

T H E

ACTS OF ASSEMBLY

OF THE STATE OF

NORTH-CAROLINA.

STATE OF NORTH CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Smithfield on the third day of May, in the year of our Lord 1779, and in the third year of the independence of the said state: Being the first session of this assembly.

CHAP. I.

An Act for raising regular forces for the defence of this and the neighbouring states, and for other purposes.

L 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 any men of the militia who shall, on or before the first day of July next, enlist one able bodied man into the continental service for the space of eighteen months, or a longer period, they shall during the time of such enlistment be cleared from all military duties or debts whatsoever, except when this state shall be invaded, or in case of domestic insurrection; but to entitle themselves to this exemption, they shall by their own oaths, and likewise by the oath of an independent person, prove such enlistment to have been *voluntarily* made, agreeable to the true intent and meaning of this act, and shall likewise produce in proof from the colonel or commanding officer of any county within this state, a receipt for such soldiers to him actually delivered; which requisites being performed, the field officers of the county in which they reside are hereby ordered and directed to grant them a discharge, under the penalty of forfeiting one thousand pounds each for every refusal, to be recovered in any court of record having cognizance thereof by the parties grieved, and applied to their own use: And the field officers of any county within this state, who shall grant a discharge to any person or persons contrary to the directions of this act, shall forfeit five hundred pounds each for every offence, to be recovered by any person suing for the same, and applied to his own use; and each of them shall be for ever after incapable of holding any office, either civil or military, within this state.

Militia to enlist men.

I I. AND be it further enacted, by the authority aforesaid, That the colonel or commanding officer of any county to whom such enlisted soldiers shall be delivered over, shall cause such soldiers to be marched to a place of rendezvous within the county in which such officer shall command; and the governor of this state is hereby empowered and directed to appoint such place of rendezvous, and to direct one or more officers of his regular troops to give attendance and receive such recruits.

To march to the place of rendezvous.

I II. AND be it further enacted, by the authority aforesaid, That the captain of each respective company, or any other person or persons by him or them authorized, shall have full power and authority, and are hereby expressly required and commanded, to apprehend and secure every person of the nine months regulars, as also of the three months militia, or any other deserter from the regular service, who have deserted or refused to march in either of the services aforesaid, which they shall know to be lurking within the limits of their command or elsewhere, and shall for that purpose take to his or their assistance so many of their company as he or they shall think necessary; and every person who shall refuse or neglect, when called upon, to aid and assist in apprehending such deserter or delinquent, for every such offence shall forfeit the sum of fifty pounds, to be recovered by warrant under the hand of the commanding officer, and applied to the use of the county.

Deserters to be apprehended.

I V. AND be it further enacted, by the authority aforesaid, That in case two thousand men should not be raised agreeable to this act before the first day of July next, that then, and in that case, the governor, with the advice of the council, shall be empowered to embody a number of militia equal to the deficiency; and such deficiency shall be made up from all the counties of the state, proportionably to the numbers which they shall have furnished by enlistment under this act, and with a respect to the number of which they may be delinquent of their respective portions of the whole two thousand.

Militia to be drafted.

V. AND

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Pay, bounty,
&c.

Subject to the
Articles of war.

V. AND be it further enacted, by the authority aforesaid, That the militia so to be embodied shall be intitled to the same pay, bounty and rations, as the militia now in service in the southern states, and shall be subject to perform the same duty, and serve the same space of time, and subject to the like rules and regulations; and all drafts which may be made shall be agreeable to the militia law, and the practice heretofore had under it.

VI. AND be it further enacted, by the authority aforesaid, That all soldiers intitled by virtue of this law shall be subject to the articles of war which are binding upon the continental army, and shall incur similar pains and penalties for similar offences; and every soldier intitled shall sign articles of enlistment, agreeable to the continental regulation.

CHAP. II.

An Act for emitting money for defraying the expence of the war, and for other purposes.

Preamble.

I. WHEREAS this State has incurred debts by raising men to reinforce the battalions thereunto belonging in the army of the united states, upon the particular requisition of congress, for the payment of which debts the public faith stands pledged, and that a further sum should be emitted to carry on the operations of the war;

Money to be emitted.

II. BE it therefore enacted by the general assembly of the state of North Carolina, and by the authority of the same, That one half of a million of pounds be emitted on the faith and credit of this State, in bills of the following denominations, that is to say, One thousand bills of two hundred and fifty dollars each, one thousand bills of one hundred dollars, two thousand bills of fifty dollars each, fifty thousand bills of twenty five dollars each, ten thousand bills of twenty dollars, twenty thousand bills of ten dollars each, and twenty thousand bills of five dollars each; that the same be printed and numbered, and that Henry Rhoads, Daniel Grant, and Mennan Hunt, be appointed commissioners to superintend the printing the same, and that Thomas Perkin and John Hunt be commissioners to receive the same when printed and numbered, to sign the same, and pay it into the hands of the public treasurers.

Form of the bills.

III. AND be it further enacted, by the authority aforesaid, That the general form of the bills hereby emitted shall be as follows, to wit, State of North Carolina. This bill entitles the bearer to receive Spanish milled dollars, or the value thereof in gold or silver, agreeable to an act of assembly passed at Smiths River the fourth day of May, one thousand seven hundred and seventy nine. And such bills shall be impaled and printed both in the face and reverse thereof, on the edges as well as the body thereof, with divers letters, marks, devices, and words, which may be difficult of imitation, and which in the opinion of the said superintendants of the press may most effectually secure the same from attempts of counterfeiters.

Valuation of the money.

IV. AND be it also enacted, by the authority aforesaid, That every dollar of the emission aforesaid shall be held and deemed equal to eight shillings proportionate money, and shall pass current at the same, and be a lawful tender in all payments and contracts within this state; any law, usage or custom, to the contrary, notwithstanding.

To be signed.

V. AND be it further enacted, by the authority aforesaid, That at the superintendants shall deliver to the signers a sum, not exceeding one hundred thousand pounds at one time, taking a receipt for the numbers, from the lowest to the highest in his list, and shall deliver no more to the said signers until a receipt shall be produced from some one of the public treasurers for the same number duly signed.

Commissioners to take an oath

VI. AND be it also enacted, by the authority aforesaid, That every commissioner appointed by this act to superintend, number, and sign and pay the said bills of credit to the public treasurers, shall take an oath well and truly to execute the duties and discharge the trust by this act required; and each and every commissioner shall enter into a bond to the governor, with sufficient security, to be by him approved, in the sum of two hundred thousand pounds, for the due performance of the duties and trust by this act required.

Allowance to superintendants.

VII. AND be it further enacted, by the authority aforesaid, That each and every commissioner for superintending and numbering the said bills of credit shall have and receive five hundred pounds each, and the commissioners for signing and paying the same to the public treasurers shall have and receive ten dollars for every thousand bills which they shall respectively sign, over and above the expence of paper and printing.

To employ a printer, &c.

VIII. AND be it also enacted, by the authority aforesaid, That the commissioners for superintending the said bills of credit shall be empowered to purchase paper and materials, and to employ a printer to print the said bills, and may draw on the public treasurers, or either of them, for the monies necessary for the same, and their drafts shall be admitted as vouchers in the settlement of the said treasurers public accounts.

Where to meet

IX. AND be it further enacted, by the authority aforesaid, That the commissioners herein before appointed for superintending the press, and signing the money, shall meet at Kingston on the second day of June next, to consult and agree upon measures for procuring paper, and carrying this act into execution; and that the said commissioners shall begin to print and sign the said bills of credit to be by this act emitted, on or before the tenth day of July next.

Pen. for counterfeiting.

X. AND be it also enacted, by the authority aforesaid, That whosoever shall by printing, writing, engraving, or by any other ways or means, counterfeit, or attempt to counterfeit, any of the said bills of credit by this act, or any former act, or pretended to be emitted; or any of the bills of credit of the united states, or any of them, or any of the certificates, or any part, word, letter, name, emblem, or device of the same; or shall make or contract any die, press, type, or other instrument, for imitating or counterfeiting any of the said bills, or any part, word, letter, name, emblem, or device thereof, or shall alter or deface any of the said bills, with intention to change the value or denomination thereof; or shall alter or deface any of the said bills, with intention to change the value or denomination thereof; or shall knowingly pass or utter any counterfeit likeness of any of the said bills, being the result of a lawful conviction, by a lawful jury, or a verdict, or on arraignment or trial shall stand mute, or shall engage peremptorily more than three five jurymen, every such person shall receive judgment of death without benefit of clergy, and shall suffer as in cases of felony.

Evidence sufficient.

XI. AND be it further enacted, by the authority aforesaid, That where it shall appear by due proof to the satisfaction of a jury, that any person has printed, written, stamped, or by any ways or means

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made any bill or bills in the likeness of any of the bills of credit by this or any former act emitted, or any loan office certificates, or any of the bills of credit of the united States, or any of them, or any part of the same, although such bill, bills or certificates, cannot be produced in evidence, it shall be held and deemed sufficient testimony to convict such person of counterfeiting under this act; any law, usage or custom, to the contrary, notwithstanding.

Commissioners kept up.

XII. AND be it also enacted, by the authority aforesaid, That if any commissioner appointed by this act to sign the said bills of credit, or to superintend and number the same, shall die, refuse to act, or resign, remove, or become disabled or disqualified, it shall and may be lawful for the governor to appoint one in his stead; and such commissioner shall give bond, and be subject to the same rules and regulations, as commissioners appointed by this act.

Types to be destroyed.

XIII. AND be it further enacted, by the authority aforesaid, That previous to the superintendants entering upon the business of printing the said bills of credit by this act directed to be emitted, they shall take an oath to break and destroy the types, in such manner as to prevent any frauds or impositions.

Treasurers to receive the money.

XIV. AND be it further enacted, by the authority aforesaid, That the public treasurers of this state, or some one of them, shall, and they are hereby directed, to attend at the place where the aforesaid money shall be struck, to receive the same from the signers.

Militia may be embarked.

XV. AND be it further enacted, by the authority aforesaid, That it shall and may be lawful for the governor, with the advice of the council of state, to order any number of the militia, not exceeding two thousand one hundred men, to be embarked agreeable to the directions of the militia act, and marched to the assistance of the commonwealth of Virginia, if the same should be invaded by the British forces; or that the state is in great danger of becoming the seat of war.

Continuance in service.

XVI. PROVIDED, That the militia to march either to Virginia or South Carolina, shall not be compelled to continue in the service longer than three months from the time of passing the limits of the state, and that they shall receive the same pay and bounty as by law allowed to the militia of this state now in the service of South Carolina.

CHAP. III.

An act to amend an act, entitled, An act for levying a tax for defraying the contingencies of the several counties in this state, and other purposes.

Preamble.

I. WHEREAS it is found by experience that the tax of one shilling only on every hundred pounds value of taxable property in this state levied by the said act, is far inadequate to the purposes aforesaid;

Tax laid.

It is therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That for the future an annual tax, not exceeding five shillings every hundred pounds value of taxable property in this state, be levied for the purposes aforesaid, which value shall be assessed, and tax collected, in the same manner, and under the same rules, regulations, restrictions and allowances, as made and directed in levying and collecting public taxes; and the sheriffs or each respective county in this state are hereby ordered and required to collect the aforesaid tax, or so much in red as the county court in each respective county shall order and direct, and pay the same into the hands of the treasurer on or before the first day of April annually.

Repeal clause.

III. AND be it further enacted, by the authority aforesaid, That every freeman in this state of the age of twenty one year, 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 that year on ten hundred pounds, which shall be collected and accounted for as other taxes mentioned in this act. Provided nevertheless, That married men who are not possessors of one hundred pounds taxable property, shall pay annually, in lieu of assessment, a poll tax equal to the tax for that year of one hundred pounds only.

Poll-tax.

IV. AND be it further enacted, That so much of the before recited act, as comes within the purview and meaning of this act, is hereby repealed and made void.

Warrants issued in Warrenton.

V. AND be it enacted, by the authority aforesaid, That it shall and may be lawful for the entry taker of Bute county, when the time should be, to issue warrants for all lands in Warren county, which have been entered with the said entry taker before the division of Bute county.

Such lands how surveyed.

VI. AND be it further enacted, by the authority aforesaid, That it shall and may be lawful for the late surveyor of Bute or Warren county, as it stood undivided, to survey all lands which were entered with the entry taker of said county before the division thereof, in that part which is now called Warren, and that he be intitled to the same fees as other surveyors in this state.

Surveyors fees.

VII. AND be it enacted, by the authority aforesaid, That from and after the passing of this act the several county surveyors in this state shall have and receive for every survey of three hundred acres of land or upwards by them hereafter made, the sum of twelve dollars and a half, and for every survey under three hundred acres, seven dollars and a half, current money, and no more; any law to the contrary, notwithstanding.

Pen. for not working on roads.

VIII. AND whereas the fines on persons for neglect or refusal to work on public roads are found too small by law; for remedy whereof, be it further enacted, by the authority aforesaid, That if any person or persons, who are not exempted from working on public roads, shall after the passing of this act neglect or refuse to work on any road which he is bound by the court to do, after having legal notice served on him, he shall forfeit and pay to every hand he or she shall neglect to send (inability or unavailability excepted) the sum of fifty shillings, to be recovered as fines of the like nature hereafter to be recovered; any law, usage, or custom, to the contrary, notwithstanding.

CHAP. IV.

An act for allowing salaries to the members of the council of state, and for other purposes.

Officers salaries.

I. BE it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That there shall be paid to his excellency the governor the annual salary of one thousand five hundred dollars in full for his services as governor of this state. That each of the members of the council of state shall be allowed for each day they shall be on duty as councillors of this

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this state eight pounds. That each of the public treasurers be allowed the annual sum of one thousand five hundred pounds for their services as treasurers. That the secretary be allowed the annual sum of one thousand five hundred pounds for his public services as secretary of this state, exclusive of the salary granted him by an act of assembly, entitled, 'An act for establishing offices for receiving entries and claims for lands in the several counties in this state, for ascertaining the method of obtaining titles the same, and for other purposes therein mentioned.' That each of the delegates from this state to the continental congress be allowed at the rate of five thousand pounds per year for the time they shall be on duty. That each of the judges of the superior courts of law be allowed three hundred and fifty pounds for each court they shall attend. That the attorney general be allowed at the rate of two hundred and fifty pounds for each court at which he shall attend. That the public printer be allowed the annual sum of two thousand five hundred pounds, provided that he does within five months from the time next after which he may be furnished with a fair copy of the journals of each respective session of assembly, print and deliver to the clerk of the different counties one copy of the acts for each justice of the peace in each respective county, one for the sheriff, one for the clerk of county, and one, together with a copy of the journals, for each member of the assembly in each respective county. Which allowances shall commence from the time of their appointments this first day of general assembly respectively.

Public treasurers.

II. AND be it further enacted by the authority aforesaid, That from and after the passing of this act there shall be six treasurers in this state; one in each of the districts of Wilmington, Newbern, Edenton, Hifax, Hillsborough and Salisbury; and that each of the said treasurers shall enter into bond with sufficient security to the governor or commander in chief for the time being in the sum of one hundred thousand pounds each for their faithful discharge of the said offices previous to their entering upon the execution thereof.

Attornies to be appointed.

III. AND be it enacted by the authority aforesaid, That the respective county courts in this state shall appoint persons of probity and skill in the law to execute the office of attorney for the state therein, and allow for each court he may attend (exclusive of the fees allowed by law) the sum of two hundred and fifty pounds, to be paid out of the county tax.

Continuance of the act.

IV. AND be it further enacted by the authority aforesaid, That this act shall continue and be in force until the first day of April next, and from thence to the end of the next session of assembly.

C H A P. V.

An act for amending an act for making provision for the poor, and for other purposes.

Preamble.

I. WHEREAS by an act, intituled, an act for making provision for the poor, and for other purposes, the overseers of the poor are restricted from laying a greater tax than six pence in one hundred pounds, which sum is found to be much too small to answer the purposes intended by the said act.

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 it shall and may be lawful for the overseers of the poor in any county to lay a tax not exceeding the sum of one shilling and six pence on each and every hundred pounds value of all the taxable property in their respective counties. And that every freeman of the age of twenty one years and upwards, other than soldiers in the service of the continent or of this state, who do 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 pounds taxable property. 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, which shall be collected and accounted for in manner as directed by the before recited act.

Overseers of the poor elected.

III. AND whereas several counties in this state have hitherto failed, and new counties have not been authorized, to elect overseers of the poor, Be it enacted by the authority aforesaid, That the sheriffs in such counties respectively shall, as soon as may be after the passing of this act, appoint time for holding elections of the overseers of the poor, giving due notice agreeable to the act aforesaid; and such elections shall be good and valid. And the overseers, when elected, shall have the same powers and authorities and be subject to the same pains and penalties as other overseers of the poor in this state.

County courts of Montgomery when held.

IV. AND whereas the courts in Montgomery county are held on the same days as the courts in Anson county, which is attended with many inconveniences; to prevent which, Be it further enacted, That in future the courts for the county of Montgomery shall be held on the last monday of July, September, December and March, any law, usage or custom, to the contrary, notwithstanding.

Commissioners for running the dividing line.

V. AND be it further enacted, That the following persons, to wit, James Martin, John Pelt and William Dent, be added to the commissioners appointed to run the dividing line between the counties of Guilford and Randolph.

Slaves not to waste stock.

VI. AND whereas by an act, intituled, an act concerning servants and slaves, it is enacted, That no slave shall be permitted on any pretence whatsoever, to raise any horses, cattle, hogs or sheep. Be it therefore enacted by the authority aforesaid, That all horses, cattle, hogs or sheep, that, one month after the passing of this act, shall belong to any slave, or be of any slave's mark, in this state, shall be seized and sold by the county wardens, and by them applied, the one half to the support of the poor of the county, and the other half to the informer.

Provision for indigent persons in service of the state.

VII. AND be it further enacted by the authority aforesaid, That when any citizen of this state is absent on service as a militia man, and is thereby rendered incapable of labour, or whose family is unable to support themselves during his absence or inability, the court of overseers to which he belongs, on application, shall make him or them such allowance as they think reasonable out of their own towards the maintenance and support of such man or family, and an account of such expenditure shall be allowed in their settlement with the county.

Repealing clause.

VIII. AND be it further enacted by the authority aforesaid, That so much of the above recited act as comes within the purview of this is hereby repealed and made void.

Read three times, and ratified in general assembly, the 10th of May, 1779.

S I G N E D

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