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A. D. 1775

ACTS OF ASSEMBLY  
OF THE STATE OF NORTH CAROLINA.

At a GENERAL ASSEMBLY, begun and held at Halifax on the eighteenth day of October, in the year of our Lord one thousand seven hundred and seventy nine, and in the fourth year of the independence of the said State: Being the second session of this Assembly.

RICHARD CASWELL, Esq; Governor.

CHAPTER I.

An act for sending an aid to the states of South Carolina and Georgia, and for other purposes.

WHEREAS on the representation of the State of South Carolina, it appears absolutely necessary that an aid should be sent from this State to the aid of that and the State of Georgia;

Preamble

Aid granted

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 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 three thousand men, including such drafts as have been made, and are yet to be made, from the respective counties: this act pursuant to an act passed at Smithfield, intitled, An act for raising regular forces for the defence of the said States of South Carolina and Georgia, to be intitled to the same pay, bounty, and rations, and perform the same on the same subject, the same rules and regulations, as the militia late in the service of the said States, and that the respective counties be a temporarying the limits of this State, agreeable to the militia law; and that the Governor making up the said usual number of the militia for this aid, be under the rules and regulations of the militia law in force.

III. AND whereas many militia officers have, in consequence of the late act of Assembly passed at Smithfield, or any former act or resolution of Congress in this State, hired substitutes in the continental service, whereby the said officers are discharged from all military duty, except in particular cases, although it was never intended or intended to withdraw them from the service of their country in their respective ranks; Be it therefore enacted, that whoever shall receive hereafter of a commission, or continue to act under any former commission in the militia, such person or persons shall be, and they are hereby declared to be liable to the same rules, regulations and penalties, as any other militia officer, and to have no exemption on account of any substitute, any law to the contrary notwithstanding.

Militia officers no exemption for substitutes

CHAPTER II.

An act to carry into effect an act passed at Newbern in November, in the year one thousand seven hundred and seventy seven, intitled, An act for confiscating the property of all such persons as are inimical to this or the united States, and of their persons as shall not within a certain time therein mentioned appear and submit to the State who her 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, or who has withdrawn himself from this or any of the united States, after the day aforesaid, and still refuses beyond the limits of the united States, shall and are hereby declared to be confiscated to the use of this State, unless such person shall at the then next General Assembly which shall be held after the first day of October, in the year one thousand seven hundred and seventy eight, appear, and be admitted to the privilege of a citizen of this State, and restored to the possessions and property which to him once belonged within the same: And whereas divers persons, who come within the descriptions of the aforesaid act recited, have failed or neglected to appear before the said General Assembly as last mentioned, or at any General Assembly since, and submit to the State whether they shall be

Preamble

admitted

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at

admitted as citizens thereof, and restored to the possessions which to them once belonged, whereby such certain persons herein after mentioned have greatly incurred and become liable to the penalties of the aforesaid Statute recited ad:

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 personalty of every within this State, of William Tryon and Josiah Martin, Esquires, Sir Nathaniel Dockfield, Heny Enslaw McCulloch, Henry McCulloch, Samuel Cornell, and Edmund Fenning, Thomas Macknight, late of Currituck county, James Parker, William McCormack, John Dunlop, Neal Snodgrass, and John Larcost, late of Pasquotank county, James Green, merchant, and John Alexander, late of New Hanover, Andrew Miller, Alexander Thomas Christie, of the kingdom of Ireland, Frederick Gregg, late of New Hanover, Andrew Miller, Alexander Telfair, Hugh Telfair, John Thompson, John Hamilton, Archibald Hamilton, late of Halifax, George and Field, junior, and Robert Turner, late of Guilford, John Meete, late of Tryon, James Roberts, late of Surry, George Miller, late of Dobbs county, James Owen, Walter Cunningham, Samuel Wilkoms, late of Anson, Samuel Bryan, William Spergen, Matthias Sappinfield, late of Rowan, William McClellan, late of Edgecomb, Messieurs Dinwiddie, Crawford, and company, late of Edge county, Robert Palmer, late of Harnett, Edward Brice Dobbs, Ralph McNair, John McNair, Joseph Field, James Field, Alexander McQueen, James Gumble McCay, Neil McArthur, John Leggett, John McClellan, Colin Shaw, William Campbell, James Gumble and company, Thomas Kutherford, William Rose, Alexander McCoy, Messieurs Warr and Lodgen, merchants in London, Alexander McAllen, late of Newbern, Alexander Campbell, Robert Bell, and Duncan Campbell, late of Granville county, Francis Wainman, late of Currituck county, Charles Townsend, Decker Tucker, late of Wilmington, and Buchanan, Hattie, and company, and all other persons who within the time of the confiscation and this act, and all and every the right, title and interest whatsoever of each of the persons aforesaid, may have had therein on the twentieth day of July, next past and before the said day of every day, or at any time since, shall be, and are hereby declared to be confiscated, and shall be forever retained in this State, and shall be veiled in the hands of commissioners, as in this act more fully expressed, or the persons herein after mentioned.

Commissioners appointed.

III. AND be it further enacted, by the authority aforesaid, that commissioners shall be appointed by the county court in each county, who shall severally give to A. B. within three or more months, in the term of one hundred thousand pounds at least, and not exceeding five hundred thousand pounds, as the difference in the county court, to the Governor for the time being, for the use of the State, for the satisfaction of the said duty according to law; and shall take the following oath, previous to entering on their office:

Their oath.

I A. B. do swear, that I will faithfully discharge the trust reposed in me as a commissioner, in the bill of my hands, in consequence of my appointment, as the law directs.

And power.

And the said commissioners in their respective counties shall have full power and authority to take possession of all lands, tenements, hereditaments, movables, debts, whether due by judgment, bond, bill, note, account, or otherwise, and a further personal property of the persons aforesaid, in the name, and for the use of the State, which by this act are directed to be or sold to the State, and that give receipts or discharges, which shall be valid against the persons claiming or paying the same, their heirs, executors, and administrators, ever indemnity and acquit the persons claiming or paying the same, their heirs, executors, and administrators, against any future claim for the arrears or money mentioned in such receipt or discharge.

Exchange of money.

IV. AND be it further enacted, by the authority aforesaid, that all persons who owe any standing debt to any person or persons deceased in the confiscation act or in this act, whose property is here by confiscated, shall pay in lieu of every hundred pounds sterling, the sum of one hundred and seventy five pounds current money of North Carolina.

Property how directed.

V. AND in order to discover all the property, real and personal, of the persons aforesaid, by this act declared to be forfeited, Be it enacted by the authority aforesaid, that the said commissioners shall and may order the several sheriffs to summon any of the inhabitants in their respective counties to appear before them at convenient times and places, to give in on oath an account of such forfeited property, when they, or a majority of them being present, shall administer the following oath or affirmation to the said inhabitants:

I A. B. do swear or affirm, that the account by me rendered contains a full and true account, to the best of my knowledge, of all the lands, tenements, hereditaments, debts, movables, and all personal property in the county of \_\_\_\_\_ or elsewhere, which belonged on the twentieth day of July, one thousand seven hundred and seventy six, to any of the before mentioned person or persons, or at any time since, who came within, or and severally, to any of the before mentioned person or persons, or at any time since, who came within, or are included by the description, or either of them, recited in this act, or the confiscation act, passed at Newbern, in the year one thousand seven hundred and seventy seven, and have not disposed of or parted with the same, or any part thereof, to elude or evade the intent and meaning of the said confiscation or this act; and further, that the said account contains, to the best of my recollection, the full amount of all and every sum or sums of money which now are by me due and owing to any such person or persons, including interest (if any) by bond, note, or account, or by virtue of any trust whatever.

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 prison, 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, or such as aforesaid,



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Clerks to make transcripts.

Property not to be sold disposed of, confiscated.

Surveyors fees.

Act repealed.

Right of dower.

Provision for aged parents, &c.

Former commissioners to account.

Recoveries made good.

purposes, or any part thereof, but that the same is and shall be in full force; and that all the proceedings that have been, or shall hereafter be conducted according to the directions of the said act, as to the lands therein mentioned, are hereby declared good and valid; any law, custom or usage, to the contrary notwithstanding.

XIII. AND be it further enacted, by the authority aforesaid, that the clerk of each and every county court shall transmit to the General Assembly a complete transcript of the report or reports of the commissioners in their respective counties, and of the proceedings of such court thereupon, under the penalty of five hundred pounds; to be recovered by action of debt, in the name of the Governor for the time being, to be applied to the use of the state.

XIV. AND 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 twenty seven, intitled, *an act for declaring what crimes and practices against the state shall be treason, and what shall be misprision of treason, and providing punishments and practices against the same which may arise from persons directed to the adequate to crimes of both classes, and for preventing the dangers which may arise from persons directed 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 receive and give discharges for debts due and owing by said act, and to appoint lawful agents or attorneys to receive and convey their real estates agreeable to the said act, and inhabitants of this state to persons who so departed therefrom, whereby many lands of the persons last described are yet undisposed of, and still continue to be and remain to the use of the same, and many well deserving people are defeated of an opportunity to discharge such debts due as aforesaid; Be it therefore enacted, by the authority aforesaid, that all such lands of the persons described in the said last recited acts, which have not been sold and disposed of bona fide for a valuable consideration actually paid, and all debts money, and personal property, belonging to the same, not yet collected and appropriated according to the directions of said acts, shall be, and hereby declared to be confiscated to this state, and the commissioners aforesaid are hereby directed to proceed on such real and personal estates in like manner as on the estates of the persons first mentioned in this act; any thing contained in the said last recited act to the contrary, notwithstanding.*

XV. AND be it further enacted, by the authority aforesaid, that the surveyor appointed by the commissioners to run out any of said lands shall be intitled to receive eight pounds for each tract of six hundred and forty acres, and so in proportion for a less quantity of land they shall be ordered to run out.

XVI. AND be it further enacted, by the authority aforesaid, that an act passed at Halifax in January, one thousand seven hundred and seventy nine, intitled, *an act to carry into effect an act passed at Newbern, in the year one thousand seven hundred and seventy seven, for confiscating the property of such persons as were banished from this state or the united states, and of such persons as shall not within certain time therein mentioned appear and submit to the state whether they shall be received as citizens thereof, and of such persons as shall be banished and every clause of the said first recited act, shall be, and is hereby repealed and made void; any law to the contrary notwithstanding.*

XVII. PROVIDED nevertheless, that the wife or widow of any of the persons aforesaid, who hath been, and now is residing within this state, shall not be debared from her right of dower in and to her husband's lands, but shall be intitled to one third thereof for and during her natural life, to be laid off by the commissioners in the same manner as lands in dower are by the common law; and that a proper provision out of the sales of said husband's estate shall be allowed to the wife or widow aforesaid, for the maintenance of herself, and such children, being minors, who are now residents of this state, as the General Assembly shall direct.

XVIII. PROVIDED nevertheless, that nothing herein contained shall be construed to empower the commissioners appointed by virtue of this act to take into their possession any household furniture or provisions belonging to the aged parents, wives, children, or widows, or any person whose estate is confiscated by virtue of this or any other act passed in this state.

XIX. PROVIDED nevertheless, that the commissioners appointed according to the directions of the aforesaid act, passed in January, one thousand seven hundred and seventy nine, who have done, performed a duty, and any of the trunks reposed in them by the said act, shall be accountable to the treasurer of the district for all such sum or sums of money by them so received, as the commissioners by this act are intitled to, and required to be.

XX. AND be it further enacted, by the authority aforesaid, that if any recovery shall be had hereafter against any person for any sum or sums of money by him or her paid in consequence of this act, the state shall fully and amply, on sufficient proof made to the General Assembly, pay and satisfy to such person all monies so recovered, together with all damages which may thence accrue, whether arising from delay, imprisonment, or other wise.

CHAPTER III.

*An act to prevent hunting in the night time with gun and fire light, and other purposes therein mentioned.*

Pen. for hunting.

I. BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, if any free person or persons shall be found hunting in the night, except on his own plantation, with gun and fire light, upon conviction of such offence on sufficient testimony, shall be turned over into the continental service for the term of eighteen months, or during the war; and the person so informing shall be exempt from any kind of military duty, or draft for the space of twelve months, provided the offender be found guilty agreeable to this law.

For soldiers, or servants.

II. AND be it further enacted, by the authority aforesaid, that if any soldier belonging to the continental army, or servant (otherwise than slaves) should be found hunting as aforesaid, such soldier or servant, on due conviction as by this act directed, shall receive twenty nine lashes on his or their bare back. III. AND

III. AND be it further enacted by the authority aforesaid, That if any slave be found transgressing this law, on conviction before any one justice of the peace, shall receive thirty nine lashes on his or their bare back, and the owner or master of such slave or slaves shall forfeit and pay the sum of one hundred pounds, to be applied one half to the use of the informer, and the other to the use of the poor of the county; and the wardens of said county are hereby directed to sue for the same, to be recovered in any court of record having cognizance thereof. Provided nevertheless, that the master or owner of such slave or slaves shall not be liable to any fine by this law directed, if it shall appear by his own oath, or other sufficient testimony, that the offence was committed without his or her approbation or knowledge.

A. D. 1779.  
Pen. on slaves

IV. AND be it further enacted, that any one justice of the peace, on complaint as by this act directed, is required to issue his warrant, directed to the sheriff or constable, to apprehend such person or persons, and shall cause a jury of twelve freeholders to be summoned as soon as possible, to try such offender or offenders; which jury is hereby directed to attend at such time and place as the justice shall appoint, and in case of default, the justice is hereby authorized to issue his summons for other freeholders to make up such deficiency.

Magist. of tryth

V. AND be it further enacted, by the authority aforesaid, that each and every person so neglecting or refusing to attend, after being lawfully summoned, shall forfeit and pay the sum of twenty pounds for each and every offence, to be applied to the use of the poor of the county; and the justice is hereby directed, in case of default, to issue his warrant for levying the same, if he shall not think his excuse lawful, in which case, if the party so summoned should think himself aggrieved by the determination of such justice, he may appeal to the next succeeding county court, first giving security to the justice for his appearing and abiding by the determination of said court; and if the said court shall judge his excuse lawful, shall order him to be discharged from the said fine.

Pen. for non-appearance

VI. AND be it further enacted, by the authority aforesaid, that the following oath shall be prescribed to the jury, viz "You shall try, and a true verdict give, according to law and evidence, in the matter now before you. So help you God." And the determination of such jury, when obtained, shall be decisive.

Jurors oath

VII. AND be it further enacted, by the authority aforesaid, that if any person or persons shall threaten any informer against fire hunting, such person so threatening, upon due conviction thereof as by this act directed, shall suffer as in cases of fire hunting.

Pen. on threats

VIII. AND be it further enacted, that if any person or persons shall harbour or conceal any fire hunter, knowing him to be such, on due proof thereof, shall be subject to the same pains and penalties as is herein inflicted on fire hunters; any law, usage or custom, to the contrary, notwithstanding.

For concealing fire-hunters

IX. AND be it further enacted, by the authority aforesaid, that if any person summoned as an evidence against any fire hunter, and shall refuse or neglect to give evidence against such fire hunter, such person so refusing or neglecting shall be committed to the goal of the county where the offence shall be committed, until he or she shall give evidence against the offender.

On evidence refusing to give testimony

X. AND be it further enacted, that so much of an act passed at Newbern, in the year one thousand seven hundred and seventy eight, for to prevent hunting in the night by fire light, as shall come within the purview of this act, shall be repealed and made void, to all intents and purposes.

Repealing clause

XI. AND whereas driving with gun and dogs is found by experience to be pernicious and hurtful to stock: For remedy whereof, Be it further enacted, by the authority aforesaid, that if any person or persons shall after the first day of January next be found driving with dogs on lands that is not his or their own property, unless permission first had and obtained from the owner or owners of such lands, shall forfeit and pay the sum of twenty five pounds for every offence; to be recovered by the party grieved, to his or their own use, before any justice having cognizance thereof. Provided, that the party injured shall not be intitled to such recovery except he previously posts out his land, and gives public notice in his neighbourhood, forbidding all persons hunting thereon contrary to the meaning of this act.

Pen. for driving

C H A P. IV.

An act to amend an act, intituled, An act for establishing offices for receiving entries of claims for lands in the several counties within this state, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned; and also to amend one other 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 title to the same, and for other purposes therein mentioned.

I. BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the several county courts within this state shall have full power and authority, and they are hereby declared to have full power and authority, in all cases now undetermined, where they shall judge a new trial necessary, to order the same either on the premises where the bounds of the land come in question, or before them, in which last case they shall direct a jury to be impaneled and sworn as in the trial of other causes, to try the disputed claim; and where the said jury shall find generally or specially, the same proceedings shall be had on their verdict as in cases of verdicts returned by the sheriff respecting vacant or unappropriated lands, and the judgment of the court in all cases of vacant or unappropriated land shall be final and conclusive, without any appeal to the superior court.

Where new trials may be had

II. AND be it enacted, by the authority aforesaid, that all appeals undetermined, and now depending in the said superior courts, shall be proceeded on and determined in the same manner as before the passing of this act; any thing to the contrary notwithstanding.

Appeals tried

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Sheriff to swear  
witness as usual.  
Takes to entries  
of lands.

III. AND be it further enacted, by the authority aforesaid, that the sheriff, or his deputy, shall have full power and authority, and they are hereby declared to have full power and authority, to administer an oath to the jury and witnesses, and to qualify them in the same manner as a justice of the peace, pursuant to the beire recited act passed at Newbern.

Agreements af-  
firmated.

IV. AND be it further enacted, by the authority aforesaid, that in case of the death of any person who heretofore has made an entry of land, or who hereafter shall make an entry pending the same, or be ore the making out the grant, his or their heirs or assigns shall have a fee simple estate in the premises, although the grant shall be made in the name of the decedent.

Pre. of jurors

V. AND whereas in many cases after entering a caveat the contending parties meet and agree, which agreement often cannot be ascertained, and thereby justice is delayed, and the intention of the legislature in granting land defeated: Be it therefore enacted, by the authority aforesaid, that on application to the county court where the land lies, both parties having such previous notice as the court shall judge sufficient, they shall ascertain the agreement, and give judgment in the same manner as on a verdict of a jury, and the like proceedings shall be had thereon. Provided nevertheless, that in case the agreement cannot be ascertained to the satisfaction of the court, they shall order a trial as in other cases of caveats.

Escheat law run.

VI. AND whereas there is no law to enforce the attendance of jurors on trials on the premises, and delays frequently happen in consequence of their failure: Be it therefore enacted, by the authority aforesaid, that in case any person summoned as a juror to attend on the premises, who shall fail to appear and proceed on the trial, the sheriff shall return a list of his or their names for failing to the county court next succeeding, who shall order a notice to issue for him or them, to show cause at the next succeeding session in justification of such failure; which if the court should think not sufficient, they shall fix a fine on the said defendant, not exceeding fifty pounds, and be further liable to an action of the party grieved.

Registers and  
writables fees.

VII. AND be it further enacted, by the authority aforesaid, that when it shall so happen that any person or persons shall have made, or hereafter may make any entry of land on any navigable water, and are prevented from running out the same, agreeable to the directions of the before recited act, by the boundary of any land heretofore run out, that then, and in that case, the surveyor may and shall run out and survey the same in the same manner that other lands are directed to be laid out; any thing in the before recited act to the contrary, notwithstanding.

Execution of  
grants may be  
stopped.

VIII. AND be it further enacted, by the authority aforesaid, that from and after the passing of this act, the registers of the different counties of this State shall and may take for every deed registered in their respective offices the sum of four dollars, and for a copy of any such deed the sum of two dollars, and for every lease the sum of one dollar; and that a constable shall and may take for serving a warrant the sum of three dollars, for every execution the sum of three dollars, and for every summons the sum of one dollar, and for each day's attendance on the court the sum of ten dollars; any law, usage or custom, to the contrary notwithstanding.

Entry takers  
fees.

IX. AND whereas grants may be secretly obtained by artful and designing men for land to which they have no just title, to the great injury of many of the inhabitants of this State: For prevention whereof, Be it further enacted, that upon complaint being made on oath, and sufficient reason shown to the Governor or commander in chief, he may suspend the execution of such grants, and direct the secretary to certify the same to the court of the county wherein the land may lie; and the court shall upon receiving such certificate from the secretary order a trial by jury, in the same manner as they might do if a caveat had been made in the office of the entry taker, and the proceedings to be conducted in the same manner as is directed in the before recited act.

X. AND whereas the fees allowed by law to the entry takers in the respective counties in this State is found to be insufficient; Be it enacted, that from and after the passing this act, they shall be intitled to receive for each entry the sum of four dollars, and no more.

C H A P. V.

An act to amend an act for appointing sheriffs, and directing their duty in office, and for settling the late sheriffs and collectors of public monies who are in arrears to account for and pay the same, and for other purposes.

Sheriffs appoint-  
ed.

I. BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every county court shall annually elect and nominate a freeholder of sufficient circumstance to execute the office of sheriff, who shall thereon be confirmed by the Governor or commander in chief to execute that office for one year; and if any sheriff to be nominated shall remove out of his bailiwick, or fail to give security, or refuse to qualify, or shall happen to die in the time of his office, the court shall at the next sessions elect and nominate another as aforesaid.

Carriers may  
serve process.

II. AND be it further enacted, by the authority aforesaid, that in case at any time there shall be no person properly qualified to act as sheriff in any county of this State, then then it shall and may be lawful for the coroner of such county, and he is hereby required, to execute all process, civil or criminal, lawfully issuing, or judgments, orders or sentences, of any courts within the same, and no other person shall be appointed properly qualified as aforesaid to act as sheriff in said county, and such execution shall be under the same rules and regulations, and subject to the same fines and forfeitures, as sheriffs are by law for neglect or disobedience of the duties aforesaid.

When no sheriff  
for county.

III. AND be it further enacted, by the authority aforesaid, that when it shall so happen that there is not a sheriff or coroner in any of the counties of this State where the superior courts of law are held, that then in such case all orders or sentences of said courts shall be performed and executed by the sheriff of any county of the district to whom the judges or clerks of said courts after term time may think proper to direct the same,

with

L A W S of NORTH-CAROLINA.

A. D. 1775

Arrears how rec-  
covered.

Number for the  
districts.

By-standers sum-  
moned.

Fines levied.

Jurors how sum-  
moned.

Their allowances.

Manner where  
lands are in ques-  
tion.

with the same powers and authorities as if he had been the sheriff of the county wherein said superior court is held, under the penalty and fine of five thousand pounds, to be inflicted upon him by the superior court of the district, on indictment, for such contempt and disobedience, and to be further liable to imprisonment, at the discretion of said court; any law, usage or custom, to the contrary notwithstanding.

IV. AND whereas many persons in this state still remain in arrear for taxes due and payable previous to the independency of the same; Be it enacted, by the authority aforesaid, that the sheriffs or collectors who are bound by law to collect and account for such arrears, shall have full power and authority to warrant all persons so indebted for taxes, and recover the same; any law to the contrary notwithstanding.

V. AND be it further enacted, by the authority aforesaid, that so much of the before recited act as comes within the purview or meaning of this act, be repealed, and made null and void; any law to the contrary notwithstanding.

C H A P. VI.

*An act for directing the method of appointing jurors in all causes civil and criminal.*

I. **W**HETHERS a trial by jury is one of the best securities of the rights of the people, and a just decision of rights and controversies in the several courts of law within this state depend on the integrity and capacity of jurors;

II. **BE** it therefore enacted by the General Assembly of the state of North Carolina, and by the authority of the same, that the justices of the supreme courts within the district of each superior court of law within this state shall, and they are hereby directed, before the sitting of any superior court, to nominate forty eight freeholders to serve as jurors at such superior courts. Provided always, that no county court shall knowingly nominate any person to serve as a juror at two courts successively, or any person who shall have an action or suit at issue in the superior court at the term to which he shall be to be nominated.

III. **AN**D be it further enacted, by the authority aforesaid, that the number of freeholders to be nominated for each county to serve as jurors shall be partitioned as follows, to wit, Craven seven, Carteret five, Beaufort six, Hyde six, Debbis four, Wayne two, Put six, Johnston four, Jones six, for the district of Newbern; New Hanover five, Haden eight, Onslow six, Duplin eight, Cumberland eight, Brunswick six, for the district of Wilmington; Wilkes two, Washington three, Sullivan two, Montgomery three, Rutherford three, Swain four, Curritone four, Anson three, Richmond three, Mecklenburg six, Burke four, Rowan ten, Lincoln ten, for the district of Salisbury; Davidson ten, Granville ten, Wake six, Chatham seven, Caswell seven, Randolph ten, for the district of Hillsborough; Warren five, Franklin five, Edgecomb six, Northampton ten, Nash five, for the district of Hillsborough; for the district of Halifax; Chowan seven, Perquimons five, Pasquotank six, Currituck five, Tyrrell four, Bertie eight, Hertford five, Camden four, Gates four, for the district of Edenton; and in each county nominated shall be delivered by the clerk of each county court to the sheriff, who shall, and is hereby required to caution the persons so nominated to serve as jurors at the superior court; and if any juror summoned shall fail to appear, he shall be fined the sum of two hundred pounds, unless he can show sufficient cause to the next court, to excuse his non-appearance; which fine shall be applied to the payment of such jurors as shall attend from the said county, and thereby lessen the county tax.

IV. **PR**OVIDED always, that if any of the said county courts shall fail or neglect to nominate freeholders to serve as jurors as aforesaid, or the persons so nominated shall fail to attend, it shall and may be lawful for each superior court to order and direct the sheriff to summon other freeholders of the bystanders to serve as jurors, and the persons so summoned shall be held and deemed lawful jurors. Provided, that such bystanders who shall be summoned shall and may be every day discharged, and the succeeding day, and so from day to day, during the continuance of the court, the sheriff shall summon of the bystanders so many as shall be necessary; and every person so summoned of the bystanders who shall not appear and serve as jurors, shall be fined in the sum of fifty pounds, unless he can show sufficient cause, to be approved by the court; to be applied as before directed.

V. **AN**D that the fines may be applied according to the directions of this act, Be it further enacted, by the authority aforesaid, that the fines herein imposed shall be levied by the sheriff of each respective county wherein each person shall reside, who shall be summoned as jurors as herein directed, and shall fail to appear and serve as a juror, and be then there liable or accountable for the same to the county court of his county.

VI. **AN**D be it further enacted, by the authority aforesaid, that the sheriff of each respective county shall, and he is hereby required, to summon the freeholders in the list to be delivered him by the clerk of the county court of his county, at least ten days before the sitting of the superior court of which such freeholders are to attend as jurors, either by personal summons, or by leaving a note or summons in writing at the dwelling-house of such freeholder to be nominated as aforesaid.

VII. **AN**D whereas the attendance of superior courts will be very expensive to jurors: For remedy whereof, Be it enacted, by the authority aforesaid, that each and every juror who shall attend either of the superior courts to which he shall be summoned as aforesaid, and summoned in virtue of this act, upon producing a certificate from the clerk of the superior court of the time of his attendance to the county court of the county where he resides, shall have and receive ten dollars for every day he shall travel and attend as aforesaid, and an allowance for his travelling, if certified as aforesaid, to be paid out of the county tax.

VIII. **AN**D be it further enacted, by the authority aforesaid, that in all suits in the superior and county courts within this state, wherein the title or bounds of lands shall come in question, if it shall appear to the court necessary, such court may order two surveyors, one to be named by each party, to attend and run out and

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and survey the lands in dispute, agreeable to the bounds and lines expressed in each party's titles, and make three accurate plans of such surveys, and return the same to such court; which order such surveyors are hereby required to obey, and shall be allowed fifteen dollars each for every day they shall be travelling to and from attending the surveys, and performing the duty by this act required, which allowance shall be taxed in the bill of costs, and paid by the party call. Provided nevertheless, if the parties shall agree to have but one surveyor appointed to perform such services, that then, and in such cases, the court shall order one surveyor only to attend, survey, and run out the lands in dispute, who shall return three plans in the same manner, and be intitled to the same allowance, as he would have been intitled to if two surveyors had been appointed.

Jury for county courts.

IX. AND be it enacted, by the authority aforesaid, that the justices of the county courts shall, at the sessions of their respective courts, nominate thirty freeholders to serve as grand and petit jurors at the next ensuing court of the county, and a list thereof shall by the clerk be delivered to the sheriff of such county, who is hereby required to summon the persons therein named to attend as jurors at such courts respectively, at least five days before the sitting of such court, which said jury shall appear and give their attendance accordingly till discharged by the court; and that there may not be a default of jurors, it shall and may be lawful, during the sitting of the county court, for the sheriff, by order of such court, to summon of the bystanders other jurors, being freeholders, to serve on the petit jury from day to day, and on any day of the said court the justices may discharge those who have served the preceding day.

Pen. for non-attendance.

X. AND to enforce the attendance of jurors at the said county courts, Be it enacted, by the authority aforesaid, that every person who shall hereafter be summoned in virtue of this act to appear as jurors at any county court, such person failing so appear, or to give his attendance till discharged by order of the court, shall be fined in a sum not exceeding fifty pounds by the justices of the county court, to be applied towards defraying the charges of the county, and lessening the county tax, unless he shall show sufficient cause to the next succeeding court for such failure.

Privilege.

XI. AND be it further enacted, by the authority aforesaid, that no sheriff, or other officer, shall serve or execute any writ, or other process, on the body of any juror, during his attendance on, going to, and returning from any of the said superior or county courts; any such service shall be void, and the defendant may on motion be discharged.

Superior court juries how drawn.

XII. AND be it further enacted, by the authority aforesaid, that the judges of the superior courts shall direct the names of all the jurors returned from the counties of the district where such court shall be held to be wrote on scrolls of paper, which scrolls of paper shall be put into a box, and drawn out by a child under ten years of age, and the first eighteen drawn shall be a grand jury for the said court, and the residue of the names in the box shall be the names of those who shall serve as petit jurors for the said court.

Inferior court juries.

XIII. AND be it further enacted, by the authority aforesaid, that when either of the parties shall require that a jury should be balloted for, that then, and in that case, the clerk shall write the names of all the petit jurors appearing on scrolls or pieces of paper, and on the issue in such suit, a child under ten years of age, in open court, shall draw out of the said box twelve of the said scrolls or pieces of paper, and the persons whose names shall be in the said scrolls or pieces of paper drawn as aforesaid shall be jurors to try such issue, provided that they all do appear; and in case of defaulters, other scrolls shall be drawn, until a sufficient number shall appear to make a complete jury.

Jurors for Oyer and Terminer courts.

XIV. AND be it further enacted, by the authority aforesaid, that when the Governor or commander in chief, with advice of the Council, shall think it necessary to issue a commission to the judges of the superior courts of law of this state, empowering them, or any of them, to hold a court of sessions of the peace, Oyer and Terminer, and general gaol delivery, that the judge or judges empowered to hold such courts, shall issue a venire facias to the sheriff of the county wherein such court is to be held, who is hereby required to summon forty eight jurors, being freeholders, five days previous to the sitting of said court; to give their attendance at the same, under the same rules, regulations and penalties, as other jurors are liable to in this act directed; and in case of a venire facias not arriving in time to the sheriff to summon as aforesaid, or in default of the attendance of such jurors so summoned, that then the sheriff shall summon of the bystanders such other persons, being freeholders, to constitute the grand and petit jurors of the courts as aforesaid, who if they shall fail or refuse to attend, shall be subject to the same penalties as before mentioned.

Allowance to witnesses.

XV. AND be it enacted, by the authority aforesaid, that the witnesses attending at any inferior or superior court of law within this state, shall be allowed ten dollars for each and every day he shall so attend, to be paid by the party summoning such witness or witnesses.

C H A P. VII.

An act to amend an act, intituled, An additional act concerning servants and slaves, passed at Newbern in the year one thousand seven hundred and fifty three, and other purposes therein mentioned.

Preamble.

I. WHEREAS by the before recited act, the encouragement given to searchers or patrollers, the penalty inflicted on them in case of a non-compliance of their duty, and the times appointed for searching, are insufficient;

Execution of searchers.

II. BE it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that each and every searcher or patroller appointed in pursuance of the aforesaid act shall, as to his own person, during the time of his continuance in office, be exempted from serving as a constable, or working upon the roads, attending private multers, or as a juror, and shall be intitled to such further allowance out of the county tax as the court shall think necessary.

III. AND

III. AND be it further enacted, by the authority aforesaid, that the searchers in their respective districts shall search once in every month for guns and other weapons, as the before recited act directs, and shall make return on oath of all such guns, or other weapons, which they shall so find, to the succeeding county court, to be applied to the use of the county, or returned to the owner, as the court may direct; and in case they find any slave or slaves on the sabbath, or other unreasonable time, off his master or mistress's plantation, without a pass, or in company with some white person who will vouch for his or their honest intention, it shall be lawful for them to apprehend such slave or slaves, and convey, or cause to be conveyed, to the master, mistress, or overseer, who shall pay to the said searchers or patrollers in like manner as for apprehending and conveying runaways, as a compensation for their trouble.

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Searcher duty

IV. AND be it enacted, by the authority aforesaid, that every searcher or patroller who shall refuse to serve, or neglect to do his duty, shall forfeit and pay the sum of one hundred pounds, to be recovered in any jurisdiction having cognizance thereof.

Pen. for refusing to serve.

V. AND be it further enacted, by the authority aforesaid, that so much of the before recited act, intituled, *An additional act to an act concerning servants and slaves, passed at Newbern the twenty seventh day of March, one thousand seven hundred and fifty three, as comes within the purview of this act, be, and is hereby repealed and made void.*

Repealing clause

VI. AND be it further enacted, by the authority aforesaid, that if any person shall be appointed by the county court of his county overseer of a road, and shall refuse to serve as such, such person so refusing to do shall forfeit and pay for such refusal the sum of fifty pounds; to be recovered before a justice of the peace, by any person who shall warrant for the same, and to be applied to the use of the county where such person resides: and if any overseer shall neglect to keep the road which he shall be appointed overseer of in sufficient repair, he shall forfeit and pay the sum of twenty five pounds (bad weather or unavoidable accidents excepted) for every twenty five days that such road shall be out of repair, to be recovered and applied as aforesaid.

Pen. on overseers of roads.

VII. AND 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 count to do, after having legal notice thereof, he shall forfeit and pay for every hand he or she shall neglect to send (casualty or unavoidable accidents excepted) the sum of five pounds currency; to be recovered as fines of the like nature, before any jurisdiction having cognizance thereof: And that so much of an act of assembly, intituled *An act to levy a tax for defraying the contingencies of the several counties in this state, and for other purposes*, passed at Halifax in January and February last, as comes within the purview of this clause, is hereby repealed and made void.

Pen. for refusing to work.

Repealing clause

C H A P. VIII.

*An act for punishing persons concerned in any of the several species of counterfeiting in this state.*

WHEREAS the laws heretofore made for preventing counterfeiters are found ineffectual;  
I. BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that if any person after the passing of this act shall by printing, writing, engraving, or any other ways or means, counterfeit, or attempt to counterfeit, any of the public bills of credit emitted by the Congress of the United States, or by any Congress, Convention or Assembly, of this State, or of any one of the United States, or any of the lottery tickets of the United States, or any certificates from the loan offices of this State or of the United States, or either of them, or any part, word, letter, name, emblem, or device of the said bills of credit, lottery tickets, or loan office certificates; or shall make or construct, or cause to be made or constructed, or have in possession, any die, type, or other instrument, for imitating or counterfeiting any of the said bills of credit, lottery tickets, or loan office certificates, or any part, word, letter, emblem, or device thereof; or shall abet or deface any of the said bills of credit, lottery tickets, or loan office certificates; such person or persons so offending, being thereof lawfully convicted, by confession or verdict, or standing mute on arraignment or trial, shall for the first offence stand in the pillory three hours, and have his right ear nailed to the pillory and cut off, and receive on his or their bare back thirty nine lashes, and have his right ear nailed to the right cheek with the letter C, and on the left cheek with the letter M (which brands shall be at least one inch in length, and three quarters of an inch in breadth) and be imprisoned at the discretion of the court before whom it shall be tried, not exceeding one year, and to forfeit one half of all his or their goods and chattels, lands and tenements, wheresoever he or she was seized or possessed at the time the offence was committed, to the State.

Preamble.  
Pen. on counterfeiters.

III. AND be it further enacted, by the authority aforesaid, that if any person or persons shall pass, or attempt to pass, any counterfeit likeness of any of the said bills of credit, lottery tickets, or loan office certificates, and being thereof convicted, by sufficient evidence, that the same was passed, or intended to be passed, with an intention to defraud, he or she so offending shall for the first offence stand in the pillory one hour, and have one ear cut off, and receive thirty nine lashes, well laid on, on his or her bare back, and imprisoned at the discretion of the court, and forfeit one half of his or her property to the use of this State.

On persons attempting to pass it.

IV. AND be it further enacted, by the authority aforesaid, that if any person or persons shall be found guilty of uttering or passing any of the aforesaid counterfeit bills of credit, lottery tickets, or loan office certificates, for the second offence he or they shall suffer death, without benefit of clergy.

Pen. for the second offence.

V. AND be it further enacted, by the authority aforesaid, that any person apprehended for any of the crimes aforesaid mentioned, sufficient proof thereof being made before any justice of the peace, shall be committed, or bound over as in other cases of felony.

When apprehended.

VI. AND

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VI. AND be it further enacted, by the authority aforesaid, that in all future trials or arraignments under this act, the defendant shall not be intited to make any peremptory challenge, nor shall the attorney for the state, nor the defendant or his council, take exception against any of the jury called, unless good and sufficient reasons shewn to, and approved by the court.

No challenge.

No arguments.

VII. AND be it further enacted, by the authority aforesaid, that in all trials hereafter for any of the crimes above mentioned, neither the attorney for the state, nor the council for the defendant, shall be allowed to use any argument against or in favour of the defendant, but shall and may examine and cross-examine the witnesses on both sides, leaving to the judges to state the evidences, and give a charge to the jury thereupon.

C H A P. IX.

An act to amend an act, intituled, An act to amend the staple of tobacco.

Preamble.

WHEREAS for several years past, from the difficulty of procuring materials, and the advanced price of mechanical labour, most of the public warehouses in this state have become decayed, ruinous, and unrepaired, and it being at this time inexpedient to levy on the different counties wherein said warehouses stand a sum equivalent to the rebuilding or repairing the same;

Warehouse rent.

II. BE it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act the justices in each respective county in this state, wherein public warehouses for tobacco now stand erected, shall from court to court, as they shall deem fit and proper, regulate and ascertain what shall be paid as warehouse rent for each hoghead of tobacco by the owner or owners of the same, which shall thereafter be brought to the said warehouses; and the said justices shall and may appoint some fit person to receive said monies, who shall be accountable to them at all times for the appropriation of the same, by action of debt, before any court having cognisance thereof, wherein the inspectors books shall be proof as to the number of hogheads received, for the value of which such person shall be liable to answer, and shall be allowed no protection.

Inspectors salaries.

III. AND whereas the salaries and allowances to inspectors under the before recited act are inadequate to their trouble; Be it therefore enacted, by the authority aforesaid, that the justices of the respective counties wherein warehouses as aforesaid now stand erected, at the first court to be held in such counties after the passing of this act, shall allow such farther salary to inspectors as to them shall seem reasonable and proper, and that such salary shall be paid out of the monies arising on tobacco for warehouse rent.

Warehouses repaired.

IV. AND be it further enacted, by the authority aforesaid, that the justices in each respective county as aforesaid shall from time to time, as occasion may require, lay out and appropriate any reasonable part of the aforesaid monies in repairing or rebuilding their respective warehouses, in such manner as they may think necessary.

Private warehouses.

V. AND be it further enacted, by the authority aforesaid, that the same rules and regulations herein before contained shall be had and taken with respect to warehouses built by private persons on their own lands, and at which a public inspection hath been heretofore held, so far as respects the warehouse rent that shall be paid for each hoghead of tobacco.

Repealing clause.

VI. AND be it further enacted, by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, shall be repealed and made void.

C H A P. X.

An act for regulating ordinaries, houses of entertainment, and ferries, and other purposes.

Preamble.

WHEREAS the laws at present in force have been found inefficient for the due regulation of ordinaries and ferries;

Sealed measures.

II. BE it enacted by the General Assembly of North-Carolina, that all persons hereafter retailing liquors shall sell the same by sealed measures, or such other measures as shall at least contain the full quantity pretended to be sold.

Liquors retained.

III. AND be it further enacted, that no person, not having a licence for keeping an ordinary, shall sell or retail liquors in smaller quantities than is by this act permitted, under the penalty of five pounds for every offence, one half to the use of the state, the other half to the use of the informer.

Licences granted.

IV. AND be it further enacted, by the authority aforesaid, that any person, by applying to the court of the county in which such person dwells, and praying a licence to keep an ordinary, may at the direction of such court be ordered to have a licence for the purpose aforesaid, unless it shall appear to the said court that the person so applying is a person of gross immorality, or of such poor circumstance, and slender estate, that they think him or her not able to comply with the intention of this act; and on granting such licence, the person who applies for the same shall produce one or more securities to the said court, to be by them approved, who shall before the licence be made out, join with him or her in a bond of the following tenor, to wit, I KNOW all men, by these presents, that we, A. B. and C. D. are held and firmly bound unto

Governor of the state of North-Carolina, in the sum of one thousand pounds current money of the said state, to be paid to the said or his successors. To the which payment we and only to be made, we bind ourselves, and every of us, our and every of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the day of

THE execution of the above obligation is such, that whereas the above bounden A. B. hath obtained a licence to keep an ordinary at if therefore the said A. B. doth constantly and provide in his or her said ordinary good, clean, and wholesome diet and lodging for travellers, and stable, fodder,

corn

corn and pasturage, for their horses, for and during the term of one year from the day of

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then this obligation to be void, otherwise to remain in force. And in case of a breach of, or not complying with the condition of said bond, it shall and may be lawful for any person, in the name of the governor, to sue for and recover the penalty of said bond, and apply one half thereof to his or her own use, and the other half to the use of the county where the cause of action may arise.

Clerk to show the licence. The 1st.

V. AND be it further enacted, by the authority aforesaid, that when such bond shall have been given, the clerk of the court shall prepare a licence, and sign the same, which licence shall continue in force one year, and no longer; and the said clerk shall receive the sum of five dollars to his own use, for licence, bond, and order of court.

Pen. for entering servants, &c.

VI. AND be it further enacted, by the authority aforesaid, that if any ordinary keeper shall entertain servants or slaves against the will of their owners, or common sailors against the directions of the masters of vessels to which they belong, every ordinary keeper so offending shall and may, by order of two justices, before whom such offence shall be proved, be fined, with judgment and disqualification in keeping an ordinary, as if he or she had never obtained a licence for that purpose. Provided nevertheless, that such ordinary keeper may be heard by the next court, who if they think proper may restore such ordinary keeper, by granting him a new licence.

For selling after suspension.

VII. AND be it further enacted, by the authority aforesaid, that any person which (after being suspended and disabled from keeping an ordinary according to the directions of this act) shall sell or retail liquors until he or she shall obtain a new licence for such purpose, shall be liable to the same penalties as if a licence had never been obtained by him or her.

Liquors, &c. rated.

VIII. AND be it further enacted, by the authority aforesaid, that the justices of each county shall once a year, or oftener if necessary, after the first court to be held after the first day of January next, rate the prices of liquors, diet, lodging, fodder, provender, corn or pasturage, to be taken by ordinary keepers; also the said justices shall, at the same time, rate the prices of such liquors as shall be kept within their respective counties; and every ordinary keeper shall, within ten days after the rates shall be set by the county court where he or she keeps, obtain a copy of such rates, for which the clerk may take and receive eight pence; which copy shall be openly set up in the common entertaining room of such ordinary, and there kept till the rates are paid, and every ordinary keeper failing herein, shall forfeit and pay one hundred pounds for every offence.

Pen. for greater rates.

IX. AND be it further enacted, by the authority aforesaid, that every ordinary keeper who shall ask, demand or receive, a greater price for a year, diet, lodging, fodder, provender, corn or pasturage, or any other keeper who shall ask, demand or receive, a greater price for ferrage than shall be rated by the justices according to the directions of this act, shall forfeit fifty pounds for every offence; to be recovered by the informer to his own use, before any justice having cognizance thereof.

For selling to sailors on credit.

X. AND be it further enacted, by the authority aforesaid, that no ordinary keeper shall sell on credit liquors to any common sailor to more than the amount of ten pounds, without leave of the master of the vessel to which he belongs, under the penalty of losing the money which otherwise he or she might have recovered for such liquor sold; to such sailor on credit, nor sell drunk by small measure upon credit to any other person to a greater amount than twenty pounds, unless the person so credited shall sign a book, in the presence of one or more sufficient witnesses or witnesses, in acknowledgment of the said debt, under the penalty of losing the money so credited; and in any action brought for recovery of such debt, the general issue may be pleaded, and this act given in evidence.

Fines how recovered.

XI. AND be it further enacted, by the authority aforesaid, that all penalties, fines and forfeitures, in this act, the amount of receiving or applying whereof are not herein particularly directed, shall be one half to the county wardens, for the use of the county where such fine is incurred, the other half to him or them that shall sue for the same; to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record having cognizance of the same.

Proviso for selling by the gallon.

XII. PROVIDED always, that nothing in this act contained shall be construed, deemed or taken, to prohibit or restrain any person to sell by retail wine, rum, brandy, or other spirits, by the quart or a greater quantity, or ale, beer, or cyder, in any quantity not less than a gallon, provided that the same be not intended to be drunk on the plantation whereof the same are sold.

Pen. for false measures.

XIII. AND be it further enacted, by the authority aforesaid, that if any person or persons, from and after the passing of this act, shall sell and deliver any kind of grain, salt, or other articles, in a less measure than the standard established by law, shall forfeit and pay for each offence the sum of five hundred pounds; to be recovered in any court of record having cognizance thereof, to be applied to the use of the person suing for the same.

On ferry keepers.

XIV. AND whereas some persons who live at, or own public ferries in this state, have denied to keep up the same for the rates allowed them by their respective county courts: For remedy whereof, Be it further enacted, by the authority aforesaid, that if any person or persons who live at, or own public ferries in this state, shall refuse to keep up such ferry or ferries at the rates allowed them by their said county courts, every such person so offending shall for every offence forfeit and pay the sum of fifty pounds; to be recovered by any person suing for the same, to his or her own use.

Rangers fees.

XV. AND whereas the small allowance to the rangers, for strays taken up, is not sufficient compensation for their trouble; Be it therefore enacted, by the authority aforesaid, that it shall and may be lawful for the ranger in any county in this state to receive from the person or persons taking up such strays the sum of two dollars, for every entry of strays by him to be made, including all services; and that the several rangers furnish the

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the county treasurer with a list of all the strays entered with him once in every six months, for all strays so entered for the year preceding such return.

Repealing clause

XVI. AND be it enacted, by the authority aforesaid, that so much of an act of Assembly, passed at Newbern in the year one thousand seven hundred and seventy seven, intituled, *An act to prevent abuses in taking up stray horses, cattle, hogs and sheep, and other things therein mentioned, as comes within the purview of this act, shall be made void.*

Repealing clause

XVII. AND be it further enacted, by the authority aforesaid, that every act and acts, and every clause and article thereof, heretofore made, within the purview and meaning of this act, is and are hereby repealed and made void, to all intents and purposes.

C H A P. XI.

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

Preamble:

I. **W**HEREAS by the before recited act it is enacted that the Quakers, Moravians, Dunkards, and Mennonites, shall pay a threefold tax, without any exception, and it is found the said act will operate equally against all orphan estates, widows, and aged men, of those societies, as well as those which heretofore were subject to militia duty: For remedy whereof,

Not to affect orphan, &c.

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 any thing contained in the before recited act shall not be construed to extend to any orphan under the age of sixteen years, or widow, or any person of fifty years and upwards, of said societies, to subject them to the payment of a threefold tax, unless such estate shall have been conveyed to them with intent to evade the operation of the assessor's act aforesaid.

Pen. for not giving in.

III. **A**ND be it further enacted, by the authority aforesaid, that all and every person or persons of the people aforesaid, who shall fail or refuse to give in their taxable property according to the directions of the said act, shall pay three shillings in the pound for such their neglect or refusal, which shall be in lieu of the said tax.

C. Officers appointed.

IV. **A**ND whereas the public tax cannot be collected in some counties of this State, where the collector refused or failed to give security according to law: For remedy whereof, be it enacted, by the authority aforesaid, that in such case the county court shall appoint some person, being a freeholder, to collect the same, the first giving bond with sufficient security for that purpose; who shall have the same powers and authority that he is intitled to the same profits, and be subject to the same rules and restrictions, as if he had been thereto, as to the collection of the taxes aforesaid.

Money borrowed

V. **A**ND whereas it is provided by an act passed this present session of Assembly, that an aid of three thousand men be sent to South Carolina, for the defence of that state and Georgia: and whereas it is also provided that the sum of three hundred dollars for each volunteer, and one hundred dollars for each drafted man of the aforesaid three thousand, be advanced to them as a bounty; and our treasury at this time being nearly exhausted here, it becomes expedient to take up and receive on the public credit and in the name of this state a loan of ten thousand: Therefore, be it further enacted, by the authority aforesaid, that his Excellency the Governor be empowered to receive for the use aforesaid any sum, not exceeding five hundred thousand dollars, and that he grant indentured certificates under his hand to each depositor of money with interest for the purpose aforesaid: Provided, that no certificate be by him granted to any person for a less sum than five hundred dollars, and that each certificate shall bear and carry interest at the rate of six per cent. per annum, and be exempt from taxation in this state until redeemed.

Transmitted.

VI. **A**ND be it also further enacted, that his Excellency the Governor send to the Court of Sessions of each district, in proportion to the number of men to be raised in each district, a list of names.

Repealing clause

VII. **A**ND be it further enacted, by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, is repealed and made void.

C H A P. XII.

*An act to amend an act, intituled, An act concerning servants and slaves.*

Preamble:

I. **W**HEREAS from the present very hard and oppressive laws made by the public to the owners of executed slaves, some and thefts by them committed frequently unpunished, such slaves being rescued from public justice often by their owners;

Value of slaves executed.

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 there shall not be allowed by the public to the owner of any slave who shall hereafter be executed in virtue of the judgment of the court who shall say, that any such slave, any larger sum than seven hundred pounds current money for a free slave, and so in proportion for slaves of a less value; any law, usage or custom, to the contrary, notwithstanding.

Repealing clause

III. **A**ND be it further enacted, by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, shall be, and the same is hereby repealed and made void.

C H A P. XIII.

*An act to enlarge the jurisdiction of justices of the peace.*

Preamble:

I. **W**HEREAS many inconveniences ensue from the small power that justices of the peace are restricted to with respect to determining causes of debt, &c. it is necessary that in such cases their power be further extended;

II. **B**E

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, that any one justice of the peace have power, and is hereby authorized and empowered, to try and determine any cause of debt, arising by bond, bill, note or account, not exceeding fifty pounds, in the same manner and form as directed by an act of Assembly, passed at Newbern the fifteenth day of November, one thousand seven hundred and seventy seven, any law or usage in the contrary notwithstanding. Provided, that if either of the parties shall think him or herself aggrieved by the determination of any justice of peace in the cases above mentioned, such party shall be intitled to an appeal to the county court, and the said court shall finally determine thereon.

A. D. 1779.  
JAMES JACKSON  
Clerk.

III. AND be it further enacted, by the authority aforesaid, that any part of the above recited act that comes within the purview and meaning of this act, is hereby repealed and made void.

Repealing clause

C H A P. XIV.

*An act for establishing fairs in Halifax town and Edenton.*

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 fairs shall and may be held in the said towns of Halifax and Edenton twice in every year, viz. on the first Thursday in May and the first Thursday in November in the town of Halifax, and the second Thursday in May and November in Edenton, each fair to continue for three days, for the sale of every kind of horses, black cattle, sheep and hogs, pork, and all kinds of provision, tobacco, and every other natural production of the country, and also for the sale of all and every sort of goods, wares and merchandize, whether foreign or manufactured in this state; and that on the said fair days, and on three days next before, and three days next after each of the said fairs, all persons coming to, being at, or going from the same, together with their horses, cattle, or other effects, intended for sale, or purchased at the said fairs, shall be free and exempt from all arrests, attachments, and executions whatsoever, except for capital offences, breaches of the peace, or for criminal or controversies that may arise during the said time, in which cases process may be immediately issued, and proceedings thereon had in the same manner as if this act had never been made.

Fairs held.]

II. AND in order to prevent frauds and impositions in the sale of blooded horses, Be it enacted, by the authority aforesaid, that the judges of the said courts respectively herein after mentioned, shall appoint registers for the same, who shall take an oath for the faithful discharge of their duty; and every person who shall bring a blooded horse, mare or gelding, to the said fairs, or any of them, for sale, shall deliver in writing to the register of the fair a certain name of the owner and vendor's name, and the colour, age and blood, of such horse, mare or gelding, all which shall be entered by the said register in a book to be by him kept for that purpose; and he shall also take care to keep all such certificates that recourse may be had to the originals if necessary: And if any person shall sell or offer for sale, any blooded horse, mare or gelding, in the said town of Halifax or Edenton, during the time of the said fairs, without first delivering in a certificate as aforesaid to the register, the person so offending shall forfeit and pay one tenth part of the value of such horse, mare or gelding, one half to the use of the informer, the other half to the use of the purchaser, where an actual sale has been made, but where there has been no sale, the whole to the use of the informer; to be recovered, on complaint or information, as is herein after directed: And if any person shall wilfully deliver in to the register a false certificate of the age or blood of any horse, mare or gelding, and shall sell the same, such person, on proof made, shall forfeit and pay one fifth part of the value of such horse, mare or gelding, to the use of the purchaser, to be recovered on complaint or information, as herein directed; and the person so convicted shall never after be permitted to sell any blooded horse, mare or gelding, at any of the said fairs.

Registrars.

III. AND for the trial of complaints and informations in cases above mentioned, and also for the trial of controversies and disputed bargains arising at the said fairs; Be it enacted, by the authority aforesaid, that five judges shall be appointed for the fairs in Halifax, viz. John Webb, Henry Montfort, Oroondates Davis, Charles Patton, and John Gedde, and five judges for the fairs in Edenton, viz. Thomas Benbury, Samuel Johnston, Joseph Lewis, Michael Payne, and Robert Smith, either of whom may, on application, issue citations and subpoenas, and nominate persons to execute the same; and the said judges, or any three of them, in their respective jurisdictions, shall and may hear and determine *in litem* in all such cases, and shall issue executions, and appoint an officer or officers to execute the same, and exercise all the powers incident to a court of pie powder.

Judges.

IV. AND be it further enacted, by the authority aforesaid, that any person may have recourse to the register book, and the register shall and may receive for entering every certificate one dollar, for every search half a dollar, and for copy of a certificate one dollar; and the officer or officers appointed by the said judges to serve or execute process, shall have the same fees and commissions as by law allowed to themselves in the like cases.

Officers fees.

V. AND be it further enacted, by the authority aforesaid, that the county court of Halifax shall at all times have power to fill up vacancies which may happen among the judges of the fairs in Halifax, by death, removal, or refusal to act; and the county court of Chowan the like powers with respect to the judges of the fairs in Edenton; and the judges so appointed shall have the same powers and authorities, as if they had been nominated and appointed by this act.

Vacancies filled.

C H A P. XV.

*An act to vest the title of certain lands therein mentioned in Peter Nash, Esquire, and the purposes.*

I. WHEREAS it hath been made appear, to the satisfaction of the General Assembly, that Peter Nash, of the county of Jones, is justly intitled to one third part of a certain tract of land, lying and being in the county of Orange, containing five thousand acres, the same being a tract of land late the property of Richard

Partible.

AUGUSTINE

A. D. 1779.

Augustus Lathbury, and sold to Edmund Fanning, in behalf of himself, Thomas Hart, and the said Abner Nash, by the sheriff of the said county of Orange, to satisfy a judgment and execution obtained in the superior court of Halifax by a certain Richard Bridger; and the said Edmund Fanning, who owed allegiance to this state, having departed the same, and joined the enemies of the united states, whereby his property hath by the laws of this state become forfeited to the same; and it being reasonable that the said one third part of the said land should be protected from confiscation, and secured to the said Abner Nash:

Land vested in Abner Nash.

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 Thomas Taylor, John Kincher, and John Eakice, or any two of them, be, and they are hereby appointed commissioners, for the laying out and ascertaining unto the said Abner Nash his one third part of the said tract of land, regard being had to the quantity and quality of the same; and thereupon that they, or any two of them as aforesaid, shall execute unto the said Abner Nash a good and sufficient deed of conveyance for the same; all which proceedings, at the proper costs and charges of the said Abner Nash, when had and done, shall be deemed sufficient in law to vest in him all the right and title which this state hath, or may have acquired, in and to the same, by confiscation, forfeiture, or otherwise, any law to the contrary notwithstanding.

In Thomas Burke.

III. AND whereas also it hath been made appear, to the satisfaction of the General Assembly, that Thomas Burke, of the county of Orange, is justly entitled to a certain tract or parcel of land situated in the said county of Orange, on both sides of Little river, beginning at a hickory and red oak on the east bank of the river, a corner of John Pilkerton's; thence crossing the river with McCallister's line, west thirty eight chains, to a red oak sappling; thence along his line, south four chains and an half, to a black oak; thence along his line, west forty chains, to a red oak; thence along his line, north seven chains, to a hickory sappling on Joseph Allison's line; thence along his line, west nine chains, to a hickory sappling, corner of William Kay's land; thence his line south, crossing the river three times, to wit, at eleven chains, at eighteen chains, and at twenty two chains, and continued sixty five chains, to a black jack sappling; thence east thirty one chains fifty link, to a large forked oak, and continued fifty six chains and an half, to a stake; thence north thirty four chains, with Pilkerton's line, to a persimon tree standing on the bank of the river; thence down the waters of the river with Pilcaton's line, to a stake on the east bank of the said river; thence his line, east ten chains, to a hickory and white oak; thence his line, north ten degrees west, ten chains, to the first station; containing three hundred and ninety three acres, of which tract or parcel of land the late James Milner died seized, and which was sold by a certain Andrew Miller, executor of the last will and testament of the said James, to the said Thomas Burke; and the said Andrew Miller having attached himself to the enemies of this and of the united states, and the heirs of the said James Milner (if any there be) being aliens and enemies to this state, and it being very just and reasonable that the said Thomas Burke should have the full effect of his contract and purchase of the said lands and premises, and that the same should be protected from confiscation, and secured to the said Thomas Burke: Be it therefore enacted, by the authority aforesaid, and it is hereby enacted, that the said tract or parcel of land, situated, lying and being in the county of Orange aforesaid, on both sides of Little river, and bounded as aforesaid, be and remain to the said Thomas Burke, his heirs and assigns, for ever; saving the rights of all persons who are citizens of this or of any of the united states, and all rights (except such as may be now or hereafter vested in this state, by forfeiture, confiscation, escheat, or dereliction) by, from, or under the heir or heirs of the said James Milner, deceased, who are aliens or enemies; any law to the contrary, notwithstanding.

In Thomas Person.

IV. AND whereas it hath further been made appear, to the satisfaction of the General Assembly, that on or about the ninth day of March, one thousand seven hundred and seventy four, Thomas Person, Esquire, of Granville county, did purchase of a certain William Field a certain tract of land, lying in the county of Randolph, late Guilford county, on both sides Hickory creek, containing two hundred and thirty three acres, and bounded as follows, to wit, beginning at a hickory, on John Osborn's line; thence running north two hundred and twenty poles, to a white oak; thence east, crossing Hickory creek, one hundred and seventy poles, to a white oak; thence south two hundred and twenty poles, to a hickory, to and along Osborn's line, to the beginning; the same land having been granted to Isaac Cox by Earl Granville, by a deed bearing date the twenty sixth day of October, one thousand seven hundred and fifty nine, and by sundry mesne conveyances, as appears by the records, afterwards to the said William Field; and the said Thomas Person having paid the purchase money, or the greater part thereof, and taken a bond of the said William Field, bearing date the aforesaid ninth day of March, one thousand seven hundred and seventy four, conditioned for the making unto the said Thomas a good title in fee-simple in and to the said land: And whereas the said William Field afterwards, and before any legal title by deed could be obtained from him for the land aforesaid, did traitorously withhold himself from this state, and did join the enemies of the united states, whereby all his lands and tenements, goods and chattels, are become forfeited to this state; and it being reasonable that the said land, so aforesaid purchased of him by the said Thomas Person, should be protected from confiscation, and secured unto him: Be it therefore further enacted, by the authority aforesaid, that the said two hundred and thirty three acres, situated and bounded as is before set forth, be, and the same is hereby declared to be vested in the said Thomas Person, his heirs and assigns, for ever, as fully, to all intents and purposes, as if the said Field had executed a deed to him for the same before his departure from this state.

Purchase money to be paid.

V. AND be it further enacted, by the authority aforesaid, that the said Abner Nash, Thomas Burke, and Thomas Person, shall pay into the hands of the commissioners to be appointed for the counties of Orange and Randolph the respective sums due for the lands aforesaid, and that they account on oath for the same.

Proviso: That legal validity, &amp;c.

VI. PROVIDED nevertheless, that this act shall not be construed to extend to invalidate any legal conveyance made by the within mentioned Edmund Fanning; or to touch the declaration of independence, to any part or parcel of the within mentioned land.

C H A P. XVI.

*An Act for dividing Anson county, and other purposes.*

**W**HEREAS the large extent of the county of Anson, together with the difficulty of crossing the river Pee Dee, especially when waters are high, renders it grievous and troublesome to many of the inhabitants to attend the courts, general meetings, elections, and other public meetings appointed therein;

**II.** BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the said county of Anson be divided into two separate and distinct counties, and that the river Pee Dee be the dividing line; and that all that part of Anson that lies on the south west side of the said river Pee Dee, shall be, continue and remain, a distinct county, by the name of Anson; and that all that other part of the county of Anson that lies on the north east side of said river, shall thenceforth be erected into a new and distinct county, by the name of Richmond county.

**III.** AND for the due administration of justice, Be it enacted, by the authority aforesaid, that a court for the said county of Richmond shall be held constantly by the justices thereof on the last Mondays in March, June, September, and December; and the justices for the said county of Richmond are hereby authorized and empowered to hold the first court for the said county of Richmond at the Presbyterian meeting house, near Hitchcock creek, on the last Monday in December next, and all subsequent courts for the said county of Richmond 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 Richmond, and then at such places, matters and things, depending in 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 Richmond shall be held by commission to the justices, in the same manner, and under the same rules and regulations, and shall have and exercise the same power and jurisdiction, as are or shall be prescribed for other courts held for the several counties in this State.

**IV.** AND be it further enacted, by the authority aforesaid, that nothing herein contained shall be construed to debar the sheriffs of the said county of Anson, as the same stood undivided, to make distress for any levies, fees, or other dues, now a making and owing from the inhabitants of said county as it formerly stood undivided, in the same manner as by law the said sheriffs could or might have done, if the said county had remained undivided; 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.

**V.** AND be it further enacted, by the authority aforesaid, that after the passing of this act the said county of Richmond shall continue and remain part of the district of Salisbury; and the county treasurer of the said county of Richmond shall from time to time account for and pay to the public treasurer of Salisbury district for the time being, all public taxes by him collected, or wherewith he shall stand chargeable, in the same manner, and under the like penalties, as other county treasurers.

**VI.** AND be it enacted, by the authority aforesaid, that Henry William Harrington, John Donaldson, William Legate, John Coal, Robert Webb, Robert Thomas, and Richard Pemberton, esquires, be, and they are hereby empowered and directed to agree with workmen for erecting and building a court house, prison and stocks for the use of the said county of Richmond, at such place as they or a majority of them shall agree upon, as near the center of the said county as conveniencies will admit of, and purchase of the proprietor or proprietors of such land fifty acres of land for erecting and building the court house, prison and stocks thereon.

**VII.** AND for reimbursing the said commissioners the money they shall expend in purchasing the aforesaid fifty acres of land, and erecting the said buildings; Be it enacted, by the authority aforesaid, that a tax of two shillings in the hundred pence, shall be, and is hereby assessed, on the taxable property in the said county of Richmond, for three years, and two shillings on all taxable persons that are not possessed of taxable property of the value of one hundred pounds, to commence from the passing of this act; and that all persons who shall neglect or refuse to pay the said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress, as for non-payment of public taxes; and the sheriff of the said county of Richmond is hereby directed and required to account for and pay the monies by him so collected to the commissioners aforesaid, after deducting his commissions for collecting the same; and in case of failure or neglect in the said sheriff, he so failing or neglecting shall be liable in the same penalties and recoveries as by law may be had against sheriffs for public taxes in like cases.

**VIII.** AND be it further enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced 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.

**IX.** AND be it further enacted by the authority aforesaid, That the said county court of Richmond shall, from and after the last monday of December next, nominate and appoint three freeholders to serve as jurors at the superior courts held for the district of Salisbury.

**X.** AND be it further enacted by the authority aforesaid, That all entries of land lying in the said county of Richmond, which have or hereafter shall be made with the entry taker of Anson county on or before the first day of December next, and that remain unsurveyed on the day aforesaid, that it shall and may be lawful for the entry taker of Anson county, and he is hereby directed to issue warrants for all such entries aforesaid, to the surveyor of said county of Richmond; any thing in this act to the contrary notwithstanding.

**XI.** AND be it enacted by the authority aforesaid, That courts for the county of Anson shall be held hereafter by the justices thereof on the first Mondays in January, April, July and October; and the justices of the said county of Anson are hereby authorized and empowered to hold the first court of the said county of Anson at the court house of Anson, and all subsequent courts for the said county of Anson 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 Anson; and that all causes, matters and things, depending in the said court, and all process returnable to the same, shall be adjourned to such court house.

XII. AND

A. D. 1779.  
Presable.

Richmond  
1780.

Courts for Rich-  
mond to be held.

Sheriff to make  
distress as before  
the division.

Part of Salisbury  
district.

Court-house  
&c. built.

Tax laid

Suits continue

Jurors appoint

Lands survey

Courts for  
Anson.

A. D. 1779.  
Court-house for Anson.

XII. AND be it further enacted by the authority aforesaid, That David Love, Richard Farr, Thomas Lacey, George Davison, Shem Thomson, William Johnson and John Jackson, or a majority of them, be and are hereby impowered and directed to agree and contract with workmen for erecting and building a court-house, prison and stocks, for the use of the said county of Anson, at such place as they, or a majority of them, shall agree upon, as near the centre of the said county of Anson as conveniences will admit of, and purchase of the proprietors or possessors of such land fifty acres of land, for erecting a court-house, prison and stocks, thereon.

Tax laid.

XIII. AND for reimbursing the said commissioners the monies they shall expend in purchasing the said land, and erecting the said buildings; Be it enacted, by the authority aforesaid, that a tax of two shillings in each hundred pounds value of taxable property shall be, and is hereby assessed on the taxable property in the said county of Anson for three years, and a poll tax of two shillings on each taxable person in said county that is not possessed of taxable property to the value of one hundred pounds, to commence from the passing of this act; 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 sheriff of said county is hereby required to collect, account for, and pay the monies so collected to the commissioners aforesaid, after deducting his commissions for collecting the same; and in case of failure or neglect of the said sheriff, he so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against sheriffs for failing to collect public taxes.

Jury appointed.

XIV. 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 three freeholders to attend the superior court of Salisbury as jurors.

Judges, and militia officers.

XV. AND be it enacted, by the authority aforesaid, that after the passing of this act, the persons who are now in the commission of the peace for the county of Anson, shall be and continue judges of the peace for either of the aforesaid counties in which they then reside, and shall be impowered to hold courts, and execute all and every thing appertaining to the office of a justice of the peace for the counties of Anson and Richmond; and all militia officers of the aforesaid county shall exercise their respective offices as such commissions, until new commissions can be had; any thing to the contrary, notwithstanding.

Elections where held.

XVI. AND be it enacted, by the authority aforesaid, that the next general election for the county of Anson shall be held at the meeting house, known by the name of Carter's, for holding meetings hereof; and the next general election for the county of Richmond shall be held at the Public-house, situate at meeting house, near Hancock creek; any thing to the contrary, notwithstanding.

C H A P T E R N V O .

An act for the division of Dobbs county, and the jurisdiction therein mentioned

Preamble.

I. WHEREAS the large extent of the county of Dobbs, and the distance of the inhabitants of the extreme parts thereof at the court-house, to persons public does difficult and expensive: For remedy whereof,

County divided.

II. BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the said county of Dobbs be divided, and that William Caswell, Charles Markland, William Jackson, Peter, Richard Austin, and Benjamin Cobb, or a majority of them, be, and they are hereby appointed commissioners for marking the dividing line, who are hereby directed to run the lines of the said county of Dobbs so that they shall divide the middle part of said county, which when discovered, they shall run a line a north and south course through the middle part of said county; and then all that part of said county which lies easterly of the dividing line, shall continue and remain a distinct county, by the name of Dobbs; and that all the other part shall be a distinct county, by the name of Wayne, with the same privileges and immunities as any other county within this state.

Courts to be held.

III. AND for the due administration of justice, Be it enacted, by the authority aforesaid, that a court for the said county of Wayne shall be constantly held by the justices thereof on the second Mondays in January, April, July, and October, in each and every year; and the justices for the said county of Wayne are hereby authorized and impowered to hold the first court for the same at Josiah Saffer's house, on the second Monday in January next, and all subsequent courts elections, and other public business, directed by law to be transacted at the respective court-houses in this state, shall be held and transacted for the said county, at any place to which the said justices shall from court to court adjourn themselves; and a court-house shall be built for the said county of Wayne, and then all causes, matters and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Wayne, shall be held by commission to the justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as is or shall be prescribed for other courts held for the several counties in this state.

Districts to be made.

IV. AND be it further enacted, that nothing herein contained shall be construed to debar the late or present sheriff or collectors of Dobbs county to make distress for any taxes, fees, or other dues, now actually due and owing from the inhabitants of said county, in the same manner as by law the said sheriffs or collectors could or might have done if said county had remained undivided; and said taxes, fees, and other dues, shall be collected and accounted for in the same manner as if this act had never been made.

Wayne part of Newbern district

V. AND be it further enacted, by the authority aforesaid, that from and after the passing of this act, the said county of Wayne shall be, continue and remain, part of the district of Newbern; and the county treasurer of said county shall from time to time account for and pay to the public treasurer of the district of Newbern all public

public monies wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties, as other county treasurers.

VI. AND be it further enacted, by the authority aforesaid, that Robert Sims, Thomas Gray, Andrew Bais, Ethelred Smith, and William Alford, or the survivors of them, be, and they are hereby impowered and directed, to agree and contract with workmen for erecting and finishing a court-house, prison and stocks, for the use of said county of Wayne, at such place as they, or a majority of them, shall agree upon, at or near the centre of said county.

VII. AN for reimbursing the commissioners for running the dividing line, as also the commissioners for erecting the said buildings; Be it enacted, by the authority aforesaid, that a tax of two shillings on every hundred pounds value of assessable property, and a poll tax of two shillings on all persons not possessed of one hundred pounds taxable property, be levied on the inhabitants of said county for two years, to commence from the first day of January, in the year one thousand seven hundred and eighty; and all persons who shall refuse or neglect to pay the said tax 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 said county are hereby required and directed to pay the money by them so collected into the hands of said commissioners, after deducting their lawful commissions for collecting the same; and in case of failure or neglect, 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.

VIII. AND be it further enacted, that all manner of suits, causes, pleas, and every species of business, and every manner of business, now commenced and depending in the county court of Dobbs, and the proceedings in said court to a final end and determination.

IX. AND be it further enacted, that where any inhabitant of Wayne county already laid, or hereafter to be laid an entry for lands lying in said county with the entry taker of Dobbs county, and the return of survey is not already executed, said entry taker is hereby required to set out said tract in strict and true conformity to the proper survey of Wayne county.

X. AND be it further enacted, that a court for the said county of Dobbs shall be regularly held, by the justices thereof, on the first Mondays of January, April, July, and October.

XI. AND be it further enacted, that the justices for the said county of Dobbs shall hold the next court for said county in Kingston, at a house lately occupied by Col. James Glasgow, and all subsequent courts for the said county to be held at the said house until a court-house shall be built for the said county of Dobbs.

XII. AND be it further enacted, by the authority aforesaid, that William Caswell, John Hertridge, William Ormond, William Hooker, and Bryan Whitfield, Esquires, or the survivors of them, be, and they are hereby impowered and directed, to agree and contract with workmen for erecting and finishing a court-house, prison and stocks, for the use of the said county of Dobbs, at such place as they, or a majority of them, shall agree upon, as nearly central as may be convenient.

XIII. AND for reimbursing the commissioners for running the said dividing line, as also the commissioners for erecting said buildings; Be it enacted, by the authority aforesaid, that a tax of two shillings on every hundred pounds value of assessable property, and a poll tax of two shillings on every person not possessed of one hundred pounds taxable property, be levied on the inhabitants of said county for two years, to commence from the first day of January, in the year one thousand seven hundred and eighty; and all persons who shall refuse or neglect to pay said tax 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 said county are hereby required and directed to pay the monies by them so collected into the hands of said commissioners, after deducting their usual commissions for collecting the same; and in case of failure or neglect, 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.

A. D. 1779.

Court held for Wayne.

Tax laid.

Suits determined.

Land surveyed in Wayne.

Court days for Dobbs.

Where held.

Court held for Dobbs.

Tax laid.

A. D. 1779.

## CHAPTER XVIII.

*An act to enable John Kirkwood and Thomas Reelson to sell and dispose of the estate of John Reelson, deceased.*

Preamble.

**I. WHEREAS** John Reelson, of the county of New Hanover, having died intestate, and possessed of a considerable estate, real and personal, the greater part of both stands mortgaged for the payment of more than the sum of fifteen hundred pounds for his money, to be repaid to him by Killy, merchant in the kingdom of Great Britain, whose property becomes forfeited by their sentence from this state;

What to be sold.

**II. BE it** enacted by the General Assembly of the state of North-Carolina, that said and may be lawfully sold by the said John Kirkwood and John Kirkwood to sell, convey, and dispose of the estate of the deceased, for the most it will fetch, at public vendue, and to arise and pay the debt and interest due by said Reelson to Woidridge and Kelly into the treasury of this state, and the remainder (if any) to apply as by law directed.

## CHAPTER XIX.

*An act for dividing the Mecklenburg regiment of militia into two separate and distinct regiments.*

Preamble.

**I. WHEREAS** the great utility of said county and the inconvenience of having a court-house for said county to attend court martial, and other military duties, at said court-house for several weeks;

Regiment divided.

**II. BE it** enacted by the General Assembly of the state of North-Carolina, and by the authority of the same, that from and after the passing of this act, the companies of the following captains, to wit, captain James Wilson, captain William Hester, captain William Alford, and captain John Carter, shall be separate and distinct regiments, known by the name of the Mecklenburg second regiment of militia.

Their powers.

**III. AND** be it further enacted, by the authority aforesaid, that said regiment, from and after the passing of this act, shall have, exercise and enjoy, all the powers and authorities that any other separate and distinct regiment in this state does exercise and enjoy; any law to the contrary, notwithstanding.

Place of general musters.

**IV. AND** be it further enacted, by the authority aforesaid, that the place for holding general musters for said regiment shall be at the house of captain Benjamin Hester, where said companies have been formerly mustered.

## CHAPTER XX.

*An act to lay off and establish a town in Warren county, on the land already purchased by a commissioner, at the place fixed for sitting the courts, and for other purposes therein mentioned.*

Preamble.

**I. WHEREAS** one hundred acres of land, at the place fixed for sitting the courts in the county of Warren, hath been purchased agreeable to an act of assembly passed at Halifax the twelfth day of February, next, for the purchase of one hundred and forty acres of land, *An act for dividing Wake county into two distinct counties, and for other purposes therein mentioned;* and representation being made to this Assembly, that the inhabitants of said county believe it would be greatly to their advantage, albeit the benefit of traders and artificers, to have a town laid off and established by law in the aforesaid land;

Town established.

**II. BE it** therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that a town be established on the said land, by the name of Warren, and that William Johnston, Philip Hawks, Edward Jones, John Faulkner, Aikin McLemore, and William Dore, &c. and are hereby appointed and constituted commissioners and officers, for laying out and dividing up the building and carrying on the said town: And the said commissioners, or a majority of them, are hereby authorized and required, immediately after the passing of this act, to lay out a lot of ground, convenient and sufficient for the court-house, prison and work-house, to lay out one hundred other lots, each to contain one half acre, with convenient walks and squares, and the overplus of land (if any) to remain as a common for the use of said town, until by law it shall be appropriated.

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appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make, or cause to be made, a fair plan of said town, and mark or number each lot therein, and take subscriptions for said lots of such persons as may be willing to subscribe or the same; and when the whole number of lots shall be subscribed for, the said commissioners shall appoint a day, and give public notice thereof, for drawing said lots, which shall be done by ballot, in a fair and open manner, by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him, and corresponding with the mark or number contained in the plan of said town: And the said commissioners, or a majority of them, are hereby empowered to grant good and sufficient titles in fee simple for said lots, at the cost of the subscriber: Provided nevertheless, that every grantee, his heirs or assigns, of any lot in said town, for a new one, shall within three years next after the conveyance erect, build and finish, on the said lot, one brick, stone, or well framed house, not less than twenty feet long, sixteen feet wide, and at least ten feet high with a brick or stone chimney, or in proportion to such dimensions, any grantee shall hold two or more lots adjacent; and if the owner of any lot or lots shall fail to build and finish thereon a house or houses as before described, the said lot or lots shall be forfeited; and the aforesaid commissioners, or a majority of them, are hereby authorized to sell, on public notice first given, such lot or lots to the highest bidder, under the like regulations as the same was before granted, and the money arising from such sale to be applied by the trustees, or a majority of them, for the benefit and improvement of said town. Provided also, that no one person shall be permitted to take or acquire more than six lots for his own use.

It is also to be further enacted, by the authority aforesaid, that each respective subscriber for a lot in the town, shall at the time being pay fifty dollars for each and every lot into the hands of said commissioners, or any one of them, as they shall appoint, who, after deducting from such sum the sum in moneys as the county court shall as judge a reasonable compensation of the subscribers, are hereby directed and required, within three months after the lots are drawn first to pay the remainder of all the said moneys into the hands of those commissioners, acting in obedience to the act of assembly before mentioned, did purchase the stores and materials, and contract with workmen to build a court house, prison and docks, thereon; which said moneys the said mentioned commissioners shall appropriate towards discharging the cost of the store and said buildings, and shall account with the court of said county for the expenditure of the same.

IV. And he is to be enacted, by the authority aforesaid, that in case of refusal, death, or removal out of the county, any of the commissioners appointed by this or the aforesaid act, or the survivors of them, are hereby empowered and required to appoint, from time to time, by their several writings, under their hands and seals, some other person or persons, in the place of him or them so refusing, dying or removing, which said instrument shall be recorded in the court of said county; and the new commissioner or commissioners so appointed shall exercise the like power and authority, in all matters and things, as if him or them had been expressly named and appointed by this or the aforesaid act.

V. WHEREAS the commissioners appointed by the aforesaid act to measure the boundaries of Bute county, and run a dividing line between the counties of Warren and Franklin, having run the same by a direct line from Grandy line to Little Shockoe creek near Priffella Neoms plantation, and making it most convenient for the lower inhabitants near the said dividing line to continue the same down the meanders of Little Shockoe and Great Shockoe creek, to Fishing creek, and down the meanders thereof to Halifax and Nash line, each county their by having an equal quantity of land, as near as can be reasonably ascertained; And as the commissioners have caused the said dividing line to be entered on the records of each county, therefore, be it enacted by the authority aforesaid, That the aforesaid dividing line as it stands entered on the records of Warren and Franklin counties, be and remain the dividing line between the said counties; any thing contained in the aforesaid act to the contrary notwithstanding: And for the mere ease of the inhabitants of the county of Warren in attending courts and other public business,

A. D. 1775.

Lots Grant

Purchase made

Appropriated

Commissioners  
k 2: 25

Dividing Line

A. D. 1779.

Courts for  
Warren.

VI. BE it enacted by the authority aforesaid, That all courts after November, one thousand seven hundred and seventy nine, for the aforesaid county shall be held at the house of Thomas Christmas, until the court house shall be built sufficient to hold courts in; any thing to the contrary notwithstanding.

## C H A P. XXI.

*An act to amend an act, intituled An act for the regulation of the town of Hillsborough.*  
I. WHEREAS from the impossibility of procuring nails, and other materials necessary for building, and from many unavoidable circumstances intervening, owing to the present contest with Great Britain, it hath been impossible for those persons holding unimproved lots, by entry or otherwise, to complete the necessary buildings required within the time limited by law;

Preamble

Further time for  
buying lots.

II. BE it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, all and every person holding unimproved lot or lots in the town of Hillsborough, by entry or otherwise, shall be allowed a further time of three years to complete the necessary buildings required by law for securing titles to such lot or lots in said town; any law, usage, or custom, to the contrary, notwithstanding.

Improvements  
necessary.

III. AND be it enacted, by the authority aforesaid, that each and every person holding unimproved lot or lots in the town of Hillsborough, by entry or otherwise, who shall within the term of three years limited by this act, make such improvements on the same as shall be deemed by the trustees or commissioners of the said town, as a reasonable and necessary one of equal value or advantage to the town as the house required by law, shall be considered a sufficient improvement to secure a title thereon and every act to the contrary, any law, usage or custom, to the contrary, notwithstanding.

Repealing  
clauses.

IV. AND be it further enacted, by the authority aforesaid, that the eighth section of an act of the General Assembly, passed at Newbern, the 12th day of April, 1778, which is now hundred and seventy seven, intituled, *An act for the regulation of the town of Hillsborough* is hereby repealed.

V. AND be it further enacted, by the authority aforesaid, that any act or part of the above recited act, as comes within the purview of this act, is hereby repealed and made null and void.

## C H A P. XXI.

*An act to prevent persons from stopping the passages of fish up Tar river and Dan river.*

Preamble.

I. WHEREAS divers persons, inhabitants near Tar river and great Dan river, heretofore made a practice of stopping the passage of fish up the said rivers, by building wares, dams or hedges, across the same, whereby great damage is done to the good people resident above such wares, dams or hedges: For remedy whereof,

Stopping of fish  
prevented.

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, it shall not be lawful for any person or persons whatsoever to build, erect, or cause to be built or erected, or kept up, any ware, dam, or stoppage, that is already, or may hereafter be built or erected across the said rivers, unless eighteen feet in or near the middle, or in the deepest part of the said rivers, be left open to the bottom across the same during the term of three months, to wit, from the fifteenth day of February to the fifteenth day of May; but that all stoppages shall be so made in the said rivers as to leave eighteen feet thereof as aforesaid open and sufficient for the free passage of fish up the said rivers during the aforesaid term of three months in each and every year.

Penalty.

III. AND be it further enacted, by the authority aforesaid, that any person or persons who shall offend against this act, shall forfeit and pay for every such offence the sum of one thousand pounds, to any person or persons who shall sue for the same, to his, her, or their own proper use; to be recovered before any jurisdiction that shall have cognizance thereof.

Tar river.

IV. AND be it enacted, by the authority aforesaid, that this act shall not extend to keep open Tar river higher up the same than to Priddy or Dickenson's mill, as the said mill is not far below the head of the said river.

CHAP.

C H A P. XXIII.

*An act to empower the commissioners therein mentioned to purchase a lot in the town of Wilmington, to build a gaol thereon for the district of Wilmington, and other purposes.*

A. D. 1779.

I. **W**HEREAS there is no lot yet procured to build a district gaol in the town of Wilmington, for the district of Wilmington: 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 William Wilkinon, John Du Bois, Henry Toomer, Richard Player, and Andrew Rundifon, or a majority of them, be, and they are hereby authorized and empowered to purchase a lot of land in the said town, in the most convenient place for the purpose aforesaid.

Lot purchased.

III. **A**ND be it further enacted, by the authority aforesaid, that the said commissioners be, and they are hereby authorized and empowered, to take a title for the said lot, for and in behalf of the said district of Wilmington, to be reserved for the uses aforesaid.

Title made.

C H A P. XXIV.

*An act for prolonging the time for saving the lots in the towns of Windsor and Wynton.*

I. **W**HEREAS from many unavoidable hindrances it hath been impracticable for the proprietors and owners of lots in the towns of Windsor and Wynton to complete the buildings on the said lots agreeable to law;

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 every lot in either of the said towns, on which a house be erected and built of the dimensions in the several acts of Assembly for erecting the said towns of Windsor and Wynton into towns, or other improvements, which shall be by the commissioners, trustees or directors, or either of them, deemed and adjudged equal thereto, within the space of three years next after the passing of this act, and all and every lot in either of the said towns which shall hereafter be sold or conveyed, on which such house shall be erected and built, or other improvement made thereon equal thereto, within the space of three years from the date of the conveyance executed for the same, shall and is hereby declared to be veiled in the grantee thereof, his heirs and assigns, in fee simple, any thing contained in the above mentioned act to the contrary notwithstanding.

Time for saving lots.

C H A P. XXV.

*An act for establishing an academy in the county of Granville, for appointing trustees, and for other purposes.*

I. **W**HEREAS the proper education of youth in this state is highly necessary, and would answer the most valuable and beneficial purposes to the good people thereof; and whereas the county of Granville, from its situation both pleasant and healthy, well watered, and abounding with provisions, is a fit and proper place to erect buildings for a seminary of learning; and whereas large sums of money have already been subscribed to promote and encourage such a laudable and beneficial establishment, which, together with such other sums as may be given in donations and otherwise, will answer all the expence attending the same:

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 his Excellency Richard Caswell, Esq; Abner Nash, Esq; Speaker of the Senate, and Thomas Benbury, Esq; Speaker of the House of Commons, John Penn, Esq; Reverend George Micklejohn, the Reverend Henry Patillo, Thomas Person, Edmund Taylor, John Taylor, Memuan Hunt, Philemon Hawkins, jun. Howell Lewis, Robert Lewis, Charles Ruit Eaton, John Young, and Samuel Smith, be, and are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession all monies and other personable property, as also to receive a grant in fee for all such land as shall be given in donations, with such uses and trusts as may be necessary for the purpose aforesaid.

Trustees.

III. **A**ND be it further enacted, by the authority aforesaid, that a majority of the said trustees shall be, and are hereby declared a board, to make choice of land, receive in donations, or purchase the same in the said county, not containing less than five hundred acres, whereon to erect the building of the academy aforesaid, which when built shall be called

Their power.

A. D. 1779.

Granville Hall; and that a majority of said trustees shall be a board on other occasions to make all such regulations as shall be necessary for the improvement of the said academy, who are hereby vested with all the powers and authorities as the trustees of any academy in this state possess and hold, for the purposes aforesaid.

Town established

AND whereas a town contiguous to the said buildings would be very convenient and serviceable, Be it further enacted, by the authority aforesaid, that the said majority of the trustees as aforesaid shall lay out one hundred acres of the said land into half acre lots, with proper streets and squares; and when one hundred lots are subscribed to, the same to be drawn by ballot, and any five of the said trustees shall make a deed in fee to every subscriber who shall draw a lot as aforesaid.

## C H A P. XXVI.

*An act to prevent the stopping of fish from running up the Rocky and Haw rivers.*

Preamble.

**I. WHEREAS** divers persons, inhabitants in or the said rivers, have in several trades the practice of stopping the same, by building wares, dams or hedges, across said rivers, with design to catch fish and otherwise, whereby great injury is done to the good people resident above such wares, dams, or hedges aforesaid: For remedy whereof,

Proviso of Act provided.

**It** BE it enacted by the authority of the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that from and after the ratification of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, wares, dams or hedges in the said river, below Nathaniel Alexander's mill, on Rocky river, which dam is in the ordinary road that leads from Salisbury to Charlotte town on Rocky river, or between Salisbury and on Haw river. Provided nevertheless, it shall and may be lawful for any person or persons to keep up any mill dam or dams that is or may be erected on said river, provided the owners of such mill dams shall either by gates or flaps, from the highest water holes are used the fifteenth of May in each and every year, keep open twenty feet or said river in slopes or gates, said slopes to be twenty five feet in width for every year feet in height of such dam, and so in proportion, and so fixed, that the water may be kept running not less than six inches deep through each flaps or gate, and during the time aforesaid, said flaps and gates to be made and fixed up at the expense and cost of the owner or owners of such dam or dams; and if the owner or owners shall chuse to keep open the river by gates, they shall be fixed and kept in the channel of said river for and during the time aforesaid, and the same number of feet in breadth.

Penalty.

**It** AND be it further enacted, by the authority aforesaid, that any person or persons who shall offend against this act, shall forfeit and pay for every offence the sum of five hundred pounds; to be recovered by action of debt, in any court of record in this state, one half to him or them that will sue for the same, the other half to go to the use of the county where the offence may be committed, to lessen the county tax.

## C H A P. XXVII.

*An act to establish a road from James McDoniel's, in Pasquotank county, to the widow White's, in Perquimans county, and granting a toll on the same.*

Preamble.

**I. WHEREAS** a representation hath been made by a number of petitioners of the counties of Pasquotank and Perquimans, that a road, bridge or causeway, leading from or near James McDoniel's, in the upper part of Pasquotank county, through the great Deal swamp, to Perquimans county, to join in a road in Perquimans county passing from the upper bridge of Perquimans river by the widow White's, would be of great convenience to the inhabitants of the said counties, and other persons having occasion to travel in that part of the country; and whereas Gideon Lamb hath proposed to make such road, bridge or causeway, in the proper and suitable manner, at his own expence, and to maintain it in the best and most convenient manner, if he can be ascertained of receiving an adequate compensation and encouragement for the same;

Road made.

**It** BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that the said Gideon Lamb, his heirs or assigns,

A. D. 1779.

assigns, may proceed to make, or cause to be made, such road, bridge or causeway; and if he, or any of them, shall within the term of five years from the passing of this act, make, or cause to be made, such road, bridge or causeway, so as to answer the purposes of effecting a safe and convenient passage to all travellers having occasion to pass along the same, their horses, carriages, cattle, sheep or hogs, that in such case it shall and may be lawful for the said Gideon Lamb to erect and keep a sufficient gate on any part of the said road, bridge or causeway, and demand and receive for the passage of all and every person or persons, with a horse or horses, cart or carriage, or any number of cattle, sheep or hogs (foot passengers only excepted) half the rates that are or may, from time to time, be by the court of Chowan county allowed for the passage of the same over the ferry from Edenton to Duckinfield's; and that the said Gideon Lamb, his heirs or assigns, may lawfully prevent any person or persons passing over the same as aforesaid, without payment of the said rates.

III. AND be it further enacted, by the authority aforesaid, that all militia or continental troops, with the carriages and horses, when employed and in actual service, shall pass and repass over said bridge toll free.

Militia, &amp;c. to pass free.

IV. PROVIDED, that Jonathan Herring, Joshua Campbell, Caleb Cowen, Joseph Sockley, Thomas Newby, Josiah Greenberry and Charles Herring, are hereby authorized and appointed to inspect and judge whether the said road, bridge or causeway, be properly made by the said Gideon Lamb, his heirs or assigns; and upon the certificate of them, or a majority of them, returned to the county court of Pasquotank or Perquimons, certifying that the said road, bridge or causeway, is properly made, so as to answer the purposes and intents of this act, that he within the term of five years as aforesaid, then the right of receiving the said rates as above mentioned shall commence, and be vested in the said Gideon Lamb, his heirs and assigns.

Commissioners to inspect the road.

V. AND be it further enacted, by the authority aforesaid, that the right of receiving the rates aforesaid, upon the conditions above mentioned, shall continue in the said Gideon Lamb, his heirs and assigns, for ever.

Toll vested.

VI. AND be it further enacted, by the authority aforesaid, that during the time the said bridge or causeway shall be kept in sufficient repair, and fit for travellers and carriages to pass and repass the same, it shall not be lawful for any person or persons whatsoever to build any bridge or causeway, or let any person or persons, carriage or carriages, cattle, hogs or sheep, over the said swamp for fee or reward, within six miles of the said bridge or causeway, during the time aforesaid, under the penalty of fifty pounds current money for each and every offence; to be recovered by the said Gideon Lamb, his heirs or assigns, in any court of record in the said State, to be applied to the use of the proprietor of the bridge or causeway built by the said Gideon Lamb; and during the said time, the right and property of the said bridge or causeway is hereby invested in the said Gideon Lamb, his heirs, executors, administrators, or assigns.

No other bridge to be built.

VII. AND be it further enacted, by the authority aforesaid, that if any person shall sustain any damage or injury in crossing the said bridge or causeway, owing to its insufficiency, he, she or they, so sustaining damage, shall have a right of action and recovery of the proprietor of the bridge or causeway.

Proprietor liable for damage.

## C H A P. XXVII.

*An act to appoint commissioners for fixing on a place within the county of Montgomery to build a court house, prison, and stocks, and other purposes therein mentioned.*

WHEREAS by an act of Assembly, passed at Halifax in January, one thousand seven hundred and seventy nine, the county of Anson was divided, and a new county erected, by the name of Montgomery county, and by the said act commissioners were appointed to choose out and fix on a certain place within the said county to erect and build a court-house, prison and stocks; and by either an omission of the clerk of the Assembly, or the printer of the said act, one of the commissioners was omitted and left out of said law, by which means the said commissioners could not lawfully act, as a majority of them either neglected or refused serving: Therefore,

Presumable.

II BE



running along the dividing ridge that divides the waters of the Great Canawee and Terefee, to the head of Indian Creek; thence along the ridge that divides the waters of Hoffman and Wataga, to the mouth of Wataga; thence a direct line, to the highest part of the Chimney Top mountain, at the Indian boundary: And that all that part of said county of Washington which lies northward of said dividing line, shall be erected into a new and distinct county, by the name of Sullivan county; and that all that other part of said county which lies southward of said dividing line, shall continue and remain a distinct county, by the name of Washington.

IV. AND for the due administration of justice, Be it enacted, by the authority aforesaid, that a court for the county of Sullivan shall be constantly held by the justices thereof on the first Mondays in February, May, August, and November; and the justices for said county are hereby authorized and empowered to hold the first court for their county at Moses Lusey's, on the first Monday in February next, and all subsequent courts on the days above appointed for holding courts thereon, at any place to which said justices shall from court to court adjourn themselves, until a court-house shall be built for said county; and then all cases, matters and things, depending in said court, and all manner of process returnable therein, shall be adjourned to said court-house; and all courts held in and for the county of Sullivan, shall be held by some of the justices thereof, in the same manner, and under the same rules and regulations, and with the like powers and jurisdiction, as courts for the other counties in this State.

V. AND be it further enacted, that nothing herein contained shall be construed to debar the sheriff or other officers of said county of Washington to make distress for any taxes, fees, or other dues, now afoot due and owing, or which shall be due on the first day of January next, in the due manner, by law made said sheriffs or collectors might or could have done, if this act had not been made.

VI. AND be it further enacted, by the authority aforesaid, that from and after the passing of this act, the said county of Sullivan shall be considered as part of the district of the Superior court of law actually and for the district of Salisbury; and the county treasurer thereof shall, from time to time, account for and pay to the public treasurer of Salisbury aforesaid, all public moneys by him collected, or wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties, as other county treasurers.

VII. AND be it further enacted, by the authority aforesaid, that John Sevier, John Clifton, and Isaac Shiloh, be, and they are hereby appointed commissioners to run the said dividing lines between the counties of Washington and Sullivan, 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 of Washington and Sullivan, and shall thereafter be held and deemed the dividing line of said counties.

VIII. AND for reimbursing the said commissioners the money they shall expend in running said dividing lines between said counties, Be it enacted by the authority aforesaid, that a tax of one penny on every hundred pounds value of assessable property, and a poll tax of two shillings on every person within said counties of Washington and Sullivan, not possessed of one hundred pounds taxable property, shall be levied on the inhabitants of said counties for the year next ensuing, and eighty; and all persons who shall refuse or neglect to pay the said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the collectors of said counties are hereby required and directed to pay the moneys by them so collected to the commissioners aforesaid, for deduction of their lawful commissions for collecting the same; and in case of failure or neglect, such collector so failing or neglecting, shall be liable to the same penalties and remedies as by law may be had against collectors of public taxes in like cases.

IX. AND be it further enacted, by the authority aforesaid, that said commissioners shall account for the moneys by them so received with the court of their county whenever called upon, and shall be entitled to receive and apply to their own use so much thereof as said court shall think an adequate compensation for their trouble and expence; and the surplus, if any, in any proportion to the respective sums collected between the counties of Washington and Sullivan, and applied towards defraying the contingencies of said counties.

A. D. 1779.

Courts for Sullivan.

Distress to be made as before the division.

Sullivan part of Salisbury district.

Lines to be run.

Tax laid.

Commissioners to account.

G. AND

A. D. 1770.

Circuit continued.

Lands surveyed.

Juries.

Lines between Burke &amp; Washington.

Taxable.

X. AND be it further enacted, by the authority aforesaid, that all manner of suits, causes, pleas, and every species of controversy and litigation whatever, now commenced and depending in the county court of Washington, shall be proceeded on in said court to a final end and determination.

XI. AND be it further enacted, that where any inhabitant of Sullivan county, hereby erected, already hath or shall make an entry for lands with the entry taker of Washington county, for which no warrant of survey shall be executed by the first day of January next, the entry taker for said county is hereby required to make out and direct the warrants for such surveys to the proper surveyors of Sullivan county.

XII. AND be it also enacted, that for the future the county of Washington shall nominate only three freeholders to serve as jurors at the Superior court for the district of Salisbury, and the county of Sullivan two freeholders to serve as jurors at said court; and the said county of Sullivan is hereby declared to be intire to the like privileges and immunities as the other counties in this State.

XIII. AND be it further enacted, by the authority aforesaid, that the commissioners herein appointed shall, jointly with James McDowell, extend the dividing line between the counties of Burke and Washington.

XIV. AND to settle the apportion thereof. Be it further enacted, by the authority aforesaid, that a poll tax of one shilling for every person in the said county of Burke, and one penny for one hundred pounds taxable property, and a tax of one shilling for every hundred pounds taxable property in said county in the year of the first assessment, and so in three or one thousand seven hundred and eighty, to be collected in the tax of one shilling in said county, and in said county of Sullivan to be collected in the tax of one shilling, shall be applied towards defraying the charges of the said county.

## C H A P. XXX

*An act to lay out and settle a town in Burke county, on the land already purchased by the said county, at the place called "settling the water-courses," and for other purposes therein mentioned.*

Whereas.

I. WHEREAS one hundred acres of land, at the place called "settling the water-courses" of Franklin county, which have been already purchased by the said county, and which are situated on the banks of the said river, are well adapted for the erection of a town, and for other purposes therein mentioned, and a petition being made to this Assembly that the inhabitants of said county be allowed to have a town laid out and established by law on the aforesaid land;

Town established.

II. Be it therefore enacted by the General Assembly of the State of North-Carolina, that it be and is hereby enacted by the authority of the same, that a town be established on the aforesaid land, to be called by the authority of the same, that a town be established on the aforesaid land, by the name of Newburg, and that Osborn Jeffers, William Green, William Hill, William Franklin, and John Hunt, be, and are hereby appointed and constituted commissioners and trustees, for laying out and directing the building and carrying on the said town: And the said commissioners, or a majority of them, are hereby authorized and empowered, immediately after the passing of this act, to set apart a lot of ground, convenient and sufficient for the court house, prison and work, and also lay out one hundred other lots, each for not more than one acre, with convenient streets and squares, and the excess of land (if any) to be reserved as a common for the use of said town, until by law it shall be appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power, and authority by required to make, or cause to be made, a fair plan of said town, and number each lot therein, and take subscriptions for said lots of such persons as shall be willing to subscribe for the same; and when the whole number of lots shall be subscribed for, the said commissioners shall appoint a day, and give public notice thereof, by drawing said lots which shall be done in a fair and open manner, by the direction and inspection of a majority of said commissioners, and each subscriber shall be intire to the lot or lots drawn for him, and corresponding with the number contained in the plan of said town: And the said commissioners, or a majority of them, are hereby empowered to grant good and sufficient

in fee simple for said lots, at the cost of the subscribers. Provided nevertheless, that every grantee, his heirs or assigns, or any for in said town, so conveyed, shall within four years next after the conveyance made, build and finish, on the said lot, one brick, stone, or well framed house, not less than fifteen feet square, and at least ten feet pitch, with a brick or stone chimney, or in proportion to such dimensions, in any grantee shall hold two or more lots adjacent; and if the owner of any lot or lots shall fail to build and finish thereon a house or houses as before specified, then such lot or lots shall be forfeited; and the aforesaid commissioners, or a majority of them, are hereby authorized to sell, on public notice for any such lot or lots to the highest bidder, under the like regulations as the same would be granted, and the money arising from such sale to be applied by the trustees, or a majority of them, to the relief and improvement of the said town. Provided, that no one person shall be permitted to purchase more than six lots for his own use.

III. AND be it further enacted, by the authority aforesaid, that each respective subscriber for any lot in said town, shall cause the subscriber to pay forty dollars for each and every lot into the hands of said commissioners, or a majority of them, as they shall appoint, who, after deduction of such part of the proceeds as the county court shall adjudge a reasonable compensation for their trouble and services, and required, within three months after the lots are sold, to be paid to the treasurer of all the said moneys in the hands of those commissioners, or a majority of them, to be laid out by the court of assembly before mentioned, said purchase the said lots, and to cause the same to be built upon to build a court-house, prison and stocks, thereon, which the said commissioners shall appropriate towards discharging the said moneys, and to cause the said buildings, and shall account with the court of said county of the said moneys of the same.

IV. AND be it further enacted, by the authority aforesaid, that in case of refusal, death, or non-compliance by any of the commissioners appointed by this or the aforesaid acts, or the heirs or assigns of them, are hereby empowered and required to appoint, from time to time, by a majority in writing, under their hands and seals, some other person or persons, in the place of one or more of them, in refusing, dying or removing, which said instrument shall be recorded in the court of said county; and the new commissioner or commissioners so appointed shall exercise the like power and authority, in all matters and things, as if him or them had been appointed by and appointed by this or the aforesaid act, any thing to the contrary in any law standing.

## C H A P. XXXI.

An act for raising a tax to defray the expense of the public buildings in the county of Nash.

I. WHEREAS some tax heretofore laid on the inhabitants of Nash county by act of Assembly, for the purpose of defraying the expense of the public buildings of the said county, hath not been all collected, and is not sufficient to complete the public buildings of the said county;

II. BE it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that a tax of three shillings per hundred pounds be laid on all the taxable property which is liable to be assessed in the said county of Nash, and on taxable persons in the said county who are not possessors of one hundred pounds value, shall pay the sum of eight shillings, for two years, that is to say for the year one thousand seven hundred and eighty and for the year one thousand seven hundred and eighty one, and that the same shall be collected by the same persons, and in the same manner, as the public tax in the said county; the tax, when collected, shall be paid into the hands of the commissioners heretofore appointed by act of Assembly for being the court-house, and erecting the public buildings in the said county of Nash; and on non-payment of the tax to be collected by virtue of this act from the collector or collectors, shall be liable to the same penalties as for other public taxes; and the said commissioner shall be entitled to the same mode of recovery against the said collectors, as the public treasurers are entitled to have against them on non-payment of public taxes.

III. AND be it further enacted, by the authority aforesaid, that if the aforesaid tax is more than sufficient to defray the expense of the public buildings, the remainder shall be applied

A. D. 1779

Lots sold

Purchase money.

Appropriated.

Commissioners  
to be ap.

Prescribed

Tax laid

Appropriated.

A. D. 1779.

applied to defray the contingencies of the said county; and if the abovesaid tax is not sufficient to defray the expence as aforesaid, it shall be paid out of the county tax.

IV. AND whereas Edward Clinch, one of the commissioners heretofore appointed by an Act of Assembly for fixing a place for erecting the public buildings in the said county, is deceased; Be it therefore enacted, by the authority aforesaid, that Edward Moore, Esquire, shall be commissioned in the room of Edward Clinch, deceased.

## C H A P. XXXII.

*An act to confirm the titles of lands to sundry of the inhabitants of Duplin county.*

Preamble.

I. WHEREAS sundry of the inhabitants within the county of Duplin have settled upon a certain tract of land in the said county, and have for twenty years past obtained patents for the same: And whereas a claim hath been set up for part of said land by a certain Thomas Christie, of the kingdom of Ireland, and thereby said lands may be considered to come within the meaning of the confiscation act, to the great prejudice of the owners thereof;

PATENT CONFIRMED.

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 such patents that have been granted and obtained before the Declaration of independence by the United States shall be, and are hereby declared to be good and valid, to all intents and purposes; and the said owners and proprietors of the said patents shall have, hold, use, exercise and enjoy, all and singular the rights and advantages contained within the said patents, in as full and as free a manner, as if the said land had never been claimed by said Thomas Christie; any law, usage or custom, to the contrary, notwithstanding.

## C H A P. XXXIII.

*An act to establish a town in the county of Surry, heretofore laid out on the lands of John Armstrong and William Sheppard, at the court-house of said county, and for other purposes.*

Preamble.

I. WHEREAS the establishment of a town heretofore laid out at the court-house in Surry county, agreeable to a plan thereof made by Colonel Martin Armstrong, upon the lands aforesaid, would be very beneficial to the several inhabitants of said county, by promoting an inland trade:

Town established.

II. BE it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that one hundred acres of land, the property of said Armstrong and Sheppard, be laid off and established by the name of Richmond, and that Martin Armstrong, Samuel Cummings, John Sheppard, Malcolm Curry, and Job Martin, from and after the passing of this act, be, and are hereby appointed and constituted commissioners and trustees for laying out, building, and regulating the said town; and they, or a majority of them, so soon as may be after the passing of this act, shall cause the said land to be laid out into lots of one hundred and forty four square poles each with convenient squares and streets, according to the plan thereof made heretofore as aforesaid, and shall have full power to convey the same, and grant a title to the said lots in fee simple, to any person who has been or shall become a purchaser thereof, upon his performing the requisites in this act herein after required: And every grantee, his heirs or assigns, of any lot in the said town, shall within five years next after the date of the conveyance of the same erect, build and finish, on the said lot, one brick, stone, or well framed house, of the dimensions of twenty feet long and sixteen feet wide, and ten feet pitch in the clear at least, with one good brick or stone chimney; and if the owner of any lot shall fail to comply with the directions herein preferred for 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 or trustees, and they, or a majority of them, shall, and are hereby authorized to sell, on public notice first 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 shall be applied by the trustees aforesaid, or a majority of them, for the benefit and improvement of the said town.

III. AND

III. AND be it further enacted, that each respective purchaser of any lot in the said town shall, previous to the receiving of a grant for any lot by them purchased, pay into the hands of the preceptors of said town the sum of twenty pounds, at the time that the said preceptor shall relinquish his title to the same, and also twenty shillings per lot to the said commissioners for defraying the contingent charges for their laying off said town according to this act.

A. D. 1779.

Purveyor money.

IV. AND be it further enacted, by the authority aforesaid, that in case of the death, disability, or removal out of the said county of any of the commissioners, the surviving commissioners and trustees, or a majority of them, 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 to act, dying, or removing out of the said county, which said instrument of writing shall be recorded in the county court, and registered in the register's 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 mentioned in this act.

Comm'rs power kept up.

V. AND be it further enacted, by the authority aforesaid, that all and every person or persons who have heretofore purchased a lot or lots in the said town, from the said John Armstrong and William Simpson, and have paid for the same, or their heirs or assigns, shall be intitled to receive, and to claim from the commissioners aforesaid, a deed for such lot or lots in preference of all persons whatsoever.

Lots referred.

VI. AND where as the present allowance to gaolers for victualling prisoners is far inadequate to their expense and trouble, owing to the rapid rise of every article of provisions; be it therefore enacted, by the authority aforesaid, that from and after the passing of this act, there shall every year in this year be allotted to receive the sum of twenty four shillings per day for each prisoner he may have in the gaol or custody; any law to the contrary, notwithstanding.

Gaolers fees.

VII. AND be it further enacted, by the authority aforesaid, that all and every Act which comes within the purview and meaning of this act, is hereby repealed, and made null and void, to all intents and purposes.

Repealing clause.

## C H A P XXXIV

An act for building a court-house in Elizabeth town, in the county of Bladen.

WHEREAS the commissioners heretofore appointed by an act of Assembly, passed at the first session of the General Assembly, seven hundred and seventy eight, for building a court house in said town, have refused to act;

Preamble.

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 Thomas Brown, Thomas Owen, and James Clarke, be, and are hereby appointed commissioners for the purpose aforesaid, and that they, or a majority of them, are and are hereby authorized and empowered to agree and contract with workmen for building a court-house for the use of said county, on a lot in Elizabeth town laid off for that purpose; and if any of the commissioners appointed by this act should die, remove out of the county, or refuse to act, the remaining commissioners shall appoint another commissioner or commissioners, in the room and stead of such commissioner or commissioners so removing, dying, or refusing to act; and the commissioners so appointed shall have the same powers as the commissioners appointed by this act.

Comm'rs appointed.

III. AND be it further enacted, by the authority aforesaid, that the said commissioners herein named, or a majority of them, shall have full power and authority to demand, sue for, recover and receive, off and from the rate thereof and commissioners of said county, or any other person in whose hands the same may be, all and every sum or sums which has been laid as a tax or taxes on the inhabitants for the purpose aforesaid, and on other public buildings, for which the sheriff or other person, or any of them, or parties, and in case of failure or neglect in paying the said money to the commissioners herein named by the said sheriff or other person, or any of them, he or they so failing or neglecting shall be liable to the same penalties, and the same mode of recovery may be had against him or them, as by law should or might have been had against sheriffs who neglect or refuse to account for and pay public moneys.

Lots committed to commissioners.

H

IV. AND





A. D. 1770.

least ten feet in the pitch, with a brick or stone chimney, or in proportion to such dimensions if any person shall hold two or more lots adjacent, and if the owner of an lot or lots shall fail to build and finish thereon as before described, then such lot or lots shall be forfeited, and the aforesaid commission, or a majority of them, are hereby authorized to sell (on public notice first given) such lot or lots to the highest bidder under the like regulations as the same was before granted, and the money arising therefrom shall be paid by the commissioners, or a majority of them, for the benefit and improvement of said town.

Purchase money.

III. AND be it further enacted by the authority aforesaid, That each respective subscriber for any lot in the said town shall at the subscribing for the said lots, pay to every five dollars for each and every lot into the hands of the said commissioners, or any one of them as they shall appoint, who after deducting such part of the same as the court shall judge a reasonable compensation for their trouble, are hereby directed and required within three months after the lots are drawn for, to pay the remainder of all said monies into the hands of the aforesaid commissioners, who shall account with their respective county court, who shall apply all the aforesaid money towards defraying the county contingent tax.

## C H A P XXXV.I.

An act to vest the property of a bridge lately built by Samuel Ruffin, dec. a/cd. over Great Contentney Creek, in Etheldred Ruffin, his heirs or assigns for twenty years.

Preamble.

I. WHEREAS representation hath been made to the general assembly, that Samuel Ruffin, late of Edgecomb county, deceased, did at a considerable expense erect and finish a good and substantial bridge across Contentney creek at a place generally known by the name of Peacocks bridge, with a view of reimbursing himself for the expense of erecting the same, which hath been a great and considerable hindrance to the travelling trade, and has prevented much to the injury of the said Ruffin:

No bridge.

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 said bridge shall remain the property of the said Ruffin, his heirs or assigns, and it shall and may be lawful for Etheldred Ruffin, his heirs or assigns, to receive from all travellers and others passing the said bridge, a certain toll or sum of money, which shall from time to time be allowed by the court of Dover, to be levied and collected by the said Ruffin, his heirs or assigns, and to be paid to the said Ruffin, his heirs or assigns, for the same, that all persons, carriages, &c. when in actual military service of the State, or of any State, or of any person, shall pass said bridge toll free, such persons as shall appear to the owner of said bridge they are in the service abovementioned.

No other bridge within 5 miles.

III. AND be it further enacted by the authority of the same. That during the time the bridge shall be kept up and in repair, fit for travellers and carriages to pass and re-pass the same, it shall not be lawful for any person whatsoever to keep any ferry, build any bridge, or for any person or persons, carriage or carriages, cattle, hogs or sheep, over the said creek for fee or reward, within five miles of said bridge during the time a or said, under the penalty of two pounds, to be recovered by the owner of said bridge, before any jurisdiction having cognizance thereof, and applied to his or their own use during the said time the right and property of the said bridge hereby granted to the said Etheldred Ruffin, his heirs and assigns.

Repealing clause.

IV AND be it further enacted, That an act of the general assembly passed at Newbern the second day of May, 1778, intitled, an act for appointing commissioners to build a bridge across Contentney creek, and for other purposes, be and the same is hereby repealed, and made null and void.

No obstructions.

V BE it further enacted, That the said Etheldred Ruffin, his heirs or assigns, shall not during the said time, toll or cause to be taken any fee in the road at or near where the said bridge now stands, or otherwise stop or obstruct the same so as to prevent travellers and others fording the creek thereat, under the penalty of one hundred pounds for each and every offence, to be recovered by any person who shall sue for the same, before any jurisdiction having cognizance thereof, and applied to his or their own use.

Continuance of 20 yds.

VI. AND be it further enacted, That this act shall come into and be in force for and during the term of twenty years, and from thence to the end of the next session of assembly, and no longer.

## C H A P. XXXVIII.

A. D. 1779.

Preamble.

*An act for granting a free pardon to Charles Shearing, now under sentence of death.*  
**W**HEREAS Charles Shearing; lately an inhabitant of Chatham county, was convicted at the superior court of the district of Hillsborough, in October seym instant, for feloniously stealing a horse, for which he was condemned to die; and whereas full and sufficient testimony has appeared to this assembly that the said Charles Shearing has heretofore behaved himself as a good and faithful subject, and a recommendation of mercy in favour of the said Charles Shearing being presented to this assembly by the judges of the said superior court for the district of Hillsborough;

**BE** it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the said Charles Shearing be, and he is hereby, by treaty and fully ever pardoned of the crime for which he was so convicted and sentenced to die; and that he be discharged from all further confinement touching this said condemnation, on paying the lawfull fees.

Pardon.

## C H A P. XXXIX.

*An act for annexing part of Carteret to Jones, and other purposes.*

**W**HEREAS the upper part of Carteret which lies adjoining Jones county is much more convenient to the public buildings of said county than to those of Carteret:

Preamble.

**BE** it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That all that part of the said county of Carteret beginning in Jones county line in the head of black swamp, thence running down the meanders of said swamp to White Oak river, then up the various courses of said river to the head, thence a direct line to Jones county line, that all that part on the north side of said White Oak river and west of the aforesaid swamp shall, from and after the passing of this act, be held and deemed part of the county of Jones, and the inhabitants thereof shall be under the same rules and regulations as the other inhabitants of Jones county are. Provided nevertheless, that nothing herein contained shall be construed to debar any sheriff, collector or tax-gatherer, from collecting his or their taxes in the same manner as if this act had never been made.

Part of Carteret  
added to Jones.

**AND** whereas some of the inhabitants of Carteret county, which by this act is annexed to Jones, may have entered land in the entry office of Carteret: **BE** it therefore enacted by the authority aforesaid, That where any persons shall have entered land as aforesaid, the entry taker of the county of Carteret is hereby empowered and directed to make out warrants and orders of survey and direct them to the surveyor of Jones county, which said surveyor is hereby ordered and empowered to survey said land, take the same fees, and make the same returnance thereof, as if the same had been entered in the entry office of Jones.

Land surveyors

**AND** whereas the time at present appointed for holding the county court of pleas and quarter sessions for the county of Jones have in many instances and respects been found inconvenient: **BE** it therefore enacted by the authority aforesaid, That from and after the passing of this act, the said county courts of Jones shall be hereafter held constantly on the fourth Mondays in March, June, September and December, in each and every year, and all proceedings now depending in the county court of Jones undetermined, or returnable to the said court on the third Monday of December next, shall be returnable to the fourth Monday in December next, and shall be deemed legal and sufficient to all intents and purposes on the same manner as if they had been returned on the third Monday in December next; and the sheriff of Jones county is hereby directed to advertise at every public place in the county of Jones, immediately after the passing of this act, to notify the persons summoned as jurymen and witnesses to attend on the fourth Monday of December next instead of the third Monday, and that be deemed legal and sufficient to all intents and purposes, any law, usage or custom, to the contrary notwithstanding.

Court days.

A. D. 1779.

## C H A P. XL.

*An act to prevent the stopping the fish in the Uharie river.*

Prescribe.

I. WHEREAS divers persons inhabitants near the said river have heretofore made a practice of stopping the same by building wares, dams or hedges, with design to catch fish, whereby great injury is done to the good people resident above such wares, dams or hedges aforesaid: For remedy whereof,

Stoppage of fish.

II. BE it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, any ware, dam or hedge, in the said river, so as to extend more than two thirds across the same, but that all stoppages shall be so made in the said river as to leave one third part open and free for the passage of fish.

Penalty.

III. AND be it further enacted by the authority aforesaid, That any person or persons who shall offend against this act, shall forfeit and pay for every such offence, the sum of one thousand pounds, to be recovered by action of debt by any person who shall sue for the same, to his, her or their own proper use.

## C H A P. XLI.

*An act to enable John Norwood, surviving executor of the last will and testament of Henry Bradley, deceased, to sell and convey the lands of the said deceased.*

Resemble.

I. WHEREAS Henry Bradley, deceased, (of Halifax county) in the year one thousand seven hundred and sixty four, did appoint John Norwood and Jennings Hackney executors of his last will and testament, and did invest the said executors with power jointly to sell and convey his lands, and by his said will direct the manner and uses to which the money arising by such sale should be appropriated; and whereas the said executors did de cease before the aforesaid lands were sold, which circumstance makes it doubtful whether the surviving executor has legal power to sell and convey the aforesaid lands: Therefore,

Executor to sell lands.

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 John Norwood, surviving executor of the last will and testament of Henry Bradley, deceased, be, and is hereby authorized and empowered to enter upon, sell and convey, the land of the aforesaid deceased, and the said executor, after deducting so much of the money arising by such sale as the county court of Halifax shall adjudge a reasonable compensation for his disbursements, shall pay and appropriate all the remainder of said money to such uses as the last will and testament of the aforesaid deceased doth direct.

Read three times, and ratified in General Assembly, the tenth day of November, 1779.

SIGNED &amp;c.

ABNER NASH, S. C.  
THOMAS BENBURY, S. C.