the Return thereon, entering, and all other Services necessary thereon, Eight Shillings. For Guardian or other Bonds taken in Court, and for recording the same, and all other Services necessary thereon, every Fee relative thereto included, Eight Shillings. For Indentures for binding out Apprentices, making Order thereon, and filing and recording the same, including all Fees for every Service necessary, Ten Shillings. For a special *Venire Facias* in an Action of Ejectment, or where the Bounds of Lands shall come in Question, when the said Writ shall be issued, Sixteen Shillings. For a special Verdict or Demurrer, or Motion in Arrest of Judgment, and Argument thereon, Eight Shillings. For Writ of Error, Appeal, or *Certiorari*, with a Transcript of the Record, and all Services thereon, Twenty Shillings. For making out Certificates of Witnesses or Jurymens Attendance, One Shilling. For recording a Mark or Brand, and granting Certificates thereof if required, Three Shillings.

III. *AND be it further Enacted, by the Authority aforesaid,* That all the Services to be done by the Clerks of the Superior and County Courts within this State, for which Fees are not provided in this Act, shall be deemed and construed *ex Officio* Services, for which the Clerks shall demand no Fee or Reward whatsoever, except what shall be allowed such Clerks by the County Courts of their respective Counties for such Services.

Ex Officio Services.

IV. *AND be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Clerks of the Superior and County Courts, on the Fees not being paid by the Party from whom they are due, to make out Execution, directed to the Sheriff of the County where the Party resides, and the said Sheriff shall levy the same by Virtue of the said Execution as in other Cases; and to the said Execution shall be annexed a Copy of the Bill of Costs of the Fees on which such Execution shall issue, wrote in Words at length, without any Abbreviation whatsoever; and all Executions issuing without the Copy of such Bill of Costs annexed shall be deemed illegal, and no Sheriff shall serve or execute the same.

Execution may issue for Fees.

V. *AND be it further Enacted by the Authority aforesaid,* That whenever it shall be the Opinion of the Court, that the Party praying a Continuance shall not obtain it without Payment of all Costs attending the same, the whole of these Costs shall be paid before the Continuance is granted; and the Party paying such Costs shall not be intitled to recover them, al though the Judgment of the Court should finally be in his Favour.

Continuance.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall hereafter conceive himself aggrieved by any Clerk of the Superior or County Courts, in taxing or charging other or greater Fees than by this Act allowed, it shall and may be lawful for such Person aggrieved, either by himself or his Attorney, to complain to the Court where such Offender is Clerk, and the said Court, at the Term to which such Complaint shall be made, shall take such Matter into their Consideration; and the same shall be tried by a Jury, and if the Jury shall find the Complaint to be true, and that the Party is guilty of the Misdemeanors aledged against him, then the said Court shall not only order immediate Restitution to be made to the Party injured, together with all Costs and Damages, but also may, and they are hereby required, to let such Fine as they shall think proper on such Clerk, not exceeding the sum of One Hundred Pounds; and the Court shall commit such Clerk to Gaol if he refuses or delays to obey their Judgment, there to remain until he has satisfied the Party injured agreeable to the Judgment of the Court, and also paid the Fine inflicted on him to the Sheriff, which Fine shall be applied towards defraying the contingent Charges of the County where such Court shall be held, and shall be accounted for by the Sheriff at the same Time that he accounts for the County Tax. *Provided,* That such Clerk shall have Ten Days Notice in Writing previous to the sitting of the Court where such Complaint is intended to be made; and that there shall be at least Five Justices on the Trial of such Complaint, if in the County Court, and the Notice shall be in these Words, or to this Effect: "I intend to complain of you to the next Court, for taking more Fees in the Suit of _____ against _____ than the Law allows." And a Copy of this Notice, directed to the Clerk, and signed by the Complainant, and proved by the Oath of the Person who served it, with a Copy of the Bill of Costs from the Officer who levied the same, shall be sufficient for the Jury to ground their Verdict on, and the Court to give Judgment in Pursuance thereof, without any other further Process.

Proceedings against Clerks.

VII. *AND be it Enacted, by the Authority aforesaid,* That if any Clerk shall during the Term of the Court whereof he is Clerk demand other or greater Fees than by this Act allowed, the Court shall immediately, on Complaint being made thereof, determine what Fee or Fees shall be paid to the said Clerk by the Party complaining.

In Sessions.

VIII. *AND*

A. D. 1779.

Pen. on Clerks
for Neglect.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That if any Clerk of any Court in this State shall hereafter be guilty of any Breach or Neglect of Duty enjoined by Law, either by his own Confession or Verdict of the Jury, it shall, on the second Conviction, be deemed and adjudged a Misbehaviour in Office, for which such Clerk shall be suspended by the Court. *Provided nevertheless,* That in case the Clerk shall be dissatisfied with the Decision of the Court, he may appeal to the Superior Court of the District; in which case there shall be a Trial by Jury, where if the Suspension of the County Court shall be confirmed, the said Clerk shall for ever after be rendered incapable of acting as Clerk of any Court of Justice in this State.

Fees on Indictments.

IX. *AND be it further Enacted, by the Authority aforesaid,* That each Attorney acting for, and in Behalf of the State, in the respective County Courts, shall and may take and receive for every Indictment or Presentment the Sum of Five Pounds; and on all Indictments found not true, the Sum of Two Pounds Ten Shillings, from the Prosecutor; and the Clerk of the Court shall and may take and receive for every Indictment or Presentment the Sum of Two Pounds, and for each Continuance Ten Shillings, and Determination final, Twenty Shillings.

Attornies Fees
taxed.

X. *AND be it further Enacted, by the Authority aforesaid,* That the Clerk of each respective Court within this State is hereby directed and required to tax in every Bill of Costs where an Attorney shall have been actually employed, by the Party who shall recover, or be otherwise intitled to receive, such Fee as is by this Act allowed, and no more.

Pen. on Attornies
for Neglect.

XI. *AND be it further Enacted,* That if any Attorney in any Superior or County Court shall wittingly or willingly be guilty of any Neglect in any Cause, the Court before whom such Cause shall be depending, on Complaint and Proof thereof made within six Months after such Neglect, shall have full Power and Authority to order such Attorney to pay all Costs occasioned by such Neglect; and every Bill, Bond, Promise, or other Engagement, of what Denomination soever, for the Payment of any other or larger Fees than before enumerated, shall be utterly void and of no Effect; any Usage to the contrary notwithstanding.

Allowance to
Prisoners, and
Prisoners of
War.

XII. *AND be it further Enacted, by the Authority aforesaid,* That the Sheriffs in each respective County in this State do supply with good and wholesome Provisions all such Persons, other than Prisoners of War, who shall be committed to their Care or Custody by any Authority of this State, and that he be allowed for the same Eight Shillings per Day each; and that the said Sheriffs respectively do pay and allow, out of the Public Monies in his Hands, to every Prisoner of War, who by Order of any two Justices of the Peace shall be in their Custody, or who shall be parolled to his County, the following Sums, that is to say, For each commissioned Officer, the Sum of Four Dollars per Day, and to every other Prisoner of War, the Sum of Two Dollars.

Sheriffs Fees.

XIII. *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 Sheriffs within this State to take the following Fees: For every Arrest, Sixteen Shillings. For taking Bail Bond, Three Shillings. For serving a Copy of a Declaration, Four Shillings. For whipping any Person, Eight Shillings. For serving a Subpoena, for each Person named in the same, Eight Shillings. For pillorying any Person, Sixteen Shillings. An Attachment the same 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 Three Shillings; if above Ten Pounds, for each Pound above One Shilling. Summoning, impaneling, and attending on every Jury, on every Cause in Court, Eight Shillings; when a special Verdict shall issue by Order of Court, for summoning each Juror, and attending the same, Four Shillings. Putting any Person in the Stocks, and releasing the same, Eight Shillings. For every Commitment, Eight Shillings. A Release, Eight Shillings. Serving a Writ of Possession of Land, Sixteen Shillings. Serving and attending on any Person on a Habeas Corpus, per Day Eight Shillings. Calling every Action in Court, Two Shillings.

Constables Fees.

XIV. *AND be it Enacted, by the Authority aforesaid,* That it shall and may be lawful for every Constable within this State to ask, demand and receive, the following Fees, to wit, For every Subpoena, Three Shillings. For every Warrant executed, Eight Shillings; and at the same Rate for every Person where there shall be more than one mentioned in each Warrant, Subpoena, or Execution. For every Attachment, Eight Shillings. Summoning a Jury of Inquest, for every Juror, Two Shillings. Summoning Evidences on the Trial of Warrants, for every Person summoned, Three Shillings. And for attending any Superior or County Court, if summoned by a Sheriff, Sixteen Shillings per Day, to be paid out of the County Tax where such Courts shall be held.

Registers Fees.

XV. *AND be it further Enacted, by the Authority aforesaid,* That the Register in each County in this State shall be intitled to have and receive Two Dollars for registering each Deed, including Certificates thereof, and Eight Shillings for every Search and Certificate; and for every other Instrument of Writing, Eight Shillings each.

Justices Fees.

XVI. *AND be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for every Justice of the Peace in the State to take and receive the following Fees for business done out of Court, to wit, For every original Attachment granted, taking Bond thereon

on included, Ten Shillings. For every Warrant, Two Shillings. For all the Subpoenas in any one Suit, Two Shillings. For every Judgment, Two Shillings. For every Execution, Two Shillings. And every Justice of the Peace taking, receiving or demanding, any greater Fee or Reward for any of the above Services, shall forfeit and pay Twenty Pounds for every Offence; one Half to the Person injured, the other Half to be applied towards defraying the contingent Charges of the County where the Offence is committed; to be recovered by Action of Debt, in the County where such Justice shall reside.

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XVII. *AND be it Enacted, by the Authority aforesaid,* That all Fees by this Act directed to be paid to the Justices of the Peace, shall be taxed in a Bill of Costs, and shall be paid by him who fails in his Suit, or against whom a Recovery shall be had.

Justices Fees
taxed.

XVIII. *AND be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for each and every Attorney at Law to take and receive from their respective Clients the following Fees, to wit, For every Action in the Superior Court, except where the Title or Bounds of Lands come in Question, Ten Pounds. For every such Action in the County Court, Five Pounds. For every real Action, or such as respects the Titles of Lands, Twenty Pounds. For every Petition for the Recovery of Legacies and Filial Portions, or distributive Shares of Intestates Estates, if in the Superior Court, Ten Pounds, if in the Inferior Court, Five Pounds. For every Opinion or Advice in Writing, in Matters cognizable in the Superior Court, where no Suit is or shall be brought, and prosecuted or defended by the Attorney giving such Advice, but not otherwise, Four Pounds. For every Opinion or Advice in Writing, in Matters cognizable in the County Court, where no Suit is or shall be brought, and prosecuted or defended by the Attorney giving such Advice, but not otherwise, Two Pounds.

Attorneys Fees

XIX. *AND* whereas great Injustice is done to Witnesses appearing in Behalf of the State, by their having no Allowance for their Attendance at the Superior and County Courts as such; *Be it therefore Enacted, by the Authority aforesaid,* That from the passing of this Act such Witnesses shall be allowed the same Pay for their daily Attendance as is allowed to Witnesses attending upon civil Prosecutions, and such Fees for Attendance shall be paid by the Defendant, upon Conviction; and if the State shall fail upon the Prosecution of any Offence of an inferior Nature, the Court may at their Discretion order the Costs to be paid by the Prosecutor, in case such Prosecutor shall appear to have been frivolous or malicious; and in case the Defendant shall not be able to pay Costs, or the Court shall not think fit to order the Prosecutor to pay the same, that then, and in that case, the Clerk of the Superior and County Courts shall grant a Certificate of Attendance to such Witnesses, in Manner as Tickets are directed to be granted to Witnesses in civil Causes; and such Tickets may be received by the Sheriffs in Payment of Public Dues.

Witnesses for
the State al-
lowed Fees.

XX. *AND be it Enacted, by the Authority aforesaid,* That the Inspectors of Pork, Tar, Pitch and Turpentine, shall have and receive for their Services the following Fees, to wit, For inspecting a Barrel of Pork, Six Shillings; of Tar, Ten Pence; Pitch and Turpentine, One Shilling and Four Pence.

Inspectors Fees

C H A P. V.

An Act to carry into Effect an Act, passed at Newbern in November, in the Year One Thousand Seven Hundred and Seventy Seven, intituled, An Act for confiscating the Property of all such Persons as are inimical to the United States; and of such Persons as shall not, within a certain Time therein mentioned, appear, and submit to the State whether they shall be received as Citizens thereof; and of such Persons who shall so appear, and shall not be admitted as Citizens, and for other Purposes therein mentioned; and for other Purposes.

WHEREAS it is enacted by the Act aforesaid, passed at Newbern in November One Thousand Seven Hundred and Seventy Seven, That all the Lands, Tenements, Hereditaments and moveable Property within this State, and all and every Right, Title and Interest therein, of which any Person was seized or possessed, or to which any Person had Title, on the Fourth Day of July in the Year One Thousand Seven Hundred and Seventy Six, who on the said Day was absent from this State, and every Part of the United States, and who still is absent from the same; or who hath at any Time during the present War attached himself to, or aided or abetted the Enemies of the United States, or who has withdrawn himself from this or any of the United States after the Day aforesaid, and still resides beyond the Limits of the United States, shall and are hereby declared to be confiscated to the Use of this State; unless such Person shall, at the next General Assembly which shall be held after the First Day of October in the Year One Thousand Seven Hundred and Seventy Eight, appear, and be by the said Assembly admitted to the Privilege of a Citizen of this State, and restored to the Possessions and Property which to him once belonged within the same. And whereas many Persons who come within the Descriptions of the aforesaid Act recited, or some one of them, have failed or neglected to appear before the General Assembly during the present Session, and submit to the State whether they shall be admitted as Citizens thereof, and restored to the Possessions which to them once belonged; whereby all such Persons have clearly incurred, and are become liable to, the Penalties of the aforesaid Act:

Preamble.

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Estates confiscated.

Commissioners appointed.

Their Oath;

Property how discovered.

Commissioners to account with the Court

Commissioners to have Books for their Proceedings.

Removable by the Court.

Lands rented, &c.

Proviso, for the Wife, &c.

II. BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all the Lands, Tenements, Hereditaments, and moveable Property within this State, and all and every Right, Title, and Interest therein, of every Person and Persons, who come within; or are included by the Descriptions in the aforesaid Act, or either of them, shall be, and are hereby declared to be forfeited to the State, and shall be veiled in the same, for the Uses and Purposes herein after mentioned, and for no other Purpose whatsoever.

III. AND be it Enacted, by the Authority aforesaid, That three Commissioners shall be appointed by the County Court in each County, who shall give Bond, with Three or more Sureties, in the Sum of Two Hundred and Fifty Thousand Pounds, to the Governor for the Time being, for the Use of the State, for the faithful Discharge of their Duty, according to Law; and shall also take the Oath of Allegiance, and the following Oath, previous to entering on their Office:

I A. B. do swear, that I will faithfully discharge the Trust reposed in me as a Commissioner, to the best of my Knowledge, according to Law; and that I will fully account for all Money or Effects that shall come to my Hands in Consequence of my Appointment, as the Law directs.

SO HELP ME GOD.

And the said Commissioners, or a Majority of them, in their respective Counties, shall have full Power and Authority to take Possession of all Lands Tenements, Hereditaments, and moveable Property, in the Name and for the Use of the State, which by this Act are declared to be forfeited to the State, and shall give Receipts or Discharges, which shall for ever indemnify and acquit the Persons delivering or paying the same, their Heirs, Executors, and Administrators, against any future Claim for the Articles or Money mentioned in such Receipts or Discharges.

IV. AND in order to discover all Property, real and personal, by this Act declared to be forfeited; Be it Enacted, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and may order the several Constables to summon all the Inhabitants in their respective Counties to appear before them at convenient Times and Places, to give in, on Oath, an Account of such forfeited Property; when they, or a Majority of them, being present, shall administer the following Oath or Affirmation to the Inhabitants so appearing.

I A. B. do swear, or affirm, that this Account by me rendered contains a full and true Account, to the best of my Knowledge, of all the Lands, Tenements, Hereditaments, and moveable Property, in the County of _____ which belonged on the Fourth Day of July, One Thousand Seven Hundred and Seventy Six; or at any Time since, to any Person or Persons who come within, or are included by the Descriptions, or either of them, recited in the Confiscation Act, passed at Newbern in November; One Thousand Seven Hundred and Seventy Seven; and further, that the said Account contains, to the best of my Recollection, the full Amount of all and every Sum, and Sums of Money which now are by me, due and owing to any such Person or Persons, including Interest (if any) by Bond, Note or Account, or by Virtue of any Trust whatever.

SO HELP ME GOD.

And if any Person summoned as aforesaid shall fail to appear; or appearing, shall fail to render an Account as above mentioned, on Oath or Affirmation, as the Case may be, in such Case the said Commissioners, or any Two of them, shall have Power to commit such Person, if present, to close Gaol, until he or she shall comply with the Law; and if absent, shall issue a Warrant, directed to any Sheriff or Constable, to apprehend and bring such absent Person before them, at any Place on a future Day; when if he or she shall refuse to render an Account on Oath as aforesaid, he or she shall also be committed to close Gaol, until he or she shall render an Account on Oath or Affirmation as aforesaid; and the said Commissioners are hereby invested with Power to administer the Oath, issue Warrants, and make Commitments, in Manner aforesaid.

V. AND be it further Enacted by the Authority aforesaid, That the County Courts shall have the same Powers to require and compel the Oath aforesaid mentioned from the Commissioners themselves, which the Commissioners have respecting others; and the Commissioners shall account for any Money, or other Effects, declared forfeited by this Act, due by them, or in their Possession, in the same Manner as in other Cases.

VI. AND be it further Enacted, by the Authority aforesaid, That the said Commissioners shall enter in a Book to be kept for the Purpose, all Lands, Tenements, Hereditaments, and moveable Property, forfeited by this Act, which shall come to their Knowledge or Possession, in their respective Counties, together with the Names of the former Owners, and also whether the same, or any Part thereof, be claimed by any Subject of this State, or of any of the United States, and shall specify all Sums of Money due and owing by the Inhabitants thereof in Manner above mentioned, together with the Names of the former Creditors, and the Names of the Persons from whom the same are or shall be due, and whether the same be due by Bond, Note, or otherwise; and shall make Report of their Proceedings to every County Court which shall be held in their Counties respectively: And the several County Courts shall have Power to remove such Commissioners, and appoint others if necessary, and also to fill Vacancies, occasioned by Death, or Removal out of the County, of any Commissioner; and the said County Courts shall and may order the Commissioners to rent such Lands, Tenements, and Hereditaments, in such Quantities, and for such Terms, as they shall think best, so that no Tract exceed Six Hundred and Forty Acres, and no Term one Year, taking Bond and Security, in the Name of the Governor for the Time being, for the Use and Benefit of the State; and the said Courts shall order all Negroes, or other personal Property, forfeited by this Act, to be sold at public Auction, and at such Times and Places as the said Court shall think proper, and the Commissioners shall thereupon proceed accordingly; and all Contracts and Sales made by such Commissioners, agreeable to the Directions of the said County Courts, and of this Act, shall be, and they are hereby declared good and valid, to all Intents and Purposes. *Provided nevertheless*, That the Wife, Child or Children, of such Absentee or Absentees, now in or under the Protection of this State, or the United States, shall be allowed so much of the Estate of such

such Absentee, as such Wife, Child or Children, might have enjoyed, and have been allowed, if such Absentee had died Intestate in this State, or any of the United States.

VII. *PROVIDED*, That if it shall appear to any County Court that any Person, being a Subject of this State, or of any of the United States, has, or pretends to have, any Right or Title in Law to any Lands, Tenements, Hereditaments, or moveable Property, declared forfeited by this Act, such Court shall stay all further Proceedings of the Commissioners thereupon, and shall send up a true and exact State of such Claim to the Superior Court of the District, which Superior Court shall proceed to inquire into and determine the legal Right and Title of the Person so claiming, by Jury, in the same Manner as in Suits at common Law, and such Determination when had shall be final; and the Clerk of the Superior Court shall transmit a Copy thereof to the County Court wherein the Dispute originated, which shall proceed according to such Determination.

VIII. *PROVIDED ALSO*, That if any real or personal Estate, belonging to any Orphan or other Person, not comprehended or included by the Descriptions in the Act afore mentioned, or either of them, shall be sold by Virtue of this Act, such Orphan or other Person, notwithstanding he, she, or they, shall have failed or neglected to exhibit such Claim to the County Court previous to the Sale, shall, on due and sufficient Proof made before the General Assembly, be intitled to receive the whole Amount of the Sales, with Six per Cent. Interest thereon.

IX. *AND provided likewise*, That all Persons, being Subjects of this State, or of any of the United States, and having just Claims or Demands against any Estate or Estates declared forfeited by this Act, and actually sold or converted to the Use of the State in Consequence thereof, shall, upon due Proof made before the General Assembly, be intitled to receive their several Demands, if the Sales or Uses be sufficient; but if not, shall receive in Proportion to their several Demands.

X. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners in their respective Counties shall have the same Powers and Authorities to demand, make Disburs for, and receive, all Sums of Money due and owing by the Inhabitants thereof, and declared forfeited to the State by this Act; and shall be subject to the same Pains, Penalties and Restrictions, and shall account with the Public Treasurers for the same, and also for all Money arising from Rents of Land, Hire of Negroes, or Sale of perishable Property, at the same Times, and in the same Manner, as Sheriffs or County Treasurers have or are liable to by Law for the collecting and accounting for Public Taxes; and shall have and receive for their Services at the Rate of Two per Cent. each.

XI. *AND provided also*, That if any Subject of this State, or of any of the United States, has any Demand against any Person subject to the Penalties of this Act, and such Person has not personal Estate sufficient to satisfy such Debt or Demand, that then so much of the real Estate of such Person shall be sold as will be sufficient to satisfy and discharge such Debt or Debts; and the County Courts respectively are hereby authorized to examine into any such Claims, and to order Juries to try the same, and to award Judgment and Execution as the Case may require.

XII. *AND be it Enacted, by the Authority aforesaid*, That all Entries already made, or which shall hereafter be made, of any Lands, Tenements, or Hereditaments, which come within the Meaning of the Confiscation Act, passed at Newbern in November, in the Year One Thousand Seven Hundred and Seventy Seven, or of this Act, shall be utterly void and of none Effect. *Provided*, That nothing contained in this Act shall be construed to invalidate or repeal any Part of an Act passed during this present Session of the General Assembly, intituled, *An Act to enable the Inhabitants of a Tract of Land lying in Mecklenburg County, known by the Name of Governor Dobbs's Tract, No. five, to make Entries thereof, and obtain Titles for the same.*

XIII. *AND be it further Enacted, by the Authority aforesaid*, That the Clerk of each and every County Court shall transmit to the General Assembly a complete Transcript of the Report or Reports of the Commissioners in their respective Counties, and of the Proceedings of such Courts thereupon, under the Penalty of Five Hundred Pounds; to be recovered by Action of Debt, in the Name of the Governor for the Time being, and applied to the Use of the State.

XIV. *AND whereas many Persons who heretofore refused to take the Oath of Allegiance to this State, and were compelled to leave the same in Consequence thereof, by Virtue of an Act of Assembly, passed at Newbern in April, in the Year One Thousand Seven Hundred and Seventy Seven, intituled, An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misdemeanors of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State; and of another Act, passed at Newbern in November, in the Year One Thousand Seven Hundred and Seventy Seven, to amend the aforesaid Act; have failed or neglected to appoint lawful Agents or Attornies, to receive and give Discharges for Debts due and owing by the Inhabitants of this State to Persons who so departed therefrom, whereby many honest and well meaning People are defeated of an Opportunity to discharge such Debts: Be it therefore further Enacted, by the Authority aforesaid*, That the said Commissioners, or either of them, in their respective Counties, shall have full Power and Authority to receive and give Discharges for all such Debts as the Inhabitants thereof shall voluntarily offer to pay; and such Discharges shall for ever indemnify the Persons paying the same against him, her or them, to whom the same were due, to the Amount specified in such Discharges: And the said Commissioners shall return a separate Account of their Proceedings herein to every County Court, specifying the Creditor's Name; that of the Person paying the Debt (whether due by Bond, Note, or Account) the Amount thereof, and shall be liable to the same Pains, Penalties and Restrictions, for faithfully accounting for and paying the same, as herein before provided in other Cases.

XV. *AND whereas it may happen that many Absentees from the State may have left Fathers or Mothers in an advanced Age, and whose sole Dependence for their Subsistence has been upon the Property and filial Attention of their Children; and unless some Provision is made to allot some Part of the Property of such Absentees to the Support of such aged, indigent Persons, they must be reduced to the most abject Wretchedness: Be it therefore Enacted, by the Authority aforesaid*, That when any such indigent Person, Father or Mother, shall make Application to the Superior Court

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Right of Appeal.

Proviso, for Orphans.

For Creditors.

Commissioners Power, and, Commissions.

Proviso, for Debts due from forfeited Estates.

Entries of Lands void.

Clerks to transmit Commissioners Reports.

Proceedings for Debts due to Absentees.

Provision for indigent Fathers, &c.

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of the District where such Person shall reside, such Superior Court is hereby empowered to set off and allot to such aged Parent such Part or Portion of the Estate of the Absentee as such aged Person hath heretofore been accustomed to receive and enjoy, and as much more as shall be necessary for the Subsistence of such Aged or infirm Parent; such Allowance to issue only on Estate for the Life of such aged or infirm Parent.

CHAP. VI.

An Act to amend an Act, intituled, An Act to amend an Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.

Preamble.

I. **W**HEREAS it is enacted and provided by the Act before mentioned, passed at Newbern in November, One Thousand Seven Hundred and Seventy Seven, that every Person and Persons, and his or their Heirs or Assigns, who in the Office of the late Earl Granville, or in the late Public Land Office, have heretofore made any Entry or Entries, or who since the Death of the said Earl Granville have possessed, and actually improved, any vacant or unappropriated Land, for which no just Claim by Entry in any Office shall have been made, shall be intitled; in Preference to all others, to enter or obtain a Grant or Grants for the same, so that such Entry or Entries be made out or before the First Day of January, One Thousand Seven Hundred and Seventy Nine; and whereas Doubts, Difficulties, and Injustice, have frequently arisen in Consequence of the aforesaid Provisions: For Remedy whereof,

Preference to peaceable Possessors.

II. *BE it Enacted by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the Authority of the same,* That from and after the passing of this Act, in the Case of any Dispute which has already arisen, and remains undetermined, or which may hereafter arise for Preference of entering and obtaining a Grant for unappropriated Land, if it shall appear that any Person hath seated himself on Lands within the bounds of any former Entry or Survey, and for which no Grant was ever obtained, and hath improved and continued in peaceable Possession of the same, by himself, or some Person for him, for seven Years, without Interruption by or from the Person claiming, or Declaration of Right to the Person so possessed under such Entry or Survey, in such Case, the Person claiming under said former Entry or Survey shall be for ever barred of his Right of Entry of the Land in Question, and the Preference shall be given to him who settled on, and continued in peaceable Possession of the same, his Heirs or Assigns; any Law to the contrary, notwithstanding.

Improvements

III. *AND in order to explain what shall be considered as an Improvement of Land, be it Enacted, by the Authority aforesaid,* That no Person shall hereafter be intitled to any Preference of entering or obtaining a Grant for unappropriated Land, under Preference of any Improvement thereof, unless it shall appear upon Trial that such Claimant had, previous to his Application for Entry, erected a House thereon, or cleared, inclosed, and cultivated a Part thereof.

Right of Appeal.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall think himself aggrieved or injured by the Determination of any County Court, in any future Trial respecting vacant or unappropriated Lands, such Person shall have a Right to appeal to the Superior Court of the District wherein such Lands lie; and such County Court is hereby authorized and directed to grant such Appeal, and transmit the Proceedings to such Superior Court, the Appellant first giving Bond and Security to prosecute such Appeal with Effect.

Deputy Surveyors.

V. *AND for the better ascertaining the Power, and directing the Duty of Surveyors, be it Enacted, by the Authority aforesaid,* That it shall and may be lawful for each and every Surveyor in this State, in his respective County, to appoint a Deputy or Deputies, who shall, previous to entering on the Execution of his or their Office, be qualified in a similar Manner with the Surveyor; and the Surveyor making such Appointment shall be thereunto accountable for the Conduct of such Deputy or Deputies, in the same Manner as for his own Conduct in Office.

When Bounds intersect.

VI. *AND be it further Enacted, by the Authority aforesaid,* That where it shall happen that the bounds of two or more Entries join or intersect each other, the Surveyor shall, and he is hereby required to survey such Entries in Turn, the eldest being first surveyed, provided such Entry be not caveated; but when that shall be the Case, it shall not be lawful for the Surveyor to survey either of the Entries so joining or intersecting each other, until a final Determination be had on such Caveat.

Surveys when returned.

VII. *AND be it Enacted, by the Authority aforesaid,* That every Surveyor in this State shall, and he is hereby required, to return all Warrants of Surveys to him directed according to Law, within Twelve Months after receiving the same, under the Penalty of One Hundred Pounds for every Default; to be recovered by Action of Debt, by any Person suing for the same, before any Jurisdiction having Cognizance thereof, and applied to his own Use.

Repealing Clause.

VIII. *AND be it Enacted, by the Authority aforesaid,* That so much of the Act passed at Newbern in November, One Thousand Seven Hundred and Seventy Seven, for establishing

Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned; and of the Act passed at Newbern in April, One Thousand Seven Hundred and Seventy Eight, to amend the aforesaid Act; as comes within the Purview of this Act, shall be, and are hereby repealed. A. D. 1779.

C H A P. VII.

An Act for appointing Naval Officers at the different Ports of this State, and directing their Duty in Office, and for other Purposes.

I. **W**HEREAS the Resolutions of the General Assembly, and of the Governor and Council of this State, for prohibiting the Exportation of any Kind of Produce, are rendered ineffectual, for want of a Law to enforce Obedience thereto; and whereas the Laws for the Regulation of Trade cannot be observed, unless there are Officers appointed for that Purpose, and their Duty ascertained: 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 Naval Officers for the Ports of Currituck, Roanoke, Bath, Beaufort, and Brunswick, shall be chosen by the General Assembly, by joint Ballot of both Houses, and shall be commissioned by the Governor for the Time being, and shall each give Bond, payable to the Governor and his Successors, in the Sum of Two Thousand Pounds, for the faithful Discharge of his Duty in Office; which Bond shall be lodged in the Secretary's Office, and upon a Breach thereof, shall be assigned by the Governor for the Time being to the Party injured, who shall and may maintain a Suit thereon in his own Name, and shall not become void upon the first Recovery, or if Judgment be given for the Defendant, but may be put in Suit from Time to Time, by Action of Debt, until the whole Penalty shall be recovered. Naval Officers appointed.

III. *PROVIDED* nevertheless, That nothing herein contained shall vacate the Appointment of such Naval Officers as have been heretofore appointed by the General Assembly, and have qualified, given Bond, and received Commissions from his Excellency the Governor as the Law directs, and who are now in the Execution of such Office; all which said Officers are hereby declared to be, during their good Behaviour, Naval Officers in the respective Ports to which they have been appointed as aforesaid. *Provided always,* That the Naval Officers which have been heretofore appointed shall also give Bond as aforesaid, in the Sum of Two Thousand Pounds. Those in Office continued.

IV. *AND be it Enacted, by the Authority aforesaid,* That every Person to be appointed a Naval Officer as aforesaid, before entering upon the Execution of his Office, shall swear that he will well and truly execute the said Office, without Prejudice or Partiality, and to the best of his Knowledge, agreeable to Law; which Oath may be taken before the Governor, any of the Justices of the Court of Equity, or of the Superior Courts, or in any Court of Law in the District or County where he may reside. Their Oath.

V. *AND be it Enacted by the Authority aforesaid,* That the Naval Officers may take the following Fees for their Services, and no more, *to wit,* For filling up, signing, sealing, taking the Probate of, and issuing every Register, the Sum of Four Dollars. For entering and clearing every decked Vessel under Twenty Tons Burthen, for administering the Oaths, taking Bonds, and all other necessary Services included, Five Pounds. And for every Vessel of Twenty Tons Burthen and upwards, including all necessary Services, the Sum of Six Pounds. And for every Permit or Clearance for any Vessel going from one Port to another within the State, or to a neighbouring State, through an inland Navigation, the Sum of Forty Shillings. Their Fees.

VI. *AND be it further Enacted, by the Authority aforesaid,* That every Naval Officer shall, on the Receipt of any Fees, give to the Person paying the same, if demanded, a Ticket of such Fees, with a Receipt for the same, under the Penalty of forfeiting for each Refusal the Sum of Fifty Pounds. To give a Ticket of Fees

VII. *AND* that all Persons may know what Fees are due to the said Officers, *Be it further Enacted, by the Authority aforesaid,* That the several Naval Officers in this State shall, within Three Months after the Ratification of this Act, put up publicly in their respective Offices a Table of the Fees that may legally be taken by them according to the Directions of this Act, and shall continually keep up the same, under the Penalty of paying for each Day such Table shall not be kept up the Sum of Twenty Shillings. Table of Fees to be set up.

VIII. *AND it is hereby Declared and Enacted, by the Authority aforesaid,* That if any Naval Officer shall demand, extort, exact or receive, under Colour of his Office, any other or larger Fees than what is particularly mentioned in this Act, or shall refuse to do the particular Service for the Fee or Fees in this Act expressed, such Naval Officer, for every such Offence, shall forfeit and pay the Sum of One Thousand Pounds. Pen. for taking greater Fees.

IX. *AND be it further Enacted, by the Authority aforesaid,* That every Master of a Vessel shall, within Forty eight hours next after his Vessel shall arrive in any Harbour or any of the Vessels to be entered.

A. D. 1779.

the aforesaid Ports, make Report and Entry with the Naval Officer of such Port, or his Deputy; and shall, if required, deliver on Oath to such Officer, his Register, and other Papers belonging to his Vessel, and also a Manifest of the Cargo which he brought into this State in such Vessel, under the Penalty of One Hundred Pounds current Money of the State; to be recovered in the Court of Admiralty, with Costs, and applied one Half to the Use of the Informer, and the other Half to the Use of this State.

Pen. for ex-
porting Grain,
&c.

X. AND be it further Enacted, That in case any Person shall presume to take on Board for Exportation any Kind of Grain, or other Provision, which at that Time may be prohibited Exportation by Embargo or otherwise; or shall attempt to export any Provisions, which at the Time of making such Attempt was prohibited; or shall attempt to leave the Port without applying to the Officer of such Port for a Permit or Clearance; such Person shall, on Conviction in the Court of Admiralty, forfeit and pay for every such Offence the Sum of Five Hundred Pounds current Money of this State, together with the Article or Articles so prohibited, to be applied one Half to the Use of the Informer, and the other Half to the Use of this State, and shall be further liable to pay the Costs of the Court; any Thing in any Law heretofore made, to the contrary, notwithstanding.

Penalties how
recoverable.

XI. AND be it further Enacted, by the Authority aforesaid, That the several Penalties in this Act mentioned, to which the Naval Officer may be liable, shall and may be recovered by Action of Debt, in any Court of Record, by the Person or Persons grieved, with Costs, provided the Suit be commenced within Six Months next after the Forfeiture or Refusal of such Naval Officer shall happen, and not otherwise.

Repealing
Clause.

XII. AND be it further Enacted, by the Authority aforesaid, That an Act, intituled, *An Act for appointing Naval Officers in the different Ports of this State, and directing their Duty in Office*, passed at Newbern the Twenty Fourth Day of December, One Thousand Seven Hundred and Seventy Seven, and all other Acts and Resolves heretofore made or passed relative to the Duty of the said Naval Officers, be, and are hereby repealed and made void.

CHAP. VIII.

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

Preamble.

I. WHEREAS by the before recited Act it is directed that Two Hundred Thousand Bills of One Sixteenth of a Dollar be printed for the Purposes therein mentioned, and it is found by Experience that the printing the same will be attended with considerable Expence, for no considerable Utility to the Public;

Bills to be
emitted.

II. BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the Commissioners be, and they are hereby empowered to print Twelve Thousand Five Hundred Dollar Bills, in the Room and Stead of the Two Hundred Thousand Bills of one Sixteenth of a Dollar.

Emission pro-
longed.

III. AND whereas the present Exigencies of the State require the Monies now in the Hands of the Treasurers to defray the Expences thereof, and renders it necessary to give a further Day for the Redemption of the said late Emissions; Be it therefore Enacted, by the Authority aforesaid, That the Monies emitted by the Act of Assembly passed at Hillsborough, One Thousand Seven Hundred and Seventy Eight, shall be retained in the Hands of the said Treasurers to defray the Expences aforesaid; and that the Redemption of the Emissions of the Congresses at Hillsborough, One Thousand Seven Hundred and Seventy Five, and Congress at Halifax, One Thousand Seven Hundred and Seventy Six, be deterred and postponed to the First Day of May, One Thousand Seven Hundred and Eighty.

Repealing
Clause.

IV. AND be it further Enacted, by the Authority aforesaid, That so much of said Act as comes within the Purview of this Act, shall be repealed and made void; any Thing contained in said Act, to the contrary, notwithstanding.

CHAP. IX.

An Act to amend an Act, intituled, An Act to regulate the Pilotage of Cape Fear and Occochee Bays, and the Rivers leading from the same to Brunswick, Wilmington, Newbern, Bath, and Edenton.

Preamble.

I. WHEREAS at this Time, when the Sea is infested with Privateers, and Pilots are exposed to the Hazard of being trepanned and carried off, by Enemies Ships holding out false Signals; and as it is necessary that the Rates of Pilotage should be regulated by the Dangers and Trouble of exercising this Employment, and bear a Proportion to the Depreciation of the Currency; and as the Pilotage of Cape Fear is specially liable to these Inconveniences:

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, the Pilots of Cape Fear Bar and River shall be, and they are hereby allowed the Pilotage hereafter mentioned, and no more, to wit, Coming over Cape Fear Bar, and up to Brunswick, for each Vessel drawing six Feet Water, Eighteen Shillings per Foot; from six to ten Feet, Twenty One Shillings per Foot; from ten to twelve Feet, Twenty Four Shillings per Foot; from twelve to thirteen Feet, Twenty Seven Shillings per Foot; from thirteen to fourteen Feet, Thirty Shillings per Foot; for fifteen Feet, Thirty Seven Shillings and Six Pence per Foot; for sixteen Feet, Forty Five Shillings per Foot; and for each Ship or Vessel drawing seventeen Feet Water, Fifty Two Shillings and Six Pence per Foot; and for piloting a Ship or other Vessel from Brunswick to Great Island, the Quarter Part of said Rates, according to the Draught of Water of such Vessel respectively; and from Great Island, over the Flats, up to Wilmington, the one Quarter Part of the Rates aforesaid; and for every Vessel outward bound, they are hereby allowed the respective Rates or Pilotage aforesaid, except the Bar Pilotage, which shall be one Half only.

A. D. 1773.
Pilotage.

III. AND whereas by the Death, Absence, Removal, and Distance, of some of the Commissioners of the Pilotage for the Port of Brunswick, it becomes necessary to appoint others in their Stead; Be it therefore Enacted, by the Authority aforesaid, That William Wilkenson, Francis Brice, Parker Quince, George Hooper, Robert Ellis, and Henry Toomer, be, and they are hereby appointed Commissioners of the said River.

Commissioners appointed.

IV. AND be it further Enacted, by the Authority aforesaid, That so much of 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, as comes within the Purview of this Act, shall be, and is hereby declared to be void and of no Effect.

Repealing Clause.

CHAP. X.

An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the United Fratrums, or Moravians, Quakers, Menonists, and Dunkards, and granting them certain Indulgencies therein mentioned, and other Purposes.

I. IN order to quiet the Consciences, and indolge the religious Scruples of the Sects called the United Fratrums, or Moravians, Quakers, Menonists, and Dunkards;

Preamble.

II. BE it Enacted by the General Assembly of the State of North Carolina, and by and with the Authority of the same, That the Affirmation of Allegiance and Fidelity to this State shall hereafter be taken by all the above People in the form following, viz.

Affirmation of Moravians; &c.

I, A. B. do solemnly and sincerely declare and affirm, in the Presence of Almighty God, that I will truly and faithfully demean myself as a peaceable Subject of the independent State of North Carolina, and will be subject to the Powers and Authorities that are or may be established for the good or government thereof, not inconsistent with the Constitution, by yielding either an active or passive Obedience thereto; and that I will not abet or join the Subjects or Forces of the King of Great Britain, or others the Enemies of this State, by any Means, in any Conspiracy whatsoever, against the said State, or the United States of America; and that I will make known to the Governor, or some Member of the Council of State, of the Superior Court, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against the same, which shall come to my Knowledge.

Which said Affirmation being taken before any Justice of the Peace in the County where they reside, at or before the First Day of May next, shall intitle them to all those Rights, Privileges and Immunities, they heretofore respectively enjoyed, any Law to the contrary notwithstanding, the Aid, Rent and Payment of Taxes only excepted.

III. AND be it further Enacted, by the Authority aforesaid, That all and every of the said People, upon taxing and disbursing the Affirmation of Allegiance and Fidelity to this State as aforesaid, before the Entry Taker of the County, may re-enter all their Lands formerly made in Earl Granville's Office, or Public Land Office, or any Lands they, or either of them, have had the prior Occupancy of, or may enter a Caveat or Claim against any Person or Persons who may have entered or surveyed the same, provided such Entry, Caveat or Claim, be made at or before the First Day of May next after the passing of this Act; and shall be intituled in Preference of all others to obtain a Grant for the same; according to the Rules of the Act of Assembly for establishing Offices for receiving Entries of Claims for Lands, &c.

May enter Lands.

IV. AND whereas many ignorant, though good Subjects of this State, have not taken the Oath of Allegiance, owing to the Neglect of the Justices of the Peace in many Counties; Be it therefore Enacted, by the Authority aforesaid, That all Residents of this State, who have not been inimical, or heretofore refused to take the Oath when particularly called on, and who shall take the Oath of Allegiance to this State prescribed by Law before the First Day of May next, or who have taken the said Oath since the Time prescribed by the said Law, shall be admitted to all the Rights, Immunities, and Privileges of Citizens, hereby granted to the Moravians and other People; any Law to the contrary, notwithstanding.

Oaths to be taken.

C H A P. XI.

A. D. 1779.

An Act to prevent the stealing of Slaves, or by Violence, Seduction, or any other Means, taking or conveying away any Slave or Slaves the Property of another, and for other Purposes therein mentioned.

Preamble.

I. **W**HEREAS it is necessary that the pernicious Practice of stealing, or otherways carrying away Slaves, the Property of others, as also of stealing and carrying off free Negroes and Mulattoes, with an Intention to sell and appropriate the same, should be discouraged by a Law, with additional Penalties;

Pen. for stealing Slaves.

II. *BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same,* That any Person or Persons who shall hereafter steal, or shall by Violence, Seduction, or any other Means, take or convey away any Slave or Slaves the Property of another, with an Intention to sell or dispose of to another, or appropriate to their own Use, such Slave or Slaves, or who shall hereafter by Violence, or any other Means, take or convey any free Negro or free Negroes, or Persons of mixed Blood, out of this State to another, with an Intention to sell or dispose of such free Negro or free Negroes, or Persons of mixed Blood, and being thereof legally convicted, or shall upon his Arraignment peremptorily challenge more than Thirty Five Jurors, or shall stand mute, shall be judged guilty of Felony, and shall suffer Death without Benefit of Clergy.

Pen. for dealing with them.

III. *AND* whereas many evil disposed and dishonest Persons make it a Practice to deal and traffick with Slaves, to the very great Injury of the Owners of such Slaves; *Be it therefore further Enacted, by the Authority aforesaid,* That any Person or Persons who shall hereafter purchase any Articles or Commodity of, or shall have any Kind of Dealing whatsoever with, any Slave or Slaves, without Permission first had and obtained from the Master or Mistress of such Slave or Slaves, either personally or in Writing, being thereof legally convicted in the Inferior Court of the County where such Offence shall be committed, shall forfeit the Sum of One Hundred Pounds current Money, to be applied by the said Court for the Use of the Poor of the County, and shall stand imprisoned Ten Days, without Bail or Mainprize.

For harbouring them.

IV. *AND* whereas many evil disposed Persons frequently entice or persuade Slaves (without any Intention to steal them) and Servants, to absent themselves from their Master or Mistress, and oftentimes harbour and maintain runaway Servants and Slaves; *Be it therefore further Enacted, by the Authority aforesaid,* That any Person or Persons who shall hereafter entice or persuade any Servant or Slave to absent him or herself from his or her Master or Mistress, or who shall harbour or maintain any runaway Servant or Slave, shall for every such Offence forfeit and pay to the Master or Mistress of such Servant or Slave the Sum of One Hundred Pounds current Money, to be recovered by Action of Debt, in any Jurisdiction having Cognizance thereof; and be further liable to the said Master or Mistress in an Action for Damages, wherein no Effoin, Injunction, Protection, or Wager of Law, shall be allowed or admitted, notwithstanding any Law, Usage or Custom, to the contrary.

Act to be read by the Clerk.

V. *AND be it further Enacted, by the Authority aforesaid,* That the Clerk of every County Court of this State shall, on the third Day of every Court, read this Act in the Presence and Hearing of the County Court, under Penalty of Five Pounds for every Default.

When to take Place.

VI. *AND be it further Enacted, by the Authority aforesaid,* That this Law shall take Effect, and be binding upon the Subjects of this State, on the first Day of April next, and afterwards, and not sooner.

Repealing Clause.

VII. *AND be it further Enacted, by the Authority aforesaid,* That so much of an Act of Assembly of this State, intituled, *An Act concerning Servants and Slaves*, as comes within the Purview of this Act, is hereby repealed, and declared to be void and of no Effect, to all Intents and Purposes whatsoever.

C H A P. XII.

An Act for apprehending and selling certain Slaves set free contrary to Law, and for confirming the Sales of others, and for other Purposes.

Preamble.

I. **W**HEREAS by an Act, intituled, *An Act to prevent domestic Insurrections, and for other Purposes*, it is provided, that no Person shall liberate his or her Slave except for meritorious Services, to be judged of and allowed by the County Court; and by the said Act it is directed in what Manner, and for what Purposes, such liberated Slaves shall be apprehended and sold: And whereas before the passing of the said Act, and since the Sixteenth Day of April, One Thousand Seven Hundred and Seventy Five, divers evil minded Persons, intending to disturb the public Peace, did liberate and set free their Slaves, notwithstanding the same was expressly contrary to the Laws of this State; and the County Courts of *Perquimans* and *Pasquotank*, conceiving they had Power to proceed against all such liberated Slaves, did order them to be sold to the highest Bidder: And whereas Doubts have now arisen whether the Purchasers of such Slaves have a good and legal Title thereto; For Remedy whereof,

Sales of Slaves confirmed.

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 Sales made *bona fide*, and for valuable Consideration, shall be deemed good and valid, to all Intents and Purposes.

Proceedings against those liberated.

III. *AND* as many Negroes are now going at large, to the Terror of the good People of this State, who were liberated in Manner aforesaid previous to the passing of the said recited Act; *Be it further Enacted, by the Authority aforesaid,* That the same Proceeding shall and may be had against all

All such illegally liberated Slaves, as is directed in the said recited Act, intituled, *An Act to prevent domestic Insurrections, and for other Purposes*, in the same Manner as if such Negro Slaves had been set free after the passing of the same. *Provided*, That nothing herein contained shall deprive of Liberty any Slave, who having been liberated, and not sold by Order of any Court, has enlisted into the Service of this or the United States previous to the passing of this Act.

A. D. 1779.

C H A P. XIII.

An Act for levying a Tax for the Year One Thousand Seven Hundred and Seventy Nine, and other Purposes.

I. **W**HEREAS it is necessary that the Treasury should be as soon as possible supplied with Money sufficient to defray the Public Expence; Preamble.

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 for the Year One Thousand Seven Hundred and Seventy Nine, a Tax of Three Pence shall be paid for every Pound Value of taxable Property within this State, and a proportionable Poll-Tax on all such Freemen as are subject to the Payment of a Poll-Tax, pursuant to an Act passed this present Session of Assembly, intituled, *An Act for ascertaining what Property in this State shall be deemed taxable Property, and the Manner of assessing the same, and other Purposes*; and that all such Taxes be levied and accounted for pursuant to the Directions of the said Act. Tax laid.

III. **A**ND be it further Enacted, by the Authority aforesaid, That a further Tax of Six Pence, over and above the aforesaid Three Pence, in every Pound Value of taxable Property belonging to Moravians, Quakers, Menonists, or Dunkards, shall be paid for the Year One Thousand Seven Hundred and Seventy Nine, and shall be levied and accounted for in the Manner above directed. Tax on Moravians, &c.

C H A P. XIV.

An Act for laying a further Tax on the taxable Property of the Inhabitants of Cambden County, for the Purposes of finishing and compleating the Court-House, Prison, and Stocks, of the said County.

I. **W**HEREAS the Provision made by Law for the Expences of building and finishing the Court-House, Prison, and Stocks, for the County of Cambden, are found inadequate thereto: For Remedy whereof, Preamble.

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 there shall be a Tax of Two Shillings and Six Pence levied on all the taxable Property of the Inhabitants of the said County for the Purposes aforesaid, and a Tax of Two Shillings and Six Pence on all Persons of full Age, having not Property to the Value of One Hundred Pounds, for Three Years; and that the same shall be collected in the same Manner, and under the same Rules and Penalties, as other Taxes in this State are, and shall be paid into the Hands of the Commissioners already appointed for building and finishing the said Court-House, Prison and Stocks. Tax laid.

III. **A**ND be it further Enacted, by the Authority aforesaid, That the said Commissioners shall account with their said County Court for all Monies received by them in Virtue of this Act, and if any Surplus shall remain after the said Public Buildings are finished, the same shall be applied by the said County Court towards detraying the contingent Charges of the said County. Surplus applied.

C H A P. XV.

An Act for altering the Times of holding certain County Courts of Pleas and Quarter Sessions therein mentioned.

I. **W**HEREAS the Times at present appointed for holding the County Courts of Pleas and Quarter Sessions for the Counties of Tyrrell, Perquimans, and Caswell, have in many Respects been found inconvenient; Preamble.

II. **B**E it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the First Day of March, the said County Courts of Pleas and Quarter Sessions shall be held at the Times herein after appointed, instead of the Times at present appointed by Law, that is to say, The County Court of Pleas and Quarter Sessions for the County of Tyrrell, on the First Mondays in January, April, July, and October, in each Year; and the County Court of Pleas and Quarter Sessions for the County of Perquimans, on the Second Mondays in January, April, July, and October, in each Year; and the County Court of Pleas and Quarter Sessions for the County of Caswell, on the Third Mondays in March, June, September, and December. Courts altered

III. **A**ND be it further Enacted, by the Authority aforesaid, That all Matters of Business whatsoever, now returnable in the said County Court of Pleas and Quarter Sessions for the County of Tyrrell to the Third Monday in February next, shall be deemed returnable to the First Monday in April next; and all Person or Persons who have Day or Days of Appearance at the said Court on the Third Monday in February next, shall and may appear at the said Court on the first Monday in April ensuing. Process when returnable.

A.D. 1779.

Courts adjourned.

ensuing, which shall be deemed legal and sufficient, to all Intents and Purposes, in the same Manner as if they had made their Appearance on the Third Monday in February next, in case this Act had never been made: And all Matters of Business whatsoever now returnable in the said County Court of Pleas and Quarter Sessions for the County of Perquimans, to the Third Monday in April next, shall be deemed returnable to the Second Monday in April next; and all Person or Persons who have Day or Days of Appearance at the said Court on the Third Monday in April next, shall and may appear at the said Court on the Second Monday in April next, which shall be deemed legal and sufficient, to all Intents and Purposes, in the same Manner as if he or they had made their Appearance on the Third Monday in April next, in case this Act had never been made: And all Proceedings now depending in the County Court of Caswell undetermined, or returnable to the said Court, shall stand adjourned to the Day or Days appointed aforesaid for holding the said Court; and all Matters of Business which before the passing of this Act might legally be transacted at the respective Times heretofore appointed for holding the said County Courts, shall and may be hereafter transacted at the several Times appointed by this Act for holding of the same.

IV. AND be it further Enacted, by the Authority aforesaid, That each of the said County Courts may be adjourned in the same Manner, and for as long a Time, if necessary, as those held on the Days formerly appointed.

CHAP. XVI.

An Act for extending the Boundary Line between this State and the Commonwealth of Virginia.

Preamble.

Line to be run.

I. WHEREAS the Inhabitants of this State, and those of the Commonwealth of Virginia, have settled themselves farther Westwardly than the Boundary between the said two States hath hitherto been extended; and it becomes expedient, in order to prevent Disputes among such Settlers, that the same should be now further extended and marked;

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 Oranatus Davis, John Williams (Ceswell) James Kerr, William Bailey Smith, and Richard Henderson, or any Three of them, be, and they are hereby appointed Commissioners, with full Power and Authority to meet with other Commissioners from the Commonwealth of Virginia, and to proceed to extend and mark the Line between that Commonwealth and this State, beginning where Joshua Fry and Peter Jefferson, Commissioners on the Part of Virginia, together with Daniel Weldon and William Churton, from North Carolina, formerly appointed to run the said Line, ended their Work; and if that be found to be truly in the Latitude of Thirty Six Degrees Thirty Minutes North, then to run from thence due West to Tenasse, or the Ohio River; or if it be found not truly in the said Latitude, then to run from the said Place, due North or due South, into the said Latitude, and thence due West to the said Tenasse or Ohio River, correcting the said Course at due Intervals by astronomical Observations; If either of the Commissioners by this Act appointed shall decline, or be unable to go through the Duties of his Appointment, the Governor and Council shall appoint some other to act in his Stead. The said Commissioners shall nominate such skilful Surveyor to execute their Directions; and such other Attendants, as shall be necessary; and shall endeavour to procure the most accurate Instruments, which if injured in the said Service, shall be made good at the Public Expence, or wholly paid for, at the Election of the Proprietor, if borrowed from an Individual, or of such other Person or Persons as shall have Authority to make such Election, if borrowed from any Seminary of Learning. Each Commissioner shall be allowed for his Trouble herein Ten Dollars per Day for every Day he shall attend, each Surveyor, with the Chain Carriers and other Attendants, shall be allowed such Sums as the Commissioners shall certify they respectively ought to receive, and be paid by either Treasurers of this State out of any Public Monies in their Hands, together with Allowance to the Commissioners as aforesaid; and the said Commissioners are hereby directed to make Report of their Proceedings to the General Assembly.

Commissioners to be guarded.

III. AND whereas from the hostile Disposition of the Indian Nations, it may be unsafe for the Commissioners, and their Attendants, to proceed on the Business hereby directed, without a sufficient Guard to protect them; Be it therefore further Enacted, by the Authority aforesaid, That the Governor, with the Advice of the Council, shall, on Application of the Commissioners, direct and order a sufficient Number of Officers and Men to be raised for that Purpose, by voluntary Enlistment, or if that cannot be done, then to be furnished from the Militia of such Counties as shall be convenient, to attend the said Commissioners as a Guard; and for their safe Conduct in the Prosecution of the Business by this Act directed, shall order them a sufficient Number of Tents and Camp Utensils, and shall appoint a Commissary to furnish the necessary Provisions, during the Time they shall be employed for the Purpose aforesaid.

CHAP. XVII.

An Act to enable the Inhabitants of a Tract of Land lying in Mecklenburg County, known by the Name of Governor Dobbs's Tract, No. Five, to make Entries thereof, and obtain Titles for the same.

Preamble.

I. WHEREAS Abner Nash, Esquire, obtained a Judgment in Halifax Superior Court against Edward Brice Dobbs and Conway Richard Dobbs, Heirs at Law of the late Arthur Dobbs, Esquire, Governor of North Carolina; for the Sum of Three Thousand Five Hundred Pounds, Proclamation

clamation Money, to satisfy which an Execution issued from the said Court April Term, One Thousand Seven Hundred and Seventy Eight, against the Estate of the said Defendants, directed to the Sheriff of Mecklenburg County, who by Virtue thereof levied the same on a certain Tract of Land in said County, known by the Name of Governor Dobbs's Tract, No. Five, formerly containing One Hundred Thousand Acres, and exposed the same to Sale, when certain of the Inhabitants thereof replevied the said Land, and satisfied said Debt, with the Costs: And whereas by an Act of the General Assembly, passed December the Twenty Fourth, One Thousand Seven Hundred and Seventy Seven, all Property and Estates belonging to such Persons therein described, who fail to comply with the Requisites thereof, were, and are by the said Act confiscated to the Use of this State: And whereas the Inhabitants of said Land have preserved the same for the Use of the State, which otherwise would have been private Property, it is just and reasonable that they should be intitled to obtain Grants thereof in Fee from this State:

II. *BE it Enacted by the General Assembly of North Carolina, by and with the Authority of the same,* That all such Inhabitants who have actually paid Money to satisfy and discharge said Judgment and Execution as aforesaid, shall have the Preference of all other Persons to enter said Lands on which are their Improvements, and obtain Grants for the same, according to the Rules and Directions of the Act of Assembly for establishing Offices for receiving Entries of Claims for Lands, &c. provided such Entry or Entries, or Caveat of the same, be made and entered with the Entry Taker of the County before the First Day of June, One Thousand Seven Hundred and Seventy Nine.

III. *AND be it further Enacted, by the Authority aforesaid,* That no Entry of said Land shall extend to include any other Improvement than that for which the Entry was made, and which was in Possession of, or claimed by another Person, before the First Day of January, One Thousand Seven Hundred and Seventy Eight; and where Disputes shall arise between Party and Party with regard to the Right of Improvement, Occupancy or Boundary, the same Proceedings and Trial thereof shall be had, as by the said Act and this is directed.

IV. *AND be it further Enacted, by the Authority aforesaid,* That such Persons entering said Lands, who have not contributed their Share of Money in satisfying the said Judgment and Execution, shall advance to the Entry Taker Twelve Pounds Ten Shillings for every Hundred Acres by them so to be taken up and entered; to be applied to the Use of the State, and accounted for by said Entry Taker as in said Act directed.

V. *PROVIDED,* That no Person or Persons shall be intitled to enter any of the aforesaid Lands, but those who now are the Inhabitants of, and living on the said Tract: *Provided also,* That no one Person shall be intitled to enter for; and obtain a Grant for more than Six Hundred and Forty Acres.

A.D. 1779.

Preference to enter Lands.

Improvement included.

Price of Lands to be entered.

Who may enter Lands.

C H A P. XVIII.

An Act for dividing Craven County into two distinct Counties, and for other Purposes therein mentioned.

I. **W**HEREAS the large Extent of the County of Craven renders the Attendance of the Inhabitants of the extreme Parts thereof at the Court-House to perform Public Duties difficult and expensive: For Remedy whereof,

II. *BE it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same,* That from and after the passing of this Act, the said County of Craven shall be divided into two distinct Counties, by a Line beginning at that Part of *Carter's* Line which lies directly South from the Head of *Reddy* Branch, running thence to the Head of the said Branch, and so down the Meanders of the same to *Trent* River; thence up *Trent* River to the Mouth of *Deer* Gully Branch, to *Dover* or *Batchelor* Defart; thence up *Dover* or *Batchelor* Defart, to the Plantation of *Thomas Kent*; thence a direct Course to the *South W. B. Bridge*, at *Dobbs* County Line; and that all that Part of the said County of Craven which lies above or westwardly of the said dividing Line, shall be established a new and distinct County, by the Name of *Jones*.

III. *AND be it further Enacted, by the Authority aforesaid,* That *John Bryan*, *Emanuel Simmons*, and *Christopher Neale*, or a Majority of them, be, and they are hereby appointed Commissioners to lay out and mark so much of the said dividing Line as is not a natural Boundary, and that the same shall be recorded in the respective Courts of said Counties.

IV. *AND for the due Administration of Justice, Be it Enacted, by the Authority aforesaid,* That Justices of the Peace shall be nominated and commissioned, and Courts shall be held in the said County of *Jones*, in the same Manner, and with the same Jurisdictions; as Justices and Courts in other Counties have and exercise; and that the Courts for the said County of *Jones* shall be held constantly on the Third Mondays in *March*, *June*, *September*, and *December*, in each and every Year.

V. *AND be it further Enacted, by the Authority aforesaid,* That *John Bryan*, *Emanuel Simmons*, *Edmund Hatch*, *John Iyer*, and *Lewis Bryan*, or a Majority of them, be, and they are hereby appointed Commissioners, for fixing on the most central and convenient Place in the said County for building a Court-House, Prison, and Stocks, and for purchasing Five Acres of Land at such Place, for the Use and Benefit of the said County; and when the said Place is fixed upon, and the said Land purchased, the said Commissioners, or a Majority of them, shall, and they are hereby empowered to contract and agree with Workmen for the building and finishing thereat a Court-House, Prison, and Stocks.

VI. *AND as it will necessarily be a considerable Time before the said Buildings can be completed, Be it Enacted, by the Authority aforesaid,* That the first Court to be held for the County aforesaid shall be held at the House of *Thomas Webber*, at *Trent* Bridge; and the Justices when met, and having formed a Court, shall either continue to hold their subsequent Courts at the said House,

Preamble.

Jones County established.

Commissioners to run the Lines.

Courts to be held.

Court-House, &c. to be built.

Courts where held.

A. D. 1779.

Causes de-
pending to be
finished.

Tax laid.

Commissioners
to account.Sheriffs to
make Distress.Jones Part of
Newbern Dis-
trict.Craven to send
Jurors.Warrants of
Survey exe-
cuted.

until the Court-house shall be built, or shall have Power to adjourn to any other more convenient Place in the said County, they having first duly qualified themselves, by taking the Oaths prescribed by Law in such Cases; and the said Justices being so qualified, are hereby declared, during their Continuance in Office, as well within their County Courts as without, to have the same Powers and Authorities, and to be subject to the same Forfeitures and Penalties, as other Justices of the Peace in this State are liable to.

VII. *AND be it further Enacted, by the Authority aforesaid,* That all Causes, Pleas, and Suits, and every Species of Controversy and Litigation whatsoever in the County Court of Craven, now commenced, or hereafter made, shall be proceeded on in the said Court, in the same Manner as if this Act had been made.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That a Tax of Three Shillings to be levied on every hundred Pound of taxable Property in the said County of Jones, to be levied on all the said Tax of Three Shillings on all Persons in the said County who have not tax on the Value of One Hundred Pounds, for Two Years, for the Purpose of defraying the Expenses of purchasing the said Land, erecting the Public Buildings thereon, and paying the Commissioners for their Trouble and Expenses about the Premises; which said Taxes shall be collected in the same Manner, and under the like Conditions, as other Public Taxes are, and shall be paid into the Hands of the Commissioners appointed for building a Court-house, &c. the Collector first deducting their Commissions for their Trouble of collecting the same; and in case there shall remain any Surplus after defraying the Expenses aforesaid, the same shall be applied by the County Court towards defraying the contingent Charges of the said County.

IX. *AND be it further Enacted, by the Authority aforesaid,* That the said Commissioners shall from Time to Time, when called on by their County Court, account for the Moneys by them received for the Purposes aforesaid; and when the Buildings shall be completed, and other Expenses defrayed, the said Court, on Settlement with them, shall make a reasonable Allowance for their Trouble and Expence, and shall apply any Surplus that may remain in Manner as is before directed.

X. *AND be it Enacted, by the Authority aforesaid,* That nothing herein contained shall be construed to deprive the Sheriff or Collectors of the County of Craven, as the same stood undivided, to make Distress for any Taxes, Fees, or other Dues, which may be owing from the Inhabitants of the said County at the Time of passing this Act, in the same Manner as if this Act had never been made.

XI. *AND be it further Enacted by the Authority aforesaid,* That the said County of Jones shall be and remain Part of the District of Newbern, and the Justices of the said County shall appoint Five Freeholders to serve as Jurors at the Superior Court of Newbern aforesaid; and the said County shall have and enjoy the same Rights and Privileges of sending Members to the General Assembly, as other Counties in this State have.

XII. *AND be it further Enacted by the Authority aforesaid,* That after the passing of this Act the County Court of Craven shall nominate and appoint no more than Seven Jurymen to attend the Superior Court of Newbern.

XIII. *AND be it further Enacted by the Authority aforesaid,* That all Warrants for surveying vacant Lands within the County of Jones, not already executed, shall be executed by the proper Surveyor of the said County.

C H A P. XIX.

An Act for dividing Bute County into two distinct Counties, and for other Purposes therein mentioned.

Preamble.

I. **W**HEREAS the large Extent of the County of Bute renders the Attendance of the Inhabitants on the extreme Parts of the said County to do Public Duties extremely difficult and expensive: For Remedy whereof,

Bute divided.

II. *BE it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same,* That from and after the passing of this Act, the County of Bute shall be divided into two distinct Counties, by a direct Line from the Granville Line to Halifax or Nash County Line, as the Case may be, leaving in each Part or Division an equal Quantity of Acres as near as can be ascertained.

Counties e-
rected.

III. *AND in order that the same may be ascertained with as much Precision as possible, Be it further Enacted, by the Authority aforesaid,* That Julius Nichols, William Duke, John Falcon, John Norwood, and Matthew Thomas, or a Majority of them, be, and they are hereby appointed Commissioners, to measure the Lines of said County on every Side, and to run the dividing Line so as to make each respective Division as convenient to the respective Persons residing therein as possible, which said Line when run by the Commissioners, or a Majority of them, shall be entered on the Record of each County; and all that Part or Division which lies North of said Line, and adjacent to Virginia, shall be a distinct County, by the Name of Warren; and all that Part or Division that lies South of said Line shall be a distinct County, by the Name of Franklin.

Justices ap-
pointed.

IV. *AND for the due Administration of Justice, Be it Enacted, by the Authority aforesaid,* That Justices of the Peace shall be nominated and commissioned, and Courts held in each of the

the respective Counties of *Warren* and *Franklin*, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties in this State: And the Courts for the County of *Warren* shall be constantly held on the Second Monday in February, May, August, and November, in each and every Year; and the Courts for the County of *Franklin* shall be constantly held on the Third Monday in March, June, September, and December, in each and every Year: And the first Court for the County of *Warren* shall be held at the present Court-House on the Second Monday in February, and the first Court for the County of *Franklin* shall be held at the House of *Benjamin Sewell*, lately owned by *Bell*; and the Justices for each of the Counties of *Warren* and *Franklin* are hereby authorized to adjourn to such Places in their respective Counties as they shall think most convenient to hold all subsequent Courts, until Court-Houses shall be built in each respective County: And in order that the Centre of each County may be found, as near as may be, for the Purpose of building a Court-House, Prison and Stocks, the aforesaid Commissioners appointed to measure and run the dividing Line, are hereby appointed Commissioners to find the Centre of each County; but if the same shall not be convenient to good Water, then the Commissioners are hereby authorized to fix the Place for setting the Court-House, &c. at the most convenient Place where good Water may be had nearest the said Centre; and that *Julius Nichols*, *William Duke*, and *John Falcon*, or any two of them, be appointed Commissioners in the County of *Warren*; and that *John Norwood*, *Matthew Thomas*, and *Joseph Norris*, be appointed Commissioners, or any two of them, for the County of *Franklin*; which said Commissioners are hereby authorized and empowered to purchase One Hundred Acres of Land where the Place for building the Court-House, &c. shall be fixed on, in each respective County; but if the Proprietor or Proprietors of said Lands shall refuse to sell the same for a reasonable Price, then the Commissioners are hereby authorized to purchase One Hundred Acres of any other Person or Persons, as near the Centre as the aforesaid Convenience for Water will permit.

A. D. 1779.
Court Days.

Court-House
where to be
built.

V. AND be it further Enacted, by the Authority aforesaid, That the said Justices to be appointed for the Counties of *Warren* and *Franklin*, are hereby directed to meet on the same Days, and at the same Places, before appointed for holding Courts in each of the said Counties, and take the Oaths prescribed for their Qualification; and each and every of them, at all Times during their Continuance in Office, as well within their County Courts as without, shall hold and exercise the same Power and Authority, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace in this State are liable to.

Justices to
meet.

VI. AND be it further Enacted, by the Authority aforesaid, That *Julius Nichols*, *William Duke*, and *John Falcon*, or any two of them, be empowered and directed to agree and contract with proper Workmen to erect a Court-House, &c. in the County of *Warren*; and that *John Norwood*, *Matthew Thomas*, and *Joseph Norris*, or any two of them, be empowered and directed to agree and contract with proper Workmen to erect a Court-House, &c. in the County of *Franklin*.

Coms. for
the Court-
Houses.

VII. AND be it further Enacted, by the Authority aforesaid, That all Causes, Pleas, Suits, Actions, and every Species of Controversy whatever, in the County Court of *Bute* now depending and unfinished, shall be transposed to the Dockets of the Court of *Warren* County, in the same Order and Arrangement as the same now stand on the Dockets and Records of the said County Court of *Bute*.

Suits trans-
posed.

VIII. AND be it further Enacted, by the Authority aforesaid, That a Tax of Two Shillings and Six Pence be laid on every Hundred Pounds Value of all taxable Property on the Inhabitants of the Counties of *Warren* and *Franklin*, agreeable to the Assessment Act, and a Poll Tax of Two Shillings and Six Pence on all Persons who have not an Estate of One Hundred Pounds taxable Property, for Three Years, for the Purpose of paying the Commissioners for their Services, as well as for the aforesaid Land, Court-House, &c. and to be collected in the same Manner as other Public Taxes, and to be paid into the Hands of the said Commissioners for the Purposes aforesaid, after the Collectors deducting their lawful Commissions for collecting the same.

Tax laid.

IX. AND be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to bar the Sheriff or Collectors of the County of *Bute*, as the said County stood undivided, to make Distress for any Taxes, Fees, or other Dues, as shall be due from the Inhabitants of said County at the Time of passing this Act, in the same Manner as by Law the said Sheriff or Collectors might or could have done if the said County had remained undivided; and the said Taxes, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made, any Thing herein contained to the contrary notwithstanding.

Sheriff to
collect.

X. AND be it further Enacted, by the Authority aforesaid, That the Justices of the County Courts of *Warren* and *Franklin* shall each appoint Five Freeholders to serve as Jurors at the Superior Courts for the District of *Halifax*.

Jurors ap-
pointed.

XI. AND be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said Counties of *Warren* and *Franklin* shall be considered as Part of the District of *Halifax*, and shall be intitled to send the same Number of Members to represent said Counties in General Assembly as other Counties in this State, and to enjoy all the Privileges and Immunities as other Counties in this State are intitled to.

Part of Ha-
lifax district.

XII. AND be it further Enacted, by the Authority aforesaid, That each of the County Courts of *Warren* and *Franklin* shall allow reasonable Pay to their respective Commissioners appointed in each of their Counties for their Services, and may direct the Commissioners appointed to receive Taxes for said Purposes to pay them the same; and after the Commissioners have fully paid for the Lands and County Buildings aforesaid, they the said Commissioners shall account with their respective Courts for the due Application of whatever Sums of Money they may have received for the Purposes aforesaid; and if there should remain any Surplus, the Counties of *Warren* and *Franklin* shall appropriate the same towards defraying the Contingences of their respective Counties.

Coms. allow-
ed.

A. D. 1779.

Justices to
continue.

XIII. AND be it further Enacted, by the Authority aforesaid, That the Justices which are now in the Commission for the County of *Bute* shall continue in Office, and be impowered to hold Courts, and execute all and every Thing to the Office of a Justice of Peace belonging, in the Counties of *Warren* and *Franklin*, without any new Commission; any Thing to the contrary herein, notwithstanding.

Lands survey-
ed.

XIV. AND be it Enacted, by the Authority aforesaid, That the Lands entered with the Entry Taker for *Bute*, as it stands undivided, which lie in *Franklin*, and are not yet surveyed, shall be surveyed by the Surveyor of *Franklin*, and the Entry Taker is hereby commanded to issue his Warrants to the same.

C H A P. XX.

An Act for dividing Hertford County, and other Purposes therein mentioned.

Preamble.

I. WHEREAS by Reason of the Width of *Chowan* River, and the Difficulty of passing the same, especially in boisterous Weather, it is extremely inconvenient for the Inhabitants of the North East Side of the said River to attend Courts, and other Public Business, as also for the Ease and Convenience of the Inhabitants on the North Ends of *Chowan* and *Perquimans* Counties, it is necessary that the same be divided into a separate and distinct County:

Gates erected.

II. BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all that Part of *Hertford* County that lies on the North Side of *Chowan* River, and all that Part of *Chowan* and *Perquimans* Counties that lies on the North Side of *Catherine* and *Warwick* Creeks, and bounded as follows, that is to say, Beginning at the *Virginia* Line, on *Chowan* River; thence down the said River, to the Mouth of *Catherine* Creek; thence up the said Creek, to the Mouth of *Warwick* Creek; thence up said Creek, to the Head; thence a direct Line to the Head of the *Indian* Branch, in *Perquimans* County; thence down said Branch, to the great *Dismal* Swamp; thence a North East Course, to the *Virginia* Line; thence Westwardly along said Line, to the Beginning; and all that Part of *Hertford*, *Chowan*, and *Perquimans* Counties, included in said Lines, shall be, and is hereby established a County, by the Name of *Gates*.

Justices ap-
pointed.

III. AND for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned, and Courts held in the said County of *Gates*, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties of this State; and the Courts of the said County of *Gates* shall be held on the First Monday in May, August, November, and February, in each and every Year.

When to meet

IV. AND be it Enacted, by the Authority aforesaid, That the said Justices to be appointed for the County of *Gates* aforesaid, are hereby directed to meet on the First Monday in April next at the House of *Kedar Riddick*, and take the Oaths appointed for their Qualification; and the Justices of the said County of *Gates*, or any Three of them, after being so qualified, shall hold a Court at the Place and Times herein before appointed, and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this State are liable to.

Tax laid.

V. AND be it further Enacted, by the Authority aforesaid, That a Tax of Three Shillings be laid on each Hundred Pounds Value of taxable Property in said County, and also a Poll-Tax of Three Shillings for each Person liable to pay Tax who is not possessed of One Hundred Pounds Value of taxable Property in said County of *Gates*, for Two Years, for building a Court-House, Prison and Stocks, therein; which Tax shall be collected by the Sheriff of the County aforesaid, at such Times, and in the same Manner, as other Taxes are collected, and shall be paid to the Person or Persons who shall be impowered to receive the same.

Sheriff to col-
lect.

VI. AND be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriffs or Parish Collectors of *Hertford*, *Chowan*, and *Perquimans* Counties, or Taxgatherers of either of said Counties, as they now stand undivided, to make Distress for any Taxes, Levies, Fees, or other Dues, that shall be due from the Inhabitants of said County on the First Monday in April next, in the same Manner as by Law the said Sheriff, Parish Collectors, or Taxgatherers, might or could have done, if the said Counties had remained undivided; and the said Taxes shall be collected and accounted for in the same Manner as if this Act had never been made, any Thing herein contained to the contrary, notwithstanding.

Actions not
defeated.

VII. AND to the End that no Action or Suit of any Kind, commenced in the Counties of *Hertford*, *Chowan*, and *Perquimans*, be defeated by the Division aforesaid; Be it Enacted, by the Authority aforesaid, That where any Action or Suit is already commenced in either of the said Counties of *Hertford*, *Chowan*, and *Perquimans*, and the Parties, or any of them, shall be Inhabitants of *Gates* County, such Action or Suit shall be proceeded on by the Court in which the same was commenced, to the End and final Determination thereof; any Law to the contrary, notwithstanding.

Commissioners
for the Court-
House.

VIII. AND be it further Enacted, by the Authority aforesaid, That *Lawrence Baker*, *William Baker*, *Luke Sumner*, *Elisha Hunter*, and *John Benton*, or a Majority of them, be, and they are hereby appointed Commissioners, to lay off and appoint the most central and convenient Place where the Court-House, Prison and Stocks, for the Use of the said County of *Gates*, shall be built, and there to erect, or cause the same to be erected.

Sheriff to ac-
count.

IX. AND be it further Enacted, by the Authority aforesaid, That the Sheriff of the said County of *Gates* is hereby impowered and directed to account for and pay the Money by him collected, for the Purpose of building the aforesaid Court-House, Prison and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

X. AND

X. *AND be it Enacted by the Authority aforesaid*, That from and after the passing this Act, the said County of *Gates* shall continue, and be considered as Part of the District of *Edenton*.

A.D. 1779.

Gates Part of
Edenton Dis-
trict.
Court-House
to be built.

XI. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners, or a Majority of them, herein before appointed, are hereby impowered and directed to employ Workmen for building a Court-House, Prison and Stocks, in the said County, for the Use thereof; and the said Court, and all Causes, Matters and Things, in the same depending, after such Court-House shall be built, shall stand adjourned from the Place where the Court shall have been held, to the said Court-House.

Commissioners
to account.

XII. *BE it further Enacted, by the Authority aforesaid*, That the Justices of the Court of said County of *Gates* shall have Power to call the Commissioners to erect a Court-House, Prison and Stocks, to account, for the due Application of whatever Monies they may receive for the Purposes mentioned, and if there should be any Surplus, apply the same towards defraying the Contingencies of the County; and whenever it shall become necessary to run the Lines agreeable to this Act, the Justices of the Counties of *Chowan*, *Perquimans*, and *Gates*, shall appoint one Commissioner from each of said Counties of *Chowan*, *Perquimans*, and *Gates*, to run the said Line, and lay a Tax for defraying the Charges thereof; which Line when run, shall be recorded in the Court of each of the said Counties of *Chowan*, *Perquimans*, and *Gates*, and shall from thenceforward be deemed the dividing Line between the said Counties.

XIII. *AND be it further Enacted, by the Authority aforesaid*, That the County of *Gates* shall be intitled to the same Privileges and Immunities as the other Counties in this State are intitled to.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That the Justices for the County of *Gates*, at every County Court next preceeding each Superior Court to be held for the District, shall, and are hereby required, to nominate and appoint Four Freeholders to serve as Jurors at the Superior Court for the District of *Edenton*; which Jurors so appointed, shall be intitled to the same Pay and Allowance as Jurors appointed from other Counties to attend the said District Courts, and liable to the same Fines and Penalties for non-Attendance as other Jurymen.

Jurors for
Gates.

XV. *AND be it further Enacted, by the Authority aforesaid*, That the County Court of *Chowan* shall in future nominate and appoint only Six Jurors to attend the District Court; any Law or Custom, to the contrary, notwithstanding.

For Chowan.

C H A P. XXI.

An Act for dividing the County of Anson into two distinct Counties, and other Purposes therein mentioned.

I. **W**HEREAS the large Extent of the County of *Anson* renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts, General Elections, and other Public Meetings appointed therein;

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 the passing of this Act, the said County of *Anson* be divided by the Road leading from *Murre's Bridge*, on *Drowning Creek*, to *Colson's Ferry*, to a Point opposite the Mouth of *Rocky River*; thence running a direct Line, crossing *Pee Dee River*, to the Mouth of *Rocky River*; thence up the various Courses of *Rocky River*, to the dividing Line between the Counties of *Anson* and *Mecklenburg*; and that all that Part of the said County of *Anson* which lies to the North of the said dividing Line shall be erected into a new and distinct County, by the Name of *Montgomery*.

Montgomery
erected.

III. *AND for the due Administration of Justice, Be it Enacted, by the Authority aforesaid*, That Courts for the said County of *Montgomery* shall be constantly held by the Justices thereof on the First Mondays in *April*, *July*, *October*, and *January*; and the Justices for the said County of *Montgomery* are hereby authorized and impowered to hold the first Court in the said County of *Montgomery* at the House of *Henry Mungers*, on the first Monday in *April* next, and all subsequent Courts for the said County of *Montgomery* on the Days above mentioned for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court-House shall be built for the said County of *Montgomery*, and then all Causes, Matters and Things, depending in the said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court-House; and all Courts held in and for the said County of *Montgomery*, shall be held by Commission to the Justices, in the same Manner, and under the same Rules and Restrictions, and shall have, hold and exercise, the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties within this State.

Courts to be
held.

IV. *AND be it further Enacted, by the Authority aforesaid*, That nothing herein contained shall be construed to debar the late Sheriffs and Collectors of the said County of *Anson*, as the same stood undivided, to make Distress for any Taxes, Fees, or other Dues, now actually due and owing from the Inhabitants of the said County as it formerly stood undivided, in the same Manner as by Law the said Sheriffs or Collectors could or might have done if the said County had remained undivided; and the said Taxes, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made, any Thing herein contained to the contrary notwithstanding.

Sheriff to col-
lect taxes.

V. *AND be it further Enacted, by the Authority aforesaid*, That from and after the passing of this Act, the said County of *Montgomery* shall be, continue and remain, Part of the District of *Salisbury*; and the Sheriff of the said County of *Montgomery* shall, from Time to Time, account for and pay to the Public Treasurer of the Southern District for the Time being, all Public Monies by him received, or wherewith he shall stand chargeable, in the same Manner, and under the same Pains and Penalties, as other County Treasurers.

Montgomery
Part of Salis-
bury district.

VI. AND

A. D. 1779.

Lines to be run.

VI. AND be it further Enacted, by the Authority aforesaid, That Henry Mungers, Walton Harris, and James Picket, be appointed Commissioners, and they are hereby required to run the said dividing Line between the said Counties of Anson and Montgomery, agreeable to the Directions of this Act; which said Line, when run by the Commissioners, or a Majority of them, shall be entered on the Records of each of the said Counties, and shall thereafter be deemed and taken to be the dividing Line between the said Counties of Anson and Montgomery.

Court-House to be built.

VII. AND be it further Enacted, by the Authority aforesaid, That West Harris, James Allen, Edmund Lilly, and James Röper Walton, or a Majority of them, be, and they are hereby impowered and directed to agree and contract for at least Fifty Acres of Land, and also to agree and contract with Workmen for building a Court-House, Prison and Stocks, for the Use of the said County of Montgomery, thereon, at such Place as they, or a Majority of them, or their Survivors, shall agree upon.

Tax laid.

VIII. AND for reimbursing the said Commissioners the Money they shall expend in erecting the said Buildings, and running the dividing Line between the said Counties; Be it Enacted, by the Authority aforesaid, That a Tax of Three Shillings on each Hundred Pounds Value of taxable Property shall be, and is hereby assessed on the taxable Property in the said County of Montgomery, for Two Years, to commence from the First Day of April, and a Poll-Tax of Twelve Shillings on each taxable Person for Two Years; and that all Persons who shall neglect or refuse to pay the same at the Time limited for Payment of Public Taxes, shall be liable to the same Penalties and Distresses as for non-Payment of Public Taxes: And the Collectors of the said County are hereby required to collect, account for, and pay the Monies so collected to the Commissioners aforesaid, after deducting his or their Commissions for collecting the same; and in case of Failure or Neglect in any of the said Collectors, such Collector so failing or neglecting, shall be liable to the same Penalties and Recoveries, as by Law may be had against Collectors of Public Taxes in like Cases.

Suits continued.

IX. AND be it Enacted, by the Authority aforesaid, That all Manner of Suits, Causes and Pleas, whether civil or criminal, now commenced and depending in the County Court of Anson, shall continue, and may be prosecuted to a final End and Determination; any Thing in this Act contained, to the contrary, notwithstanding.

Jurors for Montgomery.

X. AND be it further Enacted, by the Authority aforesaid, That the said County Court of Montgomery shall from and after the First Day of April nominate and appoint Three Freeholders to serve as Jurors at the Superior Courts held for the District of Salisbury.

Lands surveyed.

XI. AND be it Enacted, by the Authority aforesaid, That all Entries of Land lying in the County of Montgomery, which hath or shall hereafter be made with the Entry Taker of Anson County on or before the second Monday in April, and shall remain unsurveyed on the Day aforesaid, that it shall and may be lawful for the said Entry Taker of Anson, and he is hereby required, to issue Warrants for all such Entries as aforesaid to the Surveyor of the said County of Montgomery; any Thing in this Act contained, to the contrary, notwithstanding.

Jurors for Anson.

XII. AND be it Enacted, by the Authority aforesaid, That the said County Court of Anson, from and after the passing of this Act, shall nominate and appoint Four Freeholders to attend the Superior Court of Salisbury as Jurors.

C H A P. XXII.

An Act for dividing the County of Guilford into two distinct Counties, and other Purposes therein mentioned.

Preamble.

I. WHEREAS the large Extent of the County of Guilford renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts, General Musters, Elections, and other Public Meetings:

County divided.

II. BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, the said County of Guilford be divided into two separate and distinct Counties, beginning on the Anson Line, at the Corner of Rowan; thence running North Twenty Eight Miles; then East, to the Orange Line; and all that Part of the said County of Guilford that lies South of the aforesaid Line, shall continue to remain a distinct and separate County, by the Name of Randolph.

Courts held.

III. AND for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That a Court for the County of Randolph shall be held by the Justices thereof on the second Mondays of March, June, September, and December; and the Justices for the said County of Randolph are hereby authorized and impowered to hold their first Court in the same at the House of Abraham Reese, on the second Monday of March next, and all subsequent Courts for the said County on the Days above appointed for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court-House, Prison and Stocks, shall be built for the said County of Randolph; and then all Courts, Musters and Elections, and Things depending in the said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court-House; and all Courts held in and for the said County of Randolph shall be held in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Powers and Jurisdiction, as are or shall be provided for other Courts held for the several Counties in this State.

Sheriffs to collect.

IV. AND be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the late Sheriff and Collectors of the said County of Guilford, as the same stood undivided, to make Distresses for any Levies, Fees, or other Dues, now actually due and owing from the Inhabitants of the said County as it formerly stood undivided, in the same Manner as by Law the said Sheriff or Collectors could or might have done if the said County had remained undivided; and and the said Levies, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained to the contrary, notwithstanding.

To account.

V. AND be it further Enacted, by the Authority aforesaid, That on or before the First Day of April next, the Sheriff of Randolph shall, from Time to Time, account for, and pay to the Public

Public Treasurer of the Southern District of this State for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the Pain and Penalties as other Sheriffs.

VI. AND be it further Enacted, by the Authority aforesaid, That Thomas Owen, John Collier, John Odineal, and Jacob Shepperd, be, and are hereby appointed Commissioners for running the dividing Line between the aforesaid Counties of Guilford and Randolph, agreeable to this Act; and Asafum Tatum, William Cole, John Hinds, John Collier, and William Bell, Commissioners for fixing upon the most convenient Place for erecting the Court-House, Prison and Stocks, for said County of Randolph, as also for contracting with and employing Workmen to build the same; and they are hereby impowered and required to run the said dividing Line between the said County of Guilford and the County of Randolph, agreeable to the Directions of this Act; which said Lines, when run by the Commissioners, or a Majority of them, shall be by them entered on the Record in the County Court of each of said Counties, and shall thereafter be deemed and taken to be the dividing Line between the said County of Guilford and the said County of Randolph.

VII. AND be it further Enacted, by the Authority aforesaid, That a Tax of Two Shillings on each Hundred Pounds shall be, and is hereby assessed on the taxable Property in the said County of Randolph, for three Years, to commence from the First Day of April next; and that all Persons who shall refuse or neglect to pay the said Tax at the Time limited for Payment of the Public Taxes, shall be liable to the same Penalties and Distresses as for non-Payment of Public Taxes; and the Collectors of the said County are hereby required and directed to account for and pay the Money by them collected to the Commissioners aforesaid, after deducting Six per Cent. for their Trouble in collecting the same; and in case of Failure or Neglect of the said Collectors, such Collector or Collectors shall be liable to the same Penalties and Recoveries, as by Law may be had against Collectors of Public Taxes in like Cases.

VIII. AND be it Enacted, by the Authority aforesaid, That all Manner of Suits, Causes, Pleas, whether civil or criminal, now commenced and depending in the County Court of Guilford, shall continue, and may be prosecuted to a final End and Determination, any Thing in this Act to the contrary notwithstanding.

IX. AND be it further Enacted, by the Authority aforesaid, That the said County of Randolph shall be annexed to the District of Hillsborough, and three Jurymen shall be appointed by the said County Court to attend the Superior Courts of Hillsborough, in the same Manner, and under the same Penalties, as Jurors are appointed in other Counties.

X. AND be it further Enacted, by the Authority aforesaid, That all Justices of the Peace, and all Militia Officers within the said County of Randolph, and also within all the new Counties erected and established at this present Session of Assembly, shall continue to exercise their respective Offices and Commissions, until the first meeting of the Courts of the said respective new Counties.

C H A P. XXIII.

An Act for dividing Tryon County into two distinct Counties, by the Names of Lincoln and Rutherford, and for other Purposes therein mentioned.

I. **W**HEREAS the large Extent of the County of Tryon renders the attendance of the Inhabitants on the extreme Parts of the said County to do public Duties extremely difficult and expensive: For Remedy whereof,

II. BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That from and after the passing of this Act, the County of Tryon shall be divided into Two distinct Counties, by a Line beginning at the South Line near Broad River, on the dividing Ridge between Buffalo Creek and Little Broad River, thence along the said Ridge to the Line of Burke County, thence along the said Line to the old Cherokee Line, thence a due West Course to the Top of a dividing Ridge between the Eastern and Western Waters, thence along the said Ridge to the old Line claimed by South Carolina; and all that Part of the said County which lies on the East Side of the said Line shall be called and known by the Name of Lincoln County, and all that Part of the County which lies on the other or West Side thereof, shall be called and known by the Name of Rutherford County.

III. AND be it further enacted by the Authority aforesaid, That Sampson Lambkin, Benjamin Harden, John Walker, and Jonathan Gullet, be appointed Commissioners, and hereby required and impowered to run the said dividing Line agreeable to the Directions of this Act; which said Lines when run by the Commissioners or a Majority of them, shall be entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the dividing Lines between the said Counties; which said Commissioners shall be paid for their Trouble and necessary Expenses for running the said Lines, to be paid out of the Tax of the said Counties.

IV. AND be it enacted by the Authority aforesaid, That after the said dividing Lines shall be run as in this Act directed, the Persons who are now in the Commission of the Peace for the County of Tryon, shall be and continue Justices of the Peace for the Counties wherein they respectively reside at the Time of running the aforesaid dividing Lines between the Counties of Lincoln and Rutherford, and shall be impowered to hold Courts, and execute all and every Thing to the Office of a Justice of the Peace belonging, in the said Counties of Lincoln and Rutherford, without any new Commission, any Thing to the contrary notwithstanding.

V. BE it enacted, by the authority aforesaid, That Justices of the Peace shall be nominated and commissioned, and courts held in each of the respective counties of Lincoln and Rutherford, in the same manner, and with the same powers and jurisdiction, as justices and courts in the other counties of this State: The courts for the county of Lincoln shall be constantly held on the third Monday in April, July, October, and January, in each and every year; and the courts for the county of Rutherford shall be constantly held on the fourth Monday in April, July, October, and January, in each and every year; and the first court for the county of Rutherford shall

A. D. 1779.

Commissioners
for running
lines.

Tax laid.

Suits contin-
ued.

Part of the
District of
Hillsborough.

Justices of the
new Counties.

Preamble.

County di-
vided.

Commissioners
for running
the lines.

Justices to
continue.

Courts held.

A. D. 1779.

shall be held at Col. John Walker's, and the justices for the county of Rutherford are hereby authorized to adjourn to such place in their county as they shall think most convenient to hold all subsequent courts at, until a court-house shall be built.

Tax laid.

VI. AND be it further enacted, by the authority aforesaid, That the sum of two shillings for two years be laid on every hundred pounds value of taxable property within the said county of Rutherford, and a poll-tax of two shillings upon every freeman whose property does not amount to the value of one hundred pounds, for the purpose of building a court-house, prison and stocks, therein; which said tax shall be collected by the sheriff of the county aforesaid, at such times, and in the same manner, as other taxes are collected, and shall be paid to the person or persons who shall be empowered to receive the same; and if any surplus should arise from the said tax, that it shall be paid by the said commissioners to the court of the said county, to be by them applied towards defraying the contingent charges of the said county.

Sheriff to collect.

VII. AND be it further enacted, by the authority aforesaid, That nothing herein contained shall be construed to debar the sheriff of Tryon county, as it stood undivided, to make distress for any taxes, fees, or other dues, which shall be due from the inhabitants of the said county on the first day of April next, in the same manner as by law the said sheriff might or could do if the said county remained undivided.

Suits not defeated.

VIII. AND to the end that no action commenced in Tryon county be defeated by the division aforesaid, be it enacted, by the authority aforesaid, That where any action is already commenced in Tryon county, and the parties or evidences shall be inhabitants of Lincoln county, all subsequent process against such parties or evidences shall be directed to be executed by the sheriff of Lincoln county, to the end and final determination of such causes; any law, usage or custom, to the contrary, notwithstanding.

Commissioners for the Court-House.

IX. AND be it further enacted, by the authority aforesaid, That Benjamin Hardin, Thomas Welch, Abraham Kuykendol, John Earls, and John Potts, be, and they are hereby appointed commissioners, to lay off and appoint the place where the court-house, prison and stocks, for the use of the said county, shall be built, and there to erect, or cause the same to be erected.

Sheriff to account.

X. AND be it enacted, by the authority aforesaid, That the sheriff of Rutherford county is hereby empowered and directed to account for and pay the money by him so collected for the purpose of building the aforesaid court-house, prison and stocks, to the commissioners aforesaid, after deducting his commissions for collecting the same.

Part of Salisbury District.

XI. AND be it further enacted, by the authority aforesaid, That from and after the passing of this act, the said counties of Lincoln and Rutherford shall continue to be considered as part of the district of Salisbury.

Court-House to be built.

XII. AND be it further enacted, by the authority aforesaid, That the commissioners, or a majority of them, by this act appointed, are hereby empowered and directed to employ Workmen to build the court-house, prison and stocks, in the said county of Rutherford, for the Use thereof; and the said court, and all causes and matters therein depending, after such court-house shall be built, shall stand adjourned from the place where the court shall have been held to the said court-house.

Land to be purchased.

XIII. AND be it further enacted, by the authority aforesaid, That Christopher Carpenter, Valentine Money, Isaac Reed, John Patrick, and William Gimes, be, and are hereby appointed commissioners, to purchase one hundred acres of land in the most central and convenient part of the said county of Lincoln, to erect a court-house, prison and stocks, on, and to contract with and employ persons to build a court-house, prison and stocks, in the county aforesaid.

Tax laid.

XIV. AND be it further enacted, by the authority aforesaid, That an additional tax of two shillings be, for two years, laid upon every hundred pounds value of taxable property within the said county, and a poll-tax of one shilling upon every freeman, for the purpose of building a court-house, prison and stocks, therein; which said tax shall be collected by the sheriff of the county aforesaid, at such times, and in the same manner, as other taxes are collected, and be paid to the person or persons who shall be empowered to receive the same; and if any surplus should arise from the said tax, that it shall be paid by the said commissioners to the court of the said county, to be by them applied towards defraying the contingent charges of the said county.

Monies divided.

XV. AND be it further enacted, by the authority aforesaid, That all monies heretofore raised for the purpose of building a court-house, prison and stocks, in the county of Tryon, be equally divided between the counties of Lincoln and Rutherford, and the respective commissioners herein named are hereby empowered to demand, receive, or sue for the same, from all such persons as may have any in their Hands.

Jurors appointed.

XVI. 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 county court of the county of Lincoln to nominate and appoint three jurors to attend the general court held at Salisbury, for the district of Salisbury, and for the county court of Rutherford to nominate and appoint for said general court three jurors.

C H A P. XXIII.

An Act to amend an Act, intituled, An Act for erecting a Prison in the Town of Edenton, for the Use of the District of Edenton, and other Purposes.

Preamble.

I. **W**HEREAS the provision heretofore made for erecting a prison for the district of Edenton, from the great scarcity and high prices of materials, and the difficulty of obtaining Workmen, is now insufficient to answer the purposes thereby intended; and whereas the court-house of the said district is in want of some repairs, which may now be done at a small expence, but if neglected, will require a considerable Sum for that purpose:

Commissioners for the prison.

II. BE it therefore enacted by the General Assembly, and it is hereby enacted by the authority of the same, That Joseph Hewes, William Bennet, Charles Bonfield, and Josiah Collins, Esqrs. be, and they are hereby nominated and appointed trustees and directors, for building and erecting a good and sufficient prison, for the use of the district aforesaid, and for that purpose to contract

contract and agree with proper persons for completing and finishing the said prison, in such manner as they shall think necessary and convenient, and for making such repairs to the court-house of the said district as may be necessary.

III. AND be it further enacted, by the authority aforesaid, That an assessment of one shilling be levied on each hundred pounds value within the county of Chowan, and of six pence on each hundred pounds value within the counties of Currituck, Pasquotank, Perquimons, Bertie, Tyrrell, Hertford, Camden, and Gates, for two years, to be collected for the present and succeeding year by the sheriffs or collectors of the said counties respectively, exclusive of the tax laid by the said before recited act, and shall be accounted for and paid to the said trustees and directors at the same time, in the same manner, and under the like penalties and restrictions, as by law is directed for collecting, accounting for, and paying public taxes; and shall be by the said trustees and directors applied to the purposes of this act, and the before recited act, and also to the payment of such balance as may appear on settlement to be due to the trustees and directors heretofore appointed for erecting a court-house and prison for the use of the district of Edenton.

IV. AND whereas in some of the counties in said district no assessment was made, or tax collected, in the year one thousand seven hundred and seventy eight, for the purposes intended by the before recited act; Be it therefore enacted, by the authority aforesaid, That the sheriffs and collectors of such counties as have neglected to pay the said tax in the year one thousand seven hundred and seventy eight, shall, and are hereby authorized and empowered to collect such arrears of taxes at the time of their next collection, to the intent and purpose that the whole of the said tax laid by the before recited act, and by this act, may be truly collected and paid in for the purposes aforesaid.

V. AND whereas no provision hath been made for the purchase of one or more lots in the town of Edenton, where upon the said prison may be erected; Be it therefore enacted, by the authority aforesaid, That the said trustees and directors, or a majority of them, be, and they are hereby empowered to purchase one or more lots in the said town for the purpose aforesaid, and to take one or more deeds to themselves in trust, for the use, benefit and behoof, of the State of North Carolina, in so simple, and that such lots be hereafter improved for the purpose aforesaid.

VI. AND whereas it is highly necessary that the said prison be erected as soon as possible, and there may be occasion for money for carrying on and completing the said prison and court-house before the said tax can be collected; Be it therefore enacted, by the authority aforesaid, That the said trustees and directors be, and they are hereby empowered to borrow as much money as they shall think necessary, not exceeding the sum of three thousand pounds, to bear interest at the rate of six per cent. per annum, to be paid as soon as sufficient of the said tax shall be received for that purpose.

VII. AND be it further enacted, by the authority aforesaid, That before the said trustees and directors shall enter upon their said trust, or take into their hands any of the monies aforesaid, they shall enter into bond, in the sum of five thousand pounds, payable to the justices of the county court of Chowan, and their successors, with condition for the faithful discharge of the trusts in them reposed by this act, and the before recited act.

VIII. AND be it further enacted, by the authority aforesaid, That if the taxes arising by virtue of this act, and the before recited act, shall be more than sufficient to complete the purposes herein directed, the surplus thereof shall by the trustees herein named be paid to the court of each county, in proportion to the taxes collected from each of the said counties, and paid by the sheriffs to the said trustees and directors.

IX. AND be it further enacted, by the authority aforesaid, That Adlai Osborne, David Woodson, and John Dunn, or any two of them, be appointed commissioners, to employ workmen to build a new court house in the Town of Salisbury; and that a tax of four pence on every hundred pounds of rated and assessed property be collected this year from the inhabitants of the county of Rowan, and two pence on every hundred pounds rated and assessed property from the inhabitants of each and every other county in the district of Salisbury; which tax when collected, shall be paid to the aforesaid commissioners, and applied to the above purpose.

X. AND be it also enacted, by the authority aforesaid, That John Bradford, Benjamin McCulloch, John Geddy, and Christopher Dudley, or any three of them, be appointed commissioners, to employ workmen to repair the court-house in the town of Halifax; and that a tax of four pence on every hundred pounds of rated and assessed property be collected this year from the inhabitants of the county of Halifax, and two pence on every hundred pounds of rated and assessed property from the inhabitants of each and every other county in the district of Halifax; which tax when collected, shall be paid to the aforesaid commissioners, and applied to the above purpose, the said commissioners to settle their accounts with the assembly of this State.

XI. AND be it further enacted, by the authority aforesaid, That the courts of the new counties made this general assembly shall, at their sessions after the first day of April next, choose a clerk, sheriff, entry taker, and surveyor, for each of the said counties; and that the surveyor appointed for any new county as aforesaid, shall run out all such lands as were entered with the entry taker of the old county before the date of passing this act, and shall make return of their works, with the same power as the surveyor of the old county had.

XII. AND be it further enacted, by the authority aforesaid, That all justices of the peace formerly in the commission of the old county, and now residing in the new county, shall exercise all the powers and authorities thereof as before, until the time appointed by law for holding and qualifying in said new county; and also in lieu of a sheriff to hold an election in said new counties, that any three of said old justices shall appoint some proper person to hold the election for members to represent the said county in general assembly, and make return, which shall be equally valid with a return made by any sheriff; any law to the contrary notwithstanding.

A. D. 1779.

Tax laid.

Collected.

Lo's to be purchased.

Money to be borrowed.

Trustees to give Bond.

Surplus applied.

Commissioners for Salisbury Court-House.

For Halifax Court-House.

Courts to choose officers.

Justices of new Counties.

A. D. 1779.

CHAP. XXV.

An Act for the Regulation of the Town of Newbern, and for other Purposes therein mentioned.

Dreamble.

WHEREAS it is become necessary that sundry laws passed before the declaration of independency, for settling and regulating the town of Newbern, from the change of government, should be amended and continued;

A's confirm-
eds.

II. BE it therefore enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That an act of *Tenals*, passed at Edenton the twenty third of November, one thousand seven hundred and twenty three, intitled, 'An act for the better settling the town of Newbern, in the precinct of Craven; and that the twelfth and thirteenth sections of an act of assembly, passed at Edenton the twenty first day of August, one thousand seven hundred and forty, intitled, 'An act to enable the commissioners herein after mentioned to erect and finish a church in Newbern, in Craven county and parish, in the province aforesaid, and for the better regulation of the said town, and other purposes therein mentioned; and that an act of assembly, passed at Newbern the twenty seventh of September, one thousand seven hundred and fifty one, intitled, 'An act to confirm four lots in Newbern town, lately conveyed to the commissioners for public buildings, for the use of the public for ever; and also the sixth, seventh, eighth, ninth, tenth, eleventh, eighteenth, and nineteenth sections of an act of assembly, passed at Newbern the thirtieth day of September, one thousand seven hundred and fifty six, intitled, '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; and also one other act of assembly, passed at Newbern the nineteenth day of November, one thousand seven hundred and seventy one, intitled, 'An act for amending 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; shall be, and are hereby confirmed, and continued in force and use, and shall be received as evidence in any court of law or equity where suits may be hereafter commenced, for recovery of any lot or lots within the said town, where the titles of such lots may come in question, by any person or persons having a legal claim, and in suing his, her, or their suit for recovery thereof.

Books au-
thenticated.

III. AND be it further enacted, by the authority aforesaid, That the books in which the proceedings of the commissioners were entered, by themselves, or their clerk of the town, relating the elections of commissioners, laying rates, granting and conveying lots, entries of lots, certificates granted, certifying that the same lots had been built on as the law required, and expressed in their commissioners deed, and also the book of entries in which the first entries were made by the treasurer of the town, for all lots to be granted, that the said books, and all the legal proceedings and acts of the commissioners therein entered, agreeable to the acts of assembly above recited, shall be, and are hereby confirmed, and shall be received as evidence in any court of law or equity, where the titles of lots may come in question.

Commissioners
to be chosen.

IV. AND be it further enacted, by the authority aforesaid, That it shall and may be lawful for the freeholders and freemen within the town of Newbern to meet at the court-house in the said town on the second Tuesday in May next, and there to elect by ballot five freeholders of the said town to be commissioners of the same; and the sheriff of Craven county, or his deputy, is hereby required to attend on the same day, at the hour of ten o'clock in the morning, open the poll, and be provided with a small box, into which the tickets shall be put, in the presence of two inspectors; and the returning officer, and each inspector, shall take down in separate lists the names of every person voting, and when the election shall be finished, the returning officer and inspectors shall, in presence of such of the electors as may choose to attend, open the box, and number the ballots, at the same time reading aloud the names of the persons who shall appear in each ticket; and if there shall be two tickets rolled up together, or if any ticket shall contain the names of more than five persons, in either of these cases, it shall not be numbered in taking the ballots, but shall be adjudged void; and in like manner the said sheriff, or his deputy, shall give ten days notice, shall on the second Tuesday in May annually open the Poll, receive the votes, and proclaim the commissioners for the ensuing year, under the penalty of one hundred pounds lawful money of this State for every neglect or refusal of complying with the directions of this act; to be recovered from the said sheriff by action of debt, bill, plaint or information, in any court of record in this State, by any person or persons who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor, the other half to be paid to the treasurer of the town for the use of the said town, to be applied by the commissioners towards the contingent charges of the town; and the commissioners to be chosen and elected, and their names being entered on the journals of the said town, shall, before they enter upon the execution of their office, take the oath of allegiance to the State before some justice of the peace, and also the following oath, viz.

Their Oath.

I A. B. do swear, that I will execute the office of a commissioner for the town of Newbern faithfully, and to the utmost of my power in all things act for the good of the said town, and the well governing thereof, to the best of my skill and judgment, agreeable to law.

Treasurer ap-
pointed.

SO HELP ME GOD.
Which said commissioners, after they have been so sworn, shall proceed to choose one out of their own number to be treasurer of the said town for that year, into whose hands all monies arising or becoming due to the said town shall be paid, and there kept until otherwise disposed of for the benefit and improvement of the said town, as the said commissioners, or a majority of them, shall direct.

To take the
Oath, &c.

V. AND be it further enacted, by the authority aforesaid, That the said treasurer, before he enters upon the execution of his said office, shall take the oath of allegiance to the State before some justice of the peace, and shall give bond, with two sufficient securities, in the sum of one thousand pounds lawful money of the State aforesaid, to the commissioners of the said town, and their successors, for the faithful discharge of his office, and accounting for and paying all monies which may come into his hands, when called upon by the succeeding treasurer or commissioners; which bond the said commissioners are hereby authorized and empowered to take.

VI. AND

VI. AND be it further enacted, by the authority aforesaid, That the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behavior, who before he enters upon the execution of his office, shall take the oath of allegiance to the state, and enter into bond to the commissioners of the said town, and their successors, with two sufficient securities, in the sum of five hundred pounds lawful money of this state, for the due and faithful execution of his office, and the trust reposed in him for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in the said office; and the said clerk is hereby authorized and required to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers, belonging to the said town, which were in the care and possession of the former commissioners; to which books, journals and papers, all persons shall have free access, on paying two shillings, under the penalty of forty shillings for every refusal.

A. D. 1779.
Clerks to be appointed.

VII. AND be it further enacted, by the authority aforesaid, That if any of the said commissioners, before the next annual election, should die, remove out of the county, or refuse to qualify, the remaining commissioners shall elect and choose others in the room and stead of those who so die, remove, or refuse to qualify, as aforesaid; which said commissioners so chosen and qualifying, by taking the oaths as aforesaid, shall have the same powers as the other commissioners have by this act.

Commissioners kept up.

VIII. AND for the better determining who shall be qualified to be elected as a commissioner of the town, be it enacted: That no person shall be deemed qualified to act as a commissioner of the town of Newbern, unless he hath a lot or land therein, with a house on the same, of no less dimensions than twenty four feet long and sixteen wide, with a brick chimney to the same, in his own right in fee, and who shall have beside a visible estate of at least one hundred pounds lawful money.

Qualification of Com.

IX. AND be it further enacted, by the authority aforesaid, That the commissioners and inhabitants shall have free liberty to hold all their public meetings, on all occasions, in the court-house of the said town; and that from and after the passing of this act, it shall and may be lawful for the commissioners of Newbern, or a majority of them, to meet at the court-house aforesaid some time in the month of May or June annually, and when met, shall proceed to nominate and appoint one of their number to receive a list of taxable property for the year ensuing, and give public notice thereof, by a advertisement, to the inhabitants of the said town, to appear before such commissioners to be appointed, and give in upon oath a list of his, her, or their taxable property, which they may own or possess in their own right, or as an executor, administrator, guardian, or in the said town, which oath the said commissioner is hereby authorized and empowered to administer; and the person or persons who shall neglect or refuse to give in his, her, or their list, in manner and form aforesaid, within twenty days after notice given as aforesaid, shall forfeit and pay the sum of forty shillings for each and every neglect, and also shall be liable to pay a double tax for that year; and the commissioner so appointed to receive the list of taxable property, is hereby required to return the said list by him taken to the commissioners, or the treasurer of the town, with out delay; and the commissioners are also required, as soon as convenient, to keep a copy of such lists at the court-house in the said town every year, and that the clerk of the said town shall enter a fair copy thereof in the journals of the commissioners, under the penalty of fifty pounds for every neglect or refusal; to be recovered by action of debt, in the inferior court of Craven county, by any person who will bring suit for the same, one half to the prosecutor, and the other to the commissioners, for the use of the town.

Taxes how collected.

X. AND be it further enacted, by the authority aforesaid, That if the commissioners of the said town shall neglect or refuse to nominate and appoint annually one of their number, agreeable to the directions of this act, to take the said list of taxable property as aforesaid, they shall forfeit and pay the sum of fifty pounds lawful money; to be recovered by action of debt, in the inferior court of Craven county, by any person who will bring suit for the same, one half to the prosecutor, and the other half to the use of the town; and the commissioners of the said town, or a majority of them, are hereby authorized and empowered, some time in the month of July annually, to lay any tax, not exceeding four shillings, on each hundred pounds value of all the taxable property in the said town, for the purpose of defraying the contingent charges thereof; and the said commissioners, or a majority of them, are also empowered and required, some time in the month of July annually, to appoint three freeholders of the said town to assess the value of the taxable property therein; which assessors are hereby required to assess the same in the manner, and under the rules and restrictions, as directed in an act of assembly for assessing taxable property, and collecting public taxes, &c.

Penalty for neglect.

Town Tax.

XI. AND be it further enacted, by the authority aforesaid, That the commissioners, or a majority of them, on the first of January, at the time of laying the town taxes, nominate and appoint a proper person to collect the same, to whom shall be delivered a fair copy of the list of taxable property, and sufficient taken for that year, agreeable to this act; and the person so appointed, before he enters upon the execution of his office, shall before some justice of the peace in Craven county, take the oath of allegiance to the state, and enter into bond, with sufficient security, in the sum of five hundred pounds lawful money of this state, to the commissioners of the town, and their successors, to indicate the person so appointed shall refuse to serve, or fail to give security as aforesaid, the said commissioners shall and may proceed to nominate and appoint any other person who may be willing to act, and enter into bond with security in manner as aforesaid; and the collector so appointed shall, and is hereby empowered, directed and required, to collect the said taxes, and pay the same to the treasurer of the said town, on or before the tenth day of October in every year, after deducting four per centum commissions for his trouble in making the said collection; and if any such collector shall neglect or refuse to account for on oath, and pay the several taxes wherewith he is chargeable according to the directions of this act, after deducting his commissions, it shall and may be lawful for the superior court of Newbern district, or the inferior court of Craven county, on motion of the commissioners, or the majority of them, or on motion of the treasurer of the town on their behalf, to give judgment against such collector and his securities for all monies wherewith he shall or may be chargeable to the town with

Collector appointed.

A. D. 1779. with costs of suit, and thereupon to award execution against the body, or against the goods and chattels, lands and tenements, of such collector, and his securities. Provided always, That the collector shall have ten days previous notice of such motion.

Pen. for non-payment. XII. AND be it further enacted, by the authority aforesaid, That if the inhabitants of the said town, or others, being liable by this act, shall neglect or refuse to pay the said tax on or before the tenth day of September in every year, it shall and may be lawful for the collector to levy the same by distress and sale of the offenders goods and chattels, and shall take and receive for his trouble thirty shillings for each distress, and no more; and after deducting the taxes due, and fee for distress, the overplus of the goods and chattels sold shall be returned to the owner.

Commissioners incorporated. XIII. AND be it further enacted, by the authority aforesaid, That the commissioners of the town so chosen, and being qualified agreeable to the directions of this act, shall be, and are hereby incorporated into a body politic and corporate, by the name of the commissioners of Newbern, and by that name to have annual succession, by the election of the freeholders and freemen of the said town, as by this act is before directed, and a common seal; and that they, and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, enjoy, possess and retain, to them and their successors, for ever, in trust and confidence for the said town, any lands, rents, tenements and hereditaments, of what kind, nature, or quality soever; and also to grant, sell, demise, alien, or dispose of the same, also to receive and take any gifts or donations whatsoever to the said town; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever; and from time to time, and at all times hereafter, under their common seal, to make such rules, orders, regulations and ordinances, as to them shall seem meet, for repairing the streets, erecting public wharfs, appointing market places, and regulating the same, erecting public pumps, and keeping in repair those already erected, appointing town watches or patrols, and making proper allowances for such services, and for all such other necessary ordinances, rules and orders, which may tend to the advantage, improvement, and good government of the said town; and the same rules, regulations and ordinances, from time to time to alter, change, amend or discontinue, as to the said commissioners, or a majority of them, shall appear necessary, and to answer the purposes intended for regulating and governing the said town; and also that they shall and ample power to force a compliance and observance to such necessary regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding the sum of five pounds current money for every refusal or neglect; to be recovered by warrant under the hand and seal of some justice of the peace of the county of Craven, directed to the sheriff, deputy sheriff, or town constable, to summon such delinquent to appear before such justice at a certain day mentioned in the said warrant, and on conviction, the said justice is hereby required to give judgment and award execution, which the said officer is hereby required to execute, by distress and sale of the offenders goods and chattels; which fine when levied and received, shall be paid into the hands of the treasurer of the town, who is to receive the same as part of the common stock of the town, and by him to be accounted for; and the commissioners, or a majority of them, are hereby invested with full power and authority to lay out and appropriate all monies which shall be paid into the treasury of the said town by virtue of this act, as they shall think most for the good of the said town.

Town Books to be kept. XIV. AND be it further enacted, by the authority aforesaid, That the commissioners shall provide a book, in which an account shall be kept of all monies by them received and expended, and once in every year a transcript thereof shall be by the commissioners made out, and set up in the court-house, for the satisfaction of the inhabitants of the said town, under the penalty of twenty pounds lawful money of this state for every neglect or refusal; to be recovered in the inferior court of Craven county, by any person who shall sue for the same, by action of debt, bill, plaint, or information, one half to him or them who shall sue for the same, the other to the benefit of the town, to be paid to the treasurer thereof.

Plan confirmed. XV. WHEREAS at an assembly, begun and held at Newbern the nineteenth day of November, one thousand seven hundred and seventy-one, an act was passed, intitled, "An act for amending an act, intitled, 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," which said recited act directed and required the commissioners of the town of Newbern to lay out a street in the said town from the North side of Pollock-street, at right angles with the East and West corners of the North front of the palace to the bounds of the town, which street so laid out shall be called and known by the name of George-street, and that the street called Eden-street, from Pollock-street Northward, be thenceforth discontinued; and that the said commissioners, after having so laid out the said George-street, and set up marks at the corners of the several squares in the said town, shall make, or cause to be made, a fair and accurate plan of the said town. And whereas the commissioners did proceed in virtue of the said act of assembly to lay out the said street called George-street, and have also made a fair and accurate plan of the said town, with proper descriptions, and set up marks at the corners of the several squares, as the above recited act directs, which plan, and one copy thereof made on parchment, have been laid before this present assembly: For confirmation thereof, Be it enacted by the authority aforesaid, That the said plan shall ever hereafter be deemed the true plan of the said town, and shall be lodged in the registers office of the county of Craven, and one copy thereof lodged with the clerk of the said town, by him to be safe kept, and that all persons may have free access thereto on paying of two shillings for each inspection; and if the said clerk should refuse or neglect to shew the said plan to such persons as shall require the same, on paying the fee aforesaid, he shall for every such refusal or neglect forfeit and pay the sum of forty shillings, to be recovered by the party requiring the same, by a warrant before any justice of the peace with costs.

Beginning ascertained. XVI. AND in order to ascertain the true beginning, Be it further enacted, that the south west corner of the church, lot number sixty-six, where stands a stone fixed in the ground, so as to make the course from the corner of the church above the water-table of the same to bear South sixty-two degrees West, twenty-eight feet nine inches, to the said stone, which shall for ever hereafter be deemed the proper beginning of the plan of the said town.

XVII. AND

XVII. AND be it further enacted by the authority aforesaid, That in case any part of the houses, fences, or other improvements, belonging to any of the inhabitants of the said town, shall appear to be in the streets of the said town, or any part of the lots of other inhabitants thereof, occasioned by running the streets agreeable to the aforesaid plan; then, and in that case, the proper owner of any such houses, fences, or other improvements, shall and may have his option, either to remove such improvements, or to use, occupy, or possess the same, as heretofore. Provided, all such owners shall not amend or repair such fences, any thing in this act to the contrary notwithstanding.

A. D. 1779.

Proviso for Houses, &c. in the Streets.

XVIII. AND whereas by an act of assembly, passed at Newbern the fifth day of December, one thousand seven hundred and sixty-seven, intituled, "An act for investing certain lots in the town of Newbern in his excellency the governor, and his successors," in the fifth section of the said recited act it appears that part of the Front-Street, from Metcalf to Edes-Street, being the fourth front of the palace, was then vested in the governor, which has been prejudicial to many of the inhabitants of the town, by means of that part of the street being stopped, which obstruction has been much complained of: For remedy whereof, Be it enacted by the authority aforesaid, That it shall and may be lawful for the Commissioners of the town, or a majority of them, to cause that part of the said street, which by the said recited act was vested in the governor, to be again opened for the benefit of the public, in the same manner as any other street of the town, any law to the contrary notwithstanding; and that so much of the said recited act as comes within the purview of this act, is hereby repealed and made void. Provided always, the opening the said street from the fourth side of the street to the north-side, on the bounds of the palace square, shall be done at the proper cost and charges of the town by the commissioners.

Street opened.

XIX. AND be it further enacted, by the authority aforesaid, That all that part of the front of the town of Newbern aforesaid, commonly called Union Point front, beginning at the angle made by the intersection of the south side of Front street of Trent river, and the east side of Front street of Newbern, running with Front street easterly to the channel of Neuse river, then down Neuse river channel to the mouth of Trent river channel, then with Trent river channel to the eastern side of Front street, then with said street to the beginning, shall be, and is hereby vested in the commissioners of the said town of Newbern to be elected in virtue of this act and their successors, for ever, to and for the use of the said town; and that the said commissioners, and their successors, for ever, shall and may take and receive the rents, issues, and profits of the said street, for the use of the said town, and to and for no other use, intent or purpose, whatsoever.

Front inv. vested in com. missioners.

CHAPTER XXVI.

An Act to lay off and establish a Town near Chatham Court House on the Plantation and Land formerly the property of Ambrose Edwards, now entered in the Land Office by Ambrose George, in said County.

I. WHEREAS Representation hath been made to the General Assembly, that the Inhabitants of Chatham County are very desirous of having a Town laid off and established on the said Plantation and Land, being a healthy, pleasant situation and well watered, which from the many Neighbouring Inhabitants and rich and extensive Settlements would be a very proper and convenient place for that purpose, was the same established by lawful Authority, which would encourage Merchants, Traders and Artificers to become settlers therein, and thereby would greatly promote an inland Trade, greatly to the Benefit of the Western Inhabitants of this State.

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 Two Hundred Acres of the said Land including the Plantation aforesaid, be laid out for a Town and Town Common, and be established by the name of Chatham, and that *John Hayner, Edmund Waddell, Matthew Jones, Mal Scurlock, James Williams, and John Ramsey*, from and after the passing of this Act, be, and are hereby appointed and constituted Commissioners and Trustees for laying out, building and carrying on the said Town, and they or a majority of them shall, as soon as may be after the passing of this Act, cause the said two Hundred Acres of Land to be laid off into two Hundred Lots of half an Acre each with convenient Streets, and the remainder to be reserved as a Town Common for the use of the said Town, and that a Majority of the said Commissioners and Trustees shall have full power and authority to meet as often as they shall think necessary, and cause a plan of the said Town to be made, and therein mark or number each lot in the several squares thereof; and from and after the passing of this Act, they and each of them shall have full power to take Subscriptions for the said Lots, of such Persons as shall be willing to subscribe for the same, and when the said Town shall be fully subscribed for, the said Commissioners shall appoint a day and give Public Notice thereof for the drawing of the said Lot, which shall be done by Ballot in a fair and open manner by the direction, and in the presence of a Majority of the said Trustees, and such subscriber shall be entitled to the Lot which shall be drawn for him and correspond with the mark or number contained in the plan of the said Town, and the said Commissioners are hereby empowered to grant good and sufficient Titles in fee simple to the said Lots at the Cost of each Subscriber. Provided nevertheless, that every Grantee, his Heirs or assigns, of any Lot in the said Town so conveyed shall within five Years next after the date of the conveyance of the same, erect, build and finish on the said Lot so conveyed, one Brick, Stone, or well framed House of the Dimension of Twenty feet long and Sixteen feet wide, and Ten feet high in the clear at least, with a Brick or Stone Chimney, and if the owner of any Lot shall fail to comply with the directions herein prescribed, for building and finishing a House thereon, then such Lot upon which such House shall not be built and finished as aforesaid shall be vested in the said Commissioners and Trustees, and they or a Majority of them shall and are hereby authorized to sell (on Public Notice not given) such Lot to the highest Bidder, to whom shall be Granted and Conveyed such Lot, under the like Regulations and restrictions as the same was before Granted, and the Money arising from such Sale to be applied by the Trustees aforesaid or a Majority of them for the Benefit and Improvement of the said Town.

Town laid off.

III. AND be it further Enacted, by the Authority aforesaid, That each respective Subscriber for any Lot in the said Town, shall at the time of Drawing for the said Lot pay unto the hands of the said Commissioners

Price of Lots.

A. D. 1779.

Commissioners kept up.

Commissioners, the sum of Ten Pounds and one Dollar, and the said Commissioners are hereby directed to pay to the present proprietor the said sum of Ten Pounds for each Lot drawn for, at the time the said Proprietor relinquishes his Title to the same, and that the Dollar to be paid on each lot kept in the hands of the said Commissioners to pay the contingent Charges of laying off and erecting the said Town.

IV. *BE it Enacted by the Authority aforesaid*, That in case of the refusal, Death or removal out of the County of any of the said Commissioners, the surviving Commissioners and Trustees, or a Majority of them assembled together, shall and are hereby empowered to appoint from time to time by Instrument in Writing under their Hands and Seals, some other Person being a Freeholder in the said Town and County, in the place of him so refusing, dying or removing out of the said County, which said Instrument of Writing shall be recorded in the County Court and registered in the Registers office, which new Trustee so appointed, shall thenceforth have the like Power and Authority in all matters and things herein contained, as if he had been expressly named and appointed by this Act.

C H A P. XXVII.

An Act for erecting a Court House, Prison and Stocks, in Brunswick County, and other purposes.

Preamble.

Court House to be built.

Tax laid.

Court when held.

I **W**HEREAS a Court House, Prison and Stocks, in Brunswick County, is absolutely necessary for the convenience of the Inhabitants thereof,

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 Goy, Edward Wiggins, and Samuel Leonard be, and are hereby appointed Commissioners, for the purposes 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, Prison, and Stocks, for the use of the County of Brunswick, at or near Lock-Hole-Fall Bridge. And that in case of the Death, removal, or refusing to act, of any of the aforesaid Commissioners, that the other Commissioners, or a Majority of them, shall have Power to appoint others, to act in their stead, and that the Commissioners so appointed shall have the same Power as those appointed by the General Assembly.

III. *AND be it further Enacted, by the Authority aforesaid*, That a Tax not exceeding the Sum of One Shilling and Six Pence, on every Hundred Pounds value of Taxable property in the said County, and the like Sum on every Person liable to pay Tax in the said County, who is not possessed of One Hundred Pounds value, to be paid annually, for the term of three Years, and to be collected by the County Collectors, at the same time, and in the same manner that the Public Tax shall be collected; and shall be by them paid into the Hands of the Commissioners, or either of them, who shall be accountable to the County Court of Brunswick for the Sums which they shall have received; and the Balance, if any after completing the aforesaid Buildings, shall go towards defraying the County Charges.

IV. *AND be it further Enacted, by the Authority aforesaid*, That from and after March next, the Court for the said County be held at John Bell's until the Court House shall be built.

C H A P. XXVIII.

An Act for annexing part of Halifax County to Edgecombe and other purposes.

Preamble.

County Lines.

Land surveyed.

Commissioners for running the Lines.

County Lines.

I. **W**HEREAS the lower Corner of Halifax County that lies next to Fishing Creek is much more convenient to the public Buildings of Edgecombe County than to those of Halifax; for Remedy whereof,

II. *BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same*, That from and after the passing of this Act all that part of Halifax County lying below a Line beginning at John Wall's and Drewry Creek's dividing Corner Tree on Fishing Creek, then along said Wall's Line to the back Corner, thence a direct Line as near as may be to the Fork of the Marsh-Swamp at or near Matthew Parker's, then down said Swamp to Drop-Creek, and across said Creek to the Mouth of the Indian Branch, then the various Courses of said Branch to the Martin County Line, shall be held and deemed Part of the County of Edgecombe, and the Inhabitants thereof shall be under the same Rules and Restrictions, as the other Inhabitants of Edgecombe are.

III. *PROVIDED nevertheless*, That nothing herein contained shall be construed to be to bind any former Sheriff, Collector or Tax-Gatherer from collecting his or their Taxes in the same manner as if this Act had never been made.

IV. *AND* whereas several of the Inhabitants of that Part of Halifax County, that by this Act is annexed to Edgecombe have entered Land in the Entry Office of Halifax,

V. *BE it therefore Enacted by the Authority aforesaid*, That where any Person shall have entered Land as aforesaid, the Entry Taker of the County of Halifax is hereby empowered and directed to make out Warrants and Orders of Survey and direct them to the Surveyor of Edgecombe County, which said Surveyor is hereby ordered and empowered to survey said Land, to take the same Fees, and make the same Transmittance thereof, as if the same had been entered in the Entry Office of Edgecombe.

VI. *AND be it further Enacted by the Authority aforesaid*, That Major Isaac Sessoms, William Hackney, John Whitaker and Benjamin Dickins, be appointed Commissioners, and they or a Majority of them are hereby empowered and required to run the dividing Line between the Counties of Halifax and Edgecombe agreeable to the Directions of this Act; which said Line when run by the Commissioners aforesaid, shall be by them entered on Record in each of the said Counties of Halifax and Edgecombe.

VII. *AND* whereas that part of the dividing Line between the Counties of Edgecombe and Pitt on the North-Side of Tar-River (as by Law directed) has never been run,

VIII. *BE it therefore Enacted by the Authority aforesaid*, That Jacob Little, Amos Adkinson and Charles Walderfen are appointed Commissioners, and they are hereby empowered, and directed to run said

said Line, beginning on *Martin County Line* as near as they conveniently can in a direct Course between the dwelling House of *William Jackson* and the Mouth of *Cheeks-Run* on *Far-River*, then a straight Course to the Mouth of said *Cheeks-Run* on said River, which Line when run by the Commissioners or a Majority of them, agreeable to the directions of this Act, shall be by them entered on Record in each of the Counties of *Edgecombe* and *Pitt*.

A. D. 1779.

C H A P. XXIX.

An act for establishing an Academy in the neighbourhood of Hillsborough.

I. WHEREAS the proper education of youth in this state is highly necessary, and would answer the most valuable and beneficial purposes to this state, and the good people thereof; and whereas the neighbourhood of Hillsborough, from the healthiness of its situation, and the great plenty of provision, with which it abounds, is a fit and proper place to erect a seminary; and whereas a number of gentlemen have, in order to promote and encourage such a valuable and beneficial establishment as the erecting of a seminary at the place aforesaid, subscribed very considerable sums, which, together with what sums may be subscribed, will be sufficient to answer all the expences attending the same;

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 *William Hooper*, *Alexander Martin*, *John Kinchen*, *Thomas Burke*, *Thomas Hart*, *Nathaniel Rochester*, *James Hogg*, *William Johnston*, esquires, and the reverend *Mr. Frazier*, be and are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession all monies which have already been subscribed, or which shall be hereafter subscribed for the purpose of erecting a seminary in the neighbourhood of Hillsborough, and to ask for and demand of the several subscribers all sums by them respectively subscribed, and in case of refusal by any of them to pay the same, to sue for and recover by action of debt, in the name of the said trustees, the sum which the person so refusing shall have subscribed, in any jurisdiction having cognizance thereof; and the said monies when by them collected and received, to be applied to the uses and purposes herein mentioned, viz. That the said trustees, or a majority of them, shall immediately after the ratification of this act, meet in the town of Hillsborough, and make choice of some convenient and suitable place in the neighbourhood of said town to erect the aforesaid seminary, and to contract for and purchase the same, after such purchase made, to employ persons to build suitable and convenient houses, to contract with and employ tutors, and to perform every act or acts, thing or things, which they shall think necessary for the advancement and promotion of the said seminary.

Trustees appointed.

III. AND be it further enacted, by the authority aforesaid, that the said seminary shall be, and it is hereby declared to be an academy, by the name of *Science-Hall*.

Science-Hall.

IV. AND be it further enacted, by the authority aforesaid, that the said trustees of the academy of *Science-Hall* shall be, and are hereby declared to be invested with the same rights, powers, privileges and immunities, to all intents and purposes whatsoever, as the trustees of the academy of *Liberty-Hall* are invested with, by an act of general assembly of this state, passed at Newbern on the eighth day of April, one thousand seven hundred and seventy-seven, intituled "An act for incorporating the president and trustees of *Liberty-Hall*, in the county of *Mecklenburg*:" And the said academy shall be, and is hereby declared to be under the same rules, regulations and restrictions, as the said academy of *Liberty-Hall* is by the said act.

Powers of the Trustees.

C H A P. XXX.

An act to invest the property of a bridge or causeway in Gideon Lamb, his heirs and assigns, (by him already built through the great Dismal-Swamp, from Lebanon to Camden county) for the term of twenty-five years.

I. WHEREAS a bridge or causeway through the great Dismal-Swamp, from Lebanon to Camden-county, is much for the convenience of travellers, and of public utility, and *Gideon Lamb* having already built one at a considerable expence, only aided by a small subscription of the adjacent inhabitants, who consent and petition that he should be allowed the privilege of taking and receiving from travellers (foot passengers excepted) such rates as the courts of Pasquotank or Camden county shall, from time to time, direct for crossing *Relfe's-ferry*; and petitioning to be invested with the sole property of the said bridge or causeway for the space of twenty-five years;

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 it shall and may be lawful for the said *Gideon Lamb*, his heirs or assigns, to keep a sufficient gate on the bridge or causeway built by him through the great Dismal-Swamp, from Lebanon to Camden county, and take and receive from all persons that shall pass over the same (foot passengers excepted) such rates as the courts of Camden and Pasquotank counties shall direct, to be paid at the same time by passengers crossing Pasquotank river, at *Relfe's-ferry*, being the same distance, for and during the space of twenty-five years and no longer.

Bridge invested.

III. AND be it further enacted, that during the time the said bridge or causeway shall be kept in sufficient repair, and fit for travellers and carriages to pass and re-pass the same, it shall not be lawful for any person whatsoever to build any bridge or causeway, or set any person

No other Bridge.

A. D. 1779. for or persons, carriage or carriages, cattle, hogs, or sheep, over the said swamp, for fee or reward, within one mile of the said bridge or causeway, during the time aforesaid, under the penalty of fifty pounds, proclamation money, for each and every offence; to be recovered by the said Gideon Lamb, his heirs, executors, administrators or assigns, in any court of record in the said state, to be applied to the use of the proprietor of the bridge built by the said Gideon Lamb; and during the said time, the right and property of the said bridge or causeway is hereby vested in the said Gideon Lamb, his heirs, executors, administrators or assigns.

C H A P. XXXI.

An Act to empower the County Courts of Martin and Tyrrell to lay a further Tax for defraying the Expence of the Public Buildings in said Counties.

Preamble. I. **W**HEREAS by an Act of the General Assembly Passed at Newbern the nineteenth day of March, one thousand seven hundred and seventy-four, entitled, an Act for Erecting Part of the Counties of Tyrrell and Halifax into one distinct County by the Name of Martin, and for other purposes therein mentioned; and Whereas the Tax laid by the said Act is found insufficient to defray the Expence of the Public Buildings of the Counties of Martin and Tyrrell aforesaid,

Tax laid. II. *BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same,* That the County Courts of Martin and Tyrrell be authorized and empowered to lay a Tax for one Year not exceeding two shillings, to be levied on every hundred pounds value of all the Taxable Property of the said Counties of Martin and Tyrrell, and a poll tax not exceeding two shillings on every taxable Person in the said Counties of Martin and Tyrrell, that is not possessed with taxable property to the amount of one hundred pounds; which tax shall be collected in the same manner as other public taxes; and such Tax when collected, shall be paid into the hands of the Commissioners of the respective Counties of Martin and Tyrrell, appointed in the above recited Act, and be by them applied towards paying the workmen employed to complete the Public Buildings of the said Counties; and the surplus (if any) shall be paid to the Courts of each of the said Counties, and be by them applied towards defraying the contingent charges thereof. *Provida nonobstante,* That it shall and may be lawful for the County Courts of Tyrrell and Martin aforesaid, to make such further allowance to the persons who undertook and completed the aforesaid Public Buildings as they may judge reasonable and necessary, exclusive of the sums they contracted and agreed for; any thing in this, or the before recited Act to the contrary, notwithstanding.

C H A P. XXXII.

An Act to empower the Court of Bertie County to levy a further Tax for Compleating the public Buildings of said County.

Preamble. I. **W**HEREAS by an Act of Assembly for that purpose made and provided, the Justices of the County Court of Bertie were empowered to appoint Commissioners to agree and contract with a Workman or Workmen for erecting and compleating the public Buildings of said County, in pursuance of which Commissioners have been appointed, who contracted with a certain *Thomas Rhoads* for the purpose aforesaid, who from the unforeseen Consequences of the present War, and the great depreciation of the present Currency, is like to be greatly distressed by complying with the said Contract unless a further allowance be made him;

Tax laid. II. *BE it therefore Enacted by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the Authority of the same,* That a further Tax of Two Shillings and Six Pence be levied on every hundred pounds value of taxable Property in said County, and a poll tax of Two Shillings and Six Pence on every Person in said County not possessed of taxable property to the value of One Hundred Pounds, for the space of two Years; which Taxes shall be collected and accounted for in the same manner as other County Taxes, and shall be paid into the Hands of the Commissioners, and by them appropriated towards making such further Allowance to said *Thomas Rhoads* as they shall deem equitable and just, for compleating the Buildings aforesaid; and the surplus, if any, shall be by the Court of said County applied towards defraying the contingent Charges thereof.

Read three times, and ratified in general assembly, the twelfth day of February, anno domini one thousand seven hundred and seventy nine.

SIGNED BY

ALLEN JONES, S.S.
THO. BENBURY, S.H.C.