

1763
1763
Mason & Co. Clerk

A. D. 1789

ACTS OF ASSEMBLY
OF THE
STATE OF NORTH-CAROLINA.

AT A GENERAL ASSEMBLY, begun and held at Newbern on the seventeenth day of April, in the year of our Lord one thousand seven hundred and eighty, and in the fourth year of the independence of the said State: Being the first session of this Assembly.

ADNER NASH, Esq. Governor.

CHAPTER I.

An Act to regulate and alter the Officers Fees therein mentioned.

I. WHEREAS it is necessary that Clerks, Sheriffs, Justices and others, should receive for their services a more equal compensation than is at present allowed them: It is therefore enacted by the general assembly of the State of North-Carolina, and its laws enacted by the authority of the same, that for the future the several Officers herein after named shall take and receive the following fees only, and no other or greater fees or charge whatever, that is to say, the Secretary of State for receiving the Surveyor's returns, filing the plan, marking out and recording the grant which may issue in consequence of entries and surveys of land hereafter to be made with any entry taken in any of the several counties within this State, with certificate thereof for each tract of land, four pounds; for doing that a caveat, filing order of suspension of grants, filing and certifying the same to the county court, four pounds; for every search; sixteen shillings; for a copy of a record of a patent, or grant of land, five shillings, two pounds; for copying and certifying a will, four pounds; for every testimonial, two pounds; for every commission for a place of profit, ten pounds; for recording inventories, orders for letters testamentary, and of administration, two pounds; the private inventory or the great seal, wax, tape and paper used in making the same for the future, two pounds; for every public testimonial, four pounds; for every commission for a place of profit, four pounds; for a pilot's license, four pounds; the clerks of the Supreme and county courts for every leading process returned to the first court including all services, together with a commission or final judgment where either happens, ten pounds; for every continuance or reference of any cause after the second court including all fees for every service necessary thereon, forty shillings; for the court at which the cause is determined, including all services, five pounds; for every subpoena, provided the party inhere no more than four witnesses in the fact, twenty shillings; for every execution or order of sale when necessary issued and returned, including all services thereon, with taxing costs and copy, and entering satisfaction, four pounds; for every writ facias against bail, with making up an affidavit on, or entering judgment without plea, including all services necessary thereon (provided that the party paying costs shall not be subject to this writ if the writ is necessary and required by the plaintiff) four pounds; for giving a copy of the record of any cause when demanded by either of the parties, three pounds; for every order or rule of court made on matters foreign to the suits depending in court, and copy thereof when demanded, twenty shillings; for entering on the minutes the probate of a will, qualifying executors, making certificate recording the will and giving copy thereof, six pounds; for granting administration, taking bond and all other services thereon, six pounds; for proving, recording and filing an inventory, account of sales, or account current exhibited by an executor, administrator or guardian, or for search, copy and certificate of the same, if the estate be under five hundred pounds, twenty shillings; if above five hundred pounds, forty shillings; for every marriage licence and bond, four pounds; for ordinary licence and bond, and all the fees necessary to be done thereon, fifty shillings; for tavern rates, twenty five shillings; for searching a record out of court, ten shillings; for every copy of such record, five shillings; for proving or entering acknowledgment of a conveyance of land or other estate, and certifying the same with order of registration and exhibition of a fence cover's, without commission, twenty five shillings; for a commission to take the examination of a fence cover or witnesses, in any cause depending in the superior court, entering the return thereon and other necessary services, forty shillings; for guardian or other bonds taken in court, including all fees, ten shillings; for indentures for binding out apprentices, including all fees for every service necessary thereon, fifty shillings; for a special venire facias in an action of ejectment, or where the return of a writ shall come in question, when the writ shall be issued, four pounds; for a special writ of deamur, or motion in arrest of judgment, forty shillings; for a writ of error, appeal or certiorari, with a transcript of the record, and all services thereon, five pounds; for making out certificates of writs of error, five shillings; for recording a mark or brand, and granting certificate thereof if required, seven shillings; and all other services done by clerks of courts are hereby deemed as ex officio, and the respective courts shall and may allow reasonable satisfaction for the same annually out of the county tax.

Officer fees

Allowance to prisoners of war

II. AND be it further enacted by the authority aforesaid, that the sheriff or jailor in each respective county in this State shall lawfully with good and wholesome provision all persons (other than prisoners of war) who may be committed to his care or custody by any authority of this State, and that he be allowed for the same three pounds per day each; and that each sheriff respectively do pay and allow out of the public moneys in his hands to every prisoner of war who by order of any two justices of the peace shall be in his custody.

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Sheriff's fees.

today, or paroled to his county. And for every other officer, the sum of six pounds per day each; add to every other Prisoner of war the sum of three pounds per day each.

III. AND be it further enacted by the authority aforesaid, that from and after the passing of this act, it shall and may be lawful for the sheriffs within this state to take and receive the following fees: For every arrest four pounds; bail bond, sixteen shillings; service of declaration, twenty shillings; for whipping any person, forty shillings; serving a subpoena, for each person named in the same, forty shillings; for pilorying any person, four pounds; an attachment, the same as for an arrest; and if further trouble by moving goods to be taxed by the court, executing a warrant of distress, or other execution against the body or goods, if not above fifty pounds for each pound, one shilling; if above fifty pounds for each pound above, sixpence; summoning, impelling and attending on a jury on every cause in court, forty shillings; when a special venire shall issue by order of court, for summoning each juror and attending the same, twenty shillings; putting any person in the stocks and releasing, forty shillings; for every commitment, forty shillings; a release, forty shillings; serving a writ of possession of land, four pounds; serving and attending on any person on a habeas corpus, per day forty shillings; calling every action in court, each court ten shillings.

Register's fees.

IV. AND be it further enacted by the authority aforesaid, that the register in each county in this state shall and may take and receive for registering each deed or grant, including certificate thereof, three pounds; for every search, eight shillings; for a copy of any grant or deed, forty shillings; and for registering any other instrument of writing, forty shillings.

Entry takers and surveyors fees.

V. AND be it further enacted by the authority aforesaid, that the several entry takers and surveyors shall be entitled to, and may take and receive, the following fees for their respective services and no more, that is to say: the entry taker for all services in making each entry, taking out the grant and conveying the same to his county, four pounds; for entering a caveat, taking and transmitting certificates of such caveat to the county court, four pounds; the surveyor for making each survey of three hundred acres or under for warrants which may hereafter be issued, twelve pounds; and for every hundred acres more than three hundred, twenty shillings.

Naval officers fees.

VI. AND be it further enacted by the authority aforesaid, that the naval officers of the respective ports in this state may take and receive for entering and clearing every vessel of twenty tons burthen and upwards, twenty five dollars; and for every vessel under twenty tons burthen, all necessary services included, ten dollars, exclusive of the sums heretofore allowed them by law; and that the naval officers of the ports of Bath, Beaufort and Roanoke, do receive for the use of the pilots for raising the harbours, rivers and creeks, near Ocracoke bar, the further sum of ten dollars for every vessel of more than twenty tons burthen going out of this state over Ocracoke; for which sums the said naval officers shall account with the commissioners of navigation, as directed by an act of assembly intitled, "An act to regulate the pilotage of Cape Fear and Ocracoke bars, and the rivers leading from the same to Brunswick, Wilmington, Newbern, Bath and Edenton." And whereas the fees of the judges, marshals and registers of the several courts of admiralty in this state are very inadequate to their services; be it enacted by the authority aforesaid, that for every vessel libelled in any of the courts of admiralty in this state under forty tons burthen, the judge, marshal and register shall be entitled to receive the sum of one thousand dollars and no more, to be divided among them in the following proportions, viz. to the judge one half, to the marshal three sixteenths, exclusive of his lawful commissions, to the register five sixteenths of the said sum; and for every ship or vessel of forty tons burthen or above, the sum of fifteen hundred dollars and no more, to be divided among them in the same proportion as above directed.

Judge of the admiralty's fees.

Jurors attendance interest.

VII. AND be it further enacted by the authority aforesaid, that the attendance of jurors in the several courts of admiralty in this state shall be enforced under penalty of fifty pounds currency, to be recovered as directed in a former act of this state passed at Newbern in April, 1779.

C H A P. II.

An act to amend an act intitled, "An act for ascertaining what property in this state shall be deemed taxable property, the method of assessing the same, and collecting public taxes," and other purposes.

Clerks to transmit an account of assessments.

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 the clerks of the several county courts within this state shall transmit within twenty days after the courts to which the assessments may be returned, an exact list or account of the several assessments in their respective districts to the sheriff and county warden, and also the said clerk shall furnish to each tax-gatherer an account of the amount of each persons taxable property within the respective districts to which they may be appointed, and certify to the public treasurers of the district the amount of the taxes within their several counties, and annually to the general assembly, under the penalty of one thousand pounds, to be recovered by action of debt, in the name of the governor, for the use of the state.

Taxes collected.

II. AND for the more effectual collecting the public taxes, be it enacted by the authority aforesaid, that the county courts shall appoint a collector or tax-gatherer in each district in their respective counties, who shall collect all the taxes of such district, but before executing his said office shall enter into bond with sufficient security in double the sum at least by him to be collected, payable to the governor for the time being and his successors in office, for the faithful discharge of his duty; and every tax-gatherer shall be allowed at the rate of three pounds for every hundred pounds he shall so collect, and so in proportion for a greater or less sum, and shall pay into the hands of the county treasurers the whole amount of the taxes which they shall receive on or before the first day of February in each year.

Sheriff to account.

III. AND be it further enacted by the authority aforesaid, that the sheriffs of every county in this state shall demand and receive from the tax-gatherers within their respective counties all public taxes by them collected, and for that purpose the said sheriffs shall be, and they are hereby constituted county treasurers, and for their trouble in so receiving the public taxes and paying the same to the treasurer of the district, and for their trouble in so receiving the public taxes and paying the same to the treasurer of the district, shall be allowed at the rate of two pounds in every hundred pounds so received and paid; and every sheriff shall enter into bond in the county court with two or more sufficient securities in double the amount of the tax assessed in his county, payable to the governor for the time being and his successors in office, with condition that he well and truly account for and pay to the public treasurer or treasurers all such sums of money as he shall receive from the tax-gatherers, after deducting his lawful commissions.

IV. AND

IV. AND be it further enacted, that the persons appointed to value the taxable property of the inhabitants of the different counties in this state shall, previous to their valuing the same, take the following oaths: I, A. B. do solemnly swear that I will faithfully and to the best of my information and understanding value and appraise the taxable property directed by law to be valued and appraised, of the inhabitants of the county wherein I am appointed for that purpose, in proportion to what negroes were valued to by law, paying due respect to the difference of their respective values.

V. AND be it enacted, that so much of the aforesaid 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 for other purposes, as comes within the purview of this act, or is contradictory thereto, shall be void.

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Tax-gatherers oath.

Repealing clause.

C H A P. III.

An act for levying a public tax for the year one thousand seven hundred and eighty, and for other purposes.

I. WHEREAS it is necessary that the treasury be supplied with money as speedily as may be to defray the public expence: He it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that for the year one thousand seven hundred and eighty a public tax of six pence shall be paid for every pound value of taxable property within this state, and a proportionable poll tax on all such freemen as are subject to the payment of a poll tax pursuant to an act passed at Hillsborough in February, one thousand seven hundred and seventy nine, intituled, "An act for ascertaining what property in this state shall be deemed taxable property, the method of assessing the same and collecting public taxes, and other purposes, and an act passed this present session for amending the aforesaid act;" and that all such taxes be levied and accounted for pursuant to the directions of said acts.

II. AND be it further enacted by the authority aforesaid, that a further tax of one shilling over and above the aforesaid expence in every pound value of taxable property belonging to Moravians, Quakers, Mennonists or Dunkards, shall be paid for the year one thousand seven hundred and eighty, and shall be levied and accounted for as by the said acts directed.

III. BE it enacted by the authority aforesaid, that every justice within this state shall return to the assessors a defective list of all the persons within his district who are to pay a three or four fold tax agreeable to the aforesaid taxation law. And whereas the overseers of the poor at present are restrained by law from levying a tax higher than one shilling and six pence in each and every hundred pounds value of taxable property, together with a proportionable poll tax, which by experience is found to be far inadequate to the purposes of providing for the poor;

IV. BE it therefore further enacted by the authority aforesaid, that the overseers of the poor for the respective counties in this state shall, and they are hereby authorized and empowered, to levy a tax as follows: to wit, five shillings on every hundred pounds taxable property of the inhabitants of this state, or a poll tax in proportion, and that in any county in this state where the overseers of the poor may think and are hereby authorized to levy any less sum to answer the purposes aforesaid.

Tax laid.

On Quakers &c.

Justices to return lists of taxable persons.

Poor tax laid.

C H A P. IV.

An act for the more effectually preventing exporting and forestalling, for the encouragement of commerce and the fair traders, and for other purposes therein mentioned.

I. WHEREAS of late the currency of this and the united states hath been depreciated, the necessities of life rendered scarce, and the prices of every thing raised to the most extravagant height; all which evils and many more have originated from the wicked arts of a set of men called speculators, who regard not of every thing but their own illicit gain spread themselves over the country forestalling and engrossing the necessary articles of life and of commerce: For remedy whereof,

II. BE it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the first day of June next ensuing, it shall not be lawful for any person or persons to sell or retail for profit (except as herein after excepted) any kind of imported articles except the same shall have been imported from beyond seas on his or their own account, or shall have been consigned to him or them from beyond seas, under the penalty of forfeiting one hundred thousand pounds for every offence.

III. AND be it enacted by the authority aforesaid, that it shall not be lawful for any person or persons to purchase or contract for any kind of article of the growth or production of this state except for his, her or their own family's use and consumption, and except the same shall be purchased for the express purpose of exporting the same on his or their own account within the space of eighty days thereafter; and if any person shall purchase any such articles except for his, her or their own family use and consumption, and shall not export the same within a eighty days as aforesaid (unavoidable accidents only excepted) he or they so offending shall forfeit all such articles and shall also pay for every such offence the sum of one hundred thousand pounds. Provided, that nothing in this act contained shall be construed to prevent persons buying imported or other articles necessary for the carrying on his, her or their particular manufactory or occupation.

IV. AND in order the better to secure to the good people of this state a plentiful supply of all the necessities of life, be it further enacted, that if any person or persons shall export, or attempt to export, to any of the other states, either by land or by water, any article whatever first imported into this state, he or they so offending shall forfeit all such goods so attempted to be transported, and shall further forfeit and pay the sum of one hundred thousand pounds for each and every offence. Provided nevertheless, that nothing herein contained shall be construed to debar the masters or owners of vessels belonging to any of the other united states from leaving this state with their cargoes, provided they do not break bulk in this said state. And in order the more effectually to carry the good purposes of this act into effect,

V. BE it further enacted by the authority aforesaid, that if any person whatsoever shall presume to purchase up any article or articles imported or of the production of this state contrary to the true intent and meaning hereof, it shall and may be lawful for any magistrate, and he is hereby required on having information thereof, to issue his warrant and summon a force sufficient for seizing and securing all such

Prohibit.

No person to sell by retail.

Or buy up commodities.

Fra. for exporting commodities.

Method of seizing.

engrossed

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engrossed articles, and he shall make return of his proceedings to the next court of his county, who shall thereupon hear and determine in a summary way the merits of the case, and if it shall appear to the said court that such person or persons had purchased such articles in violation of the true intent and meaning of this act, the said articles shall be condemned as forfeited, and shall be sold at public auction by the sheriff of said county, one half to the informer the other half to the use of this state.

Penalty appli-
ed.

VI. AND be it further enacted by the authority aforesaid, that all the penalties by this act imposed shall be and enure in all cases, one half to the informer the other half to the use of this state, and may be sued for in any court of record in the state.

To sell by li-
cense.

VII. PROVIDED nevertheless, that nothing in this act contained shall prevent any inhabitant of this state, having obtained a licence from three justices, from purchasing any kind of imported articles from the original importer or consignee and selling the same for any profit not exceeding twenty five per cent. on the purchase money, and an allowance of five per cent. for every hundred miles he may have transported the same, as also an allowance of fifteen per cent. to such persons transporting the articles of rum, fat, brown sugar, iron, steel and molasses, as aforesaid, from the place of such purchase.

Penalty for con-
travention.

VIII. PROVIDED nevertheless, that nothing in this act contained shall bar or restrain any continental contractor or commissary or any commissary or contractor of this state, from purchasing provisions for the use of this state or the united states, or the commissaries appointed for carrying on a trade for the public benefit, or any of them, or any other person or persons acting for or under them, or any of them, from purchasing any country manufacture or produce, or foreign goods, wares and merchandize, or other articles necessary for carrying on a trade for the benefit of this state.

Not to sell with-
out license.

IX. AND be it further enacted by the authority of the state, that no person or persons within this state, except the original importer, consignee or manufacturer, and except as is herein excepted, shall from and after the first day of June next presume to sell, or expose to sale, any goods, wares or merchandize, before he or they shall obtain a permit for so doing from some three justices of the peace of the proper county where such seller resides. And to the end that the good purposes of this act may be the more effectually answered,

Oath.

X. BE it enacted by the authority aforesaid, that before any person shall obtain such permit, he, she or they shall take the following oath or affirmation, which such justices are hereby required to administer before they shall grant such permit: I, A. B. do swear, or solemnly and sincerely declare and affirm, that I will not directly or indirectly ask, demand, take or receive any bribe or other profits on any of the goods, wares or merchandize, which I shall sell during the continuance of an act or assembly of this state entitled, "An act for the more effectually preventing engrossing and meddling, for the encouragement of commerce and the fair trader, and for other purposes therein mentioned," than is allowed in and by the said act; that I will not directly or indirectly buy, contract for or go into my possession, any such goods, wares or merchandize, otherwise than is allowed by the said act, and that I will in all things to the utmost of my power comply with the directions of the said act. And if any person or persons, except as aforesaid, shall sell, or expose to sale, any goods, wares or merchandize, he or she, she or they, shall obtain such permit, and before he, she or they, shall take the oath or affirmation aforesaid, every person so offending shall forfeit unto the value of the goods to be sold, or offered for sale, one half thereof to the informer the other half to the use of the state.

C H A P. V.

An act for emitting one million two hundred and forty thousand pounds in bills of credit, for discharging the debts due by this state, and other purposes.

Preamble.

I. WHEREAS this State has incurred debts by raising men for the defence of this and the united states, for which the public faith stands pledged; and whereas it is absolutely necessary that a farther sum should be emitted for effecting the completion of the continental obligations of this state and other purposes.

Money emitted.

II. BE it therefore enacted by the general assembly of the State of North Carolina, and by the authority of the same, that one million two hundred and forty thousand pounds be emitted on the faith and credit of this State in bills of the following denominations, that is to say; one thousand bills of five hundred dollars each, two thousand of two hundred and fifty dollars each, five thousand of one hundred dollars each, eight thousand of fifty dollars each, and forty eight thousand of twenty five dollars each; that the same be printed in a printing press, and that Messieurs Hunt, Henry Rhodes and William Tidale, esqrs. be commissioners to superintend and number the same, that Joseph Leech, James Coor, James Green, and John Macon, esquires, be commissioners to receive the same when printed and numbered, to sign the same and pay it into the hands of the public treasurers.

Form of the
bills.

III. AND be it further enacted by the authority aforesaid, that the general form of the bills hereby directed to be emitted shall be as follows, v. z. State of North-Carolina, this bill entitles the bearer to receive \$ Spoken milled dollars, or the value thereof in gold or silver, agreeable to an act of assembly passed at Newbern, the day of 1780. And said bill shall be impressed and printed both in the face and reverse thereof, on the edges as well as the body thereof, with divers letters, marks, devices and words, which may be difficult of imitation, and which in the opinion of the said superintendants of the press may most effectually secure the same from attempts to counterfeit, and shall be signed by two of the said commissioners hereby appointed to sign the said bills.

Value.

IV. AND be it also enacted by the authority aforesaid, that every dollar of the emission aforesaid shall be held and deemed equal to eight shillings current currency of this state, and shall pass current at the same and be a lawful tender in all payments and contracts within this state.

Signers.

V. AND be it enacted by the authority aforesaid, that the superintendants shall deliver to any two of the signers not exceeding one hundred thousand pounds at one time, taking a receipt for the numbers from the lowest to the highest inclusive, and shall deliver no more unto the said signers until a receipt be produced from some one or more of the public treasurers for the same number duly signed.

Their oath.

VI. AND be it enacted by the authority aforesaid, that every commissioner appointed by this act to superintend, number, sign and pay the said bills of credit to the said treasurers, shall take an oath well and truly to execute the duties and discharge the trust by this act required, and that each and every commis-

one shall enter into bond to the governor with sufficient security to be by him approved in the sum of five hundred thousand pounds, for the faithful discharge of the duties and trusts by this act required.

VII. AND be it further enacted by the authority aforesaid, that each and every commissioner for superintending and managing the said bills of credit shall have and receive such allowance as a future act may direct, and the commissioners for signing and paying the same to the public treasurers shall also have and receive such allowance as a future act may direct.

VIII. AND be it further enacted by the authority aforesaid, that the commissioners for superintending the said bills of credit shall be empowered to purchase paper and materials, and to employ a printer to print the said bills, and may draw on the public treasurers, or any of them, having first obtained warrants for that purpose from the governor who is hereby requested upon application to him made, to grant the same for the mores necessary.

IX. AND be it further enacted by the authority aforesaid, that the commissioners herein before appointed for superintending the press and signing the money shall meet at Newbern as soon as may be to consult and agree upon measures for procuring paper and carrying this act into execution, and that the commissioners shall begin to print and sign the said bills of credit to be by this act enacted as soon as possible after the passing hereof.

X. AND whereas the exigencies of the times contrary to the present expectations of the general assembly may require a further emission of bills of credit before the meeting of the next general assembly. Be it further enacted by the authority aforesaid, that it shall and may be lawful for the governor, with the advice and consent of the council of state, to cause to be printed such further sums or sums in the receipt of the assembly as the exigencies of the state may require, under the same rules and regulations as the money to be emitted under the limited authority of this act.

XI. AND be it enacted by the authority aforesaid, that whosoever shall, by printing, writing, engraving, or by any other way or means counterfeit, or attempt to counterfeit, any of the bills of credit by this act directed to be emitted, or any part, word, letter, name, emblem or device thereof, except by authority of law, or shall alter or decrease any of the bills with intention to change the value or denomination thereof, or shall knowingly pass or utter any counterfeit like bills or any of the bills to be emitted under this act, being thereof lawfully convicted by confession or verdict, every such person shall be liable to be proceeded against and suffer the pains and penalties which persons guilty of similar offences are liable to by an act intitled, "an act for punishing persons concerned in any of the several species of counterfeiting in this state," passed at Halifax the sixteenth day of October, in the year of our lord one thousand seven hundred and seventy nine.

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

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

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

C H A P. VI.

An act for establishing a board of commissioners for carrying on trade for the benefit of this state.

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 the honourable Richard Caswell and Robert Hignall, Esquires, and Benjamin Hawkins, Esquire, be, and they are hereby constituted and appointed, a board of commissioners for the express purpose of carrying on a trade for the benefit of this state; and they, or a majority of them shall, and are hereby declared to have full power and authority to purchase, build, employ or freight, or otherwise employ any vessel, or number of vessels, they or a majority of them, may think proper for the purpose aforesaid; as also to employ clerks or assistants, to hire or purchase stores and warehouses, and to do all other things that they may deem necessary for carrying on the said trade to the best advantage; and they have power to purchase any kind of commodity or manufacture of this state, or the united states or elsewhere, and to ship the same, or dispose of it otherwise for the purpose of importing or procuring arms and other military stores for the army, as well as for the importation of salt and all kinds of merchandise for the use and consumption of the good people of this state; and they are directed to store in some convenient place or places, all such arms and other military stores, and all such other imported articles as shall be necessary for the continental and state troops, that the same may be in readiness when wanted, and that they make return to the general assembly from time to time of the same; and that all other parts of the cargoes so to be imported as herein after directed, shall be disposed of to the best advantage, and that the moneys or produce arising from the sale of the said goods shall continue to be employed by them in trade for the benefit of the state until the general assembly shall otherwise order; and the said commissioners are further empowered and required to establish a store or stores in each of the districts of Halifax, Edenton, Wilmington, Newbern, Salisbury and Hillsborough, and to divide the necessaries so to be imported or purchased as equally as may be among the same.

II. BE it further enacted, That the commissioners, before they enter on the execution of their office, shall take the following oath: I, *A B* do swear that I will well and truly execute the office of commissioner for carrying on a trade for the public good to the best of my skill and ability; and that I will not directly or indirectly carry on, or be concerned in any trade or scheme of commerce, for my own emolument, otherwise than by this act directed and allowed.

III. AND be it further enacted, by the authority aforesaid, That on application of the commissioners to the governor by, and he is hereby authorized and required, to grant them warrants on the treasurers or any

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Allowance for printing the money.

Printer employed.

Com. to meet.

Further sum may be emitted.

Pen. for counterfeiting.

Com. kept up.

Treasurers to attend.

Types destroyed.

Board of trade.

Com. oath.

To draw on the treasury.

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any of them, for such fees or sums of money as they may deem necessary for carrying the good purpose of this act into effect (taking from the said commissioners bond for the due and faithful application of all monies by them obtained on account of this act) and the said treasurers are directed to pay such drafts, for which they shall be allowed in the settlement of their accounts with the public.

Clerks act to

IV. AND be it further enacted, by the authority aforesaid, That the said commissioners shall not allow or permit any clerk under them directly or indirectly to carry on any trade for the private gain or emolument of any such clerk.

Com. salaries.

V. AND be it further enacted, by the authority aforesaid, that the said commissioners shall be allowed the sum of six thousand pounds per annum each as a salary, and also over and above the same be entitled to such further sums as any future assembly may think proper for their expeditious and services in prosecuting this business.

Bound kept up.

VI. AND be it further enacted by the authority aforesaid, that if any of the said commissioners shall refuse to act, die, remove with intention to reside out of the state, or by any other means be rendered incapable of performing the trust hereby reposed in him or them, that the governor for the time being, with the advice of the council, shall and may appoint one or more commissioners to serve instead of any one of the said commissioners so refusing to act, dying or remaining.

To meet.

VII. be it further enacted, that the said commissioners, and they are hereby directed to meet at Newbern on or before the tenth day of June next, or as soon as a prelate, and to determine on the most effectual method for carrying this law into effect; and they are further requested and desired to give all possible encouragement to ferretying coming to this state to trade; and they are directed to lay before the assembly at their annual meeting, and whether it the assembly think proper, their books and papers, with a true and clear state of all their transactions.

Governor may suspend.

VIII. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for his excellency the governor, and he is hereby authorized and empowered, by and with the advice of the council of state, to suspend by his proclamation the operation of two acts of the present session of assembly, the one intituled, "An act to prevent all armed and other vessels leaving any port, harbor or quay, within the state;" the other intituled, "An act to extend an act intituled, an act to prevent all armed and other vessels leaving any port, harbor or quay, within this state;" at any time hereafter when it may appear to them the purposes intended by the said acts have been effected, or that for other reasons it becomes necessary to suspend the operation thereof.

CHAPTER VII.

An act to suppress excessive gaming.

To suppress gaming.

I. BE it enacted by the general assembly, that every person, agreement, note, bill, bond or other contract, to play at cards or tables, in money or otherwise, when or co-joined by playing at cards, dice, tables, tennis, bowls or other games, or at betting or tying on the hands or sides of any person who shall play at such games, or who shall be a party to any such game, on any performance or co-tying, or any other sport or pastime, or any wager whatsoever, or any sum of money or other thing lost or advanced for that purpose, or lost or advanced at the time of such gaming, sporting or wager, to a person then actually playing, betting, laying or advancing, shall be void; any conveyance or lease of lands, tenements or hereditaments, or any person or for his life, to satisfy or secure money or other thing by him won or lost, or advanced, to the seller, lessor or mortgagor, or whosoever money or other thing was won, lost or advanced, shall be void; and if no satisfaction money, shall come to the use of the heir of such mortgagor, lessor, bargainer or vendor, and shall vest the whole estate and interest of such person in the land, tenements or hereditaments, to be sold, mortgaged, or otherwise transferred, to all intents and purposes in the heir of such lessor, bargainer, mortgagor or vendor, as if he had died intestate. If any person, by playing or betting at any game or wager whatsoever, within the space of twenty four hours, shall lose to or from another, a greater sum, or any thing of a greater value than five pounds, to a loser and winner, shall be rendered incapable of holding any office, civil or military, within the state during the space of two years, and moreover shall be liable to pay ten shillings in the pound for every pound over and above the said sum of five pounds which he shall so win or lose, and upon information thereof made to any jurisdiction having cognizance thereof and due proof thereof had, such county court shall levy upon the goods and chattels of the offenders the full penalty incured, to be applied to satisfying the levy of the county wherein such offence shall be committed, and upon conviction before such county court, shall incur the forfeiture hereby inflicted, and be ipso facto deprived of his office aforesaid. Any person who shall bet or play for money or other goods, or who shall bet on the sides or hands of those who play at any game in a tavern, racefield or other place of public resort, shall be deemed an infamous gambler and shall not be eligible to an office of trust or honour within this state.

On tavern keepers.

II. ANY tavern keeper who shall permit cards, dice, billiards or any instrument of gaming, to be made use of in his house, or shall permit any person to bet or play for money or other goods in any such house, or under any booth, labour or other place, upon the messuage or tenement he profits, and shall not make information thereof and give in due return of the offenders to the next court which may be holden in the county wherein he resides, shall be deprived of his licence, and moreover shall pay to the informer one hundred pounds, to be recovered by action of debt in any jurisdiction having cognizance thereof. Two justices of the peace may cause any person not possessing a valid estate nor exercising some lawful trade or profession, who shall be suspected by them to support himself for the most part by gaming, to come or be brought before them, and if the same person shall appear upon examination to be well secured, may require security of him for his good behaviour during the term of twelve months, and if before the expiration thereof he shall play for or bet any money or other thing at any game whatsoever, he shall be adjudged to have broken the condition of his recognizance.

To suppress gaming.

III. NO person in order to raise money for himself or another shall publicly or privately put up a lottery of blanks and prizes to be drawn or adventured for, or any game or thing to be raised or played for, and

and whoever shall offend herein shall forfeit the whole sum of money proposed to be raised by such lottery, trading or playing, to the use of the state: Provided always, that this act shall not be construed to extend to any lottery established by public authority, or for the encouragement of any school or schools. The presiding justices as well in the superior as in all the county courts of law in this state shall constantly give this act in charge to the grand juries of their courts at the times when such grand juries shall be sworn. This act shall commence and be in force from and after the first day of June next.

A. D. 1780

C H A P. VIII.

An act to establish a board of auditors for settling and adjusting the public accounts of this state, and other purposes.

I. WHEREAS many persons have been intrusted with large sums of public money for the use of the state, and also public property, for which they have never accounted, but have abused the trust reposed in them by misapplying the same, to the great injury of the public credit; and whereas the keeping of the public accounts methodically stated, and the calling upon receivers of public money to pay up the same or account for the application thereof, would prevent many abuses and save a great expence.

Preamble

II. BE it therefore enacted by the general assembly of the state of North Carolina, and by the authority of the same, that a board of auditors be constituted and appointed to consist of three persons to be elected by ballot of each house, and such auditors shall make a complete state, from time to time, of the accounts of this state with the continental congress, and that also state regular accounts against all persons who, having been intrusted with public money, or the collection thereof, either on account of or for the immediate use of this state, or for continental purposes, have failed fully to account and settle; and that they furnish the attorney general of this state with lists of the names, and a date of the accounts and balances, due from such persons, that suits may be immediately commenced for the recovery of all such debts settled or allowed by the general assembly, and lay the same before the general assembly when thereto required, and to this end shall have full power and authority to sit, demand and receive, all papers, matters and things, which may be necessary or conducive thereto, and to purchase such stationery as may be wanted, and to appoint a clerk or clerks to aid and assist in executing the business of their office; and the said auditors, or any two of them, shall and may draw on any or either of the treasurers of this state from time to time for such sums as shall be actually necessary for purchasing stationery and hiring a clerk or clerks as aforesaid, which shall be allowed such treasurer in settlement.

Board of auditors.

III. AND be it further enacted by the authority aforesaid, that the said auditors shall attend the general assembly at each and every session, and they, or any two of them, as well in the recess as at the meeting of the assembly, shall have full power and authority, and are hereby required to settle and adjust all accounts and claims which heretofore were wont to be settled and adjusted by the general assembly, and shall lay the same before the general assembly to be by them approved or rejected; and the said auditors, previous to their entering on the business of their office, shall take the following oath:

Their duty and oath.

I, A B do swear that I will faithfully execute the trust reposed in me as an auditor to best of my skill and judgement, without prejudice or favour, SO HELP ME GOD.

And the said auditors shall have a generous and sufficient compensation for stating the public accounts in manner before directed, to be allowed by the general assembly whenever such state shall be completed, and shall also severally have and receive for their attendance on the general assembly, and settling and adjusting accounts and claims during the session, twice the sum per day which the general assembly shall allow its own members.

Damages on suits.

IV. AND be it further enacted by the authority aforesaid, that in case suits should be commenced agreeable to the directions of this act, the jury shall allow in damages at the rate of one hundred per cent. per annum, interest on the balance due to the state.

V. AND be it further enacted by the authority aforesaid, that the said auditors shall settle and adjust the accounts as aforesaid during the recess of the assembly at some convenient place at or near the center of the state, and that they advert to the place of their sitting as soon as they shall agree upon the same.

Place of business

C H A P. IX.

An act allowing salaries to the governor, council of state and others, and other purposes.

I. WHEREAS it may be necessary for the safety of this state that the general assembly may be convened at other times than those to which the same may be adjourned, and that it is absolutely necessary that adequate salaries be granted to the governor, judges, secretary, members of the council of state and others;

Preamble

II. BE it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that there shall be paid to his excellency the governor the annual sum of thirteen thousand pounds in lieu of all fees for his services as governor of this state, that each of the members of the council of state be allowed for each day they shall be on duty as councillors of this state twenty two pounds, and that each of the judges be allowed the sum of one thousand pounds for each court they shall attend, that each of the public treasurers be allowed the annual sum of two thousand pounds for their services, as treasurers, that the secretary be allowed the annual sum of three thousand five hundred pounds for his attendance on the council of state and all his other public services as secretary, exclusive of other emoluments by law allowed, and that the attorney general be allowed the sum of five hundred pounds for each court he shall attend for his services as attorney general.

Public salaries.

III. AND be it further enacted by the authority aforesaid, that it shall and may be lawful for the governor or commander in chief, with the advice of the council of state, to call a meeting of the general assembly, if the same shall be absolutely necessary, at a sooner day than the same may stand adjourned to or appointed to meet.

Assembly may be called.

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L A W S of NORTH-CAROLINA.

C H A P. X.

An act to enlarge the jurisdiction of justices of the peace, and other purposes.

J. D. 1780.

Jurisdiction of
Justices.

BE it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that all debts and demands of two hundred pounds and under, where the balance due on any specialty, contract, note or agreement, or for goods, wares and merchandise, sold and delivered, or work and labour done, are hereby declared cognizable and determinable by any one justice of the peace, warrant first being issued in the usual mode returnable before some justice, who may give judgment and thereupon award execution against the goods and chattels or body of the debtor, which shall be executed and returned by the sheriff, constable or other officer, to whom the same may be directed, in the same manner and under the same rules and restrictions as like proceedings heretofore were.

Appeal.

II PROVIDED nevertheless, that if either of the parties shall be dissatisfied with the judgment given by such justice, he or she may appeal to the next inferior court of the county where such judgment is obtained, first giving bond and security to prosecute such appeal with effect; and the said court is hereby empowered and directed to try and finally determine all such appeals to which the same are returnable. Provided also, that the warrant shall be tried by, and the appeal made from, such justice five days at least before the term to which the appeal shall be made, otherwise the cause shall be continued to the next succeeding term. And provided further, that the justice before whom the same was first heard shall, at the request of either of the parties, issue a summons to cause such witnesses to appear at court as they may name, but shall not sit in court to give judgment on the appeal.

Proof.

III BE it further enacted by the authority aforesaid, that any subject within this state may, by his or her own oath, or other ways to the satisfaction of the said justice, prove his or her demand for the sum before mentioned, which shall be considered due proof to support his or her demand.

Sheriff's fees.

IV AND be it further enacted by the authority aforesaid, that from and after the passing of this act, the sheriff, constable or other officer, may take and receive the following fees: For every warrant six dollars, for every attachment six dollars, for every execution six dollars, for every writ actually summoned two dollars.

Repealing
acts.

V AND be it further enacted, that so much of the act of assembly passed at Newbern the fifteenth day of November, 1777, intituled, "an act for establishing courts of law and for regulating the proceedings therein," as also an act passed at Newbern the eighth day of October, 1779, intituled, "an act to enlarge the jurisdiction of justices of the peace," as comes within the purview and meaning of this act, is hereby repealed and made void.

C H A P. XI.

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

Preamble.

WHEREAS it is enacted by the authority aforesaid that all warrants of surveys shall be returned within twelve months after the same is received by the several surveyors in this state, which is found by experience not sufficient for the purpose therein intended: For remedy whereof,

Time for returning surveys.

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 a longer time of twelve months be allowed, after the passing of this act, for each surveyor to make their returns, which shall be done under the like rules and regulations as in the before recited act, any thing contained in the before recited act to the contrary, notwithstanding.

III AND be it further enacted by the authority aforesaid, that a further term of two years be given to all persons who have heretofore, or may hereafter, obtain grants of lands under the present government to have the same registered; any law, usage or custom, to the contrary, notwithstanding.

C H A P. XII.

An act to improve the county courts within the respective counties to inspect the circulating currency in this state, and for other purposes.

Preamble.

WHEREAS the good people of this state are greatly injured by the quantity of circulating counterfeit money therein, great part of which is come within such extent as to deceive the most skill of observer, and is not timely detected will be the subversion of our currency and credit: For remedy whereof,

County courts de-
scribed.

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 the respective county courts within this state are hereby empowered, required and directed, to appoint three or more proper persons within the respective counties to inspect all bills that shall come within their knowledge, and that the inspectors appointed as aforesaid, and they are empowered and directed to write COUNTERFEIT in large letters on the face of all such bills as they shall judge bad to prevent the further circulation of the same. Provided nevertheless, that if any person shall think himself aggrieved, he may apply to the treasurer of the district, who is hereby directed to take in all such money as may be wrongfully condemned and give other money for it.

Inspectors oath.

III BE it enacted by the authority aforesaid, that the inspectors appointed in virtue of this act, before they enter on the execution of their office, shall take the following oath:

I, A B do swear that I will faithfully inspect all bills that may come to my hand, and that I will without favour, affection or partiality, condemn all such as I may adjudge are bad, and that I will not make any indirect use of my appointment.

Salaries.

IV AND be it further enacted by the authority aforesaid, that each of the county courts be, and they are hereby, empowered to give an adequate sum out of the county tax to their respective inspectors.

Money to be
inspected.

V BE it also enacted by the authority aforesaid, that on the tender of any sum of money the person to whom such tender is made may, if he thinks proper, require the money to be inspected, and in case the person who made the tender shall delay or refuse to have the said money examined by the most convenient inspector, then and in that case the tender so made shall not be good or valid in law; and the person so refusing shall forfeit and pay for every such refusal double the amount of the sum so tendered, to be recovered in any court of law having cognizance thereof, and applied one half to the use of the county and the other half to the person or persons who shall sue for the same.

C H A P. XIII.

An act for the relief of the people called Moravians, Quakers, Mennonites and Dunkards, within this state.

A. D. 1780.

Preamble.

WHEREAS by an act of the general assembly of this state intitled, "an act to amend an act for declaring what crimes and practices against the state shall be treason and what shall be misprison of treason, and providing punishments adequate to the crimes of both classes, and preventing the dangers which may arise from persons disaffected to the state;" all persons within this state are required to take an oath or affirmation to the state, and in case of refusal are either to be sent out of the state or to be deprived of the benefit and protection of the laws of said state, and dissole from prosecuting or defending any suit either in law or equity; and whereas numbers of persons under pretence that the people called Quakers, Moravians, Mennonites and Dunkards, have not taken an affirmation to the state, have entered and taken up the lands which the said denominations of people have remained in quiet possession of for many years: For remedy whereof, and to prevent such abuses for the future,

It is enacted by the general assembly of this state, and it is hereby enacted by the authority of the same, that from and after the passing of this act, when it shall appear that any of the people of any of the said denominations within this state, who are in unity with the people of their respective persuasions, shall have been lawfully possessed of any lands within the said state, either by patent, deed or otherwise, whereas any other person hath heretofore made entry and under the above-said pretence, all such entries and the proceedings thereon shall be deemed null and void; and in case any entries shall hereafter be made on any of the lands of the said people, such entries shall also be void and of no effect.

Quakers, &c. relieved.

C H A P. XIV.

An act intitled an act passed the previous session of general assembly, intitled, An act to prevent all armed or other persons from carrying any arms, swords or knives, within this state.

IT is enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, that the commercial agent be, and he is hereby empowered, to impress for the use of this state, the cargoes prepared and purchased for any vessel, or any other commodities or effects in the hands of individuals, proper for exportation, or fit for equipping vessels to go to sea, and to seize any quantity of the same belonging to the subject of this state which he shall judge necessary, and that he give them an obligation to repossess the same within six months, with interest, or that he pay the current price, at the option of the owners or owners. Provided, that the impressing all the afore-mentioned articles shall be conducted by the commercial agent in the same manner as articles necessary for the support of the army are directed by the militia law to be impressed, viz. by first making presentable requisition to the owner or owners for such articles as he may want for the supply of the army.

Agent's power.

II AND be it further enacted, that the agent be, and he is hereby empowered, to apply to the colonel, or other commissioned officer of the militia, for a sufficient force to carry the law respecting his department into execution: and that if any officer shall refuse or delay on such application to order out a sufficient number of the militia for such purpose, he shall forfeit and pay for such refusal or delay the sum of one thousand pounds currency; ever, that a man so ordered failing to do his duty, shall forfeit and pay for every refusal the sum of one hundred pounds currency, to the use of the state, to be recovered as herein after directed.

Force to be employed.

III AND be it further enacted, that the penalties in this and the act aforesaid, instead of being one half to the prosecutor, be, and they shall go to the state or the state; and that the agent be and he is, to be administered by any justice of the peace immediately after the passing of this act, to prosecute all such persons as shall incur the penalties; (provided, that the penalty shall not be incurred, except this act be produced when the application aforesaid may be made to any such officer) and be authorized to appoint an attorney or attorneys to commence and carry on such prosecution, and that he receive such penalty when recovered for the use of the state, and account for the same.

Penalties are proposed.

IV AND be it further enacted, that so much of the act before named as comes within the purview of this act, be, and the same is hereby repeated.

Repeat clause.

C H A P. XV.

An act for altering the times of holding the county courts of pleas and quarter sessions in the county of Gates, and other purposes.

WHEREAS the times at present appointed for holding the county courts of pleas and quarter sessions for the county of Gates have in many respects been found inconvenient;

Preamble.

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 from and after the first day of June the said county court of pleas and quarter sessions shall be held at the time herein after appointed, instead of the times at present appointed by law, that is to say, on the third Monday in August, November, February, and May.

Court days altered.

II AND be it further enacted, by the authority aforesaid, that all matters of business whatsoever now returnable in the said county court of pleas and quarter sessions for the county of Gates to the first Monday in August, shall be deemed returnable on the third Monday in August next; and all persons or persons who have day of day, or appearance at the said court on the first Monday in August next, shall and may appear at the said court on the third Monday of August next, which shall be deemed legal and sufficient, to all intents and purposes, in the same manner as if they had made their appearance on the first Monday in August next, in case this act had never been made: And all proceedings now depending in the county court of Gates undetermined, or returnable to the said courts, shall stand adjourned to the day or days appointed as aforesaid for holding the said courts; and all matters of business which before the passing of this act might legally be transacted at the respective times heretofore appointed for holding the said county court, shall and may be hereafter transacted at the said times or days, and be this act for holding of the same.

Suits when returnable.

III AND be it further enacted, by the authority aforesaid, that the said county courts may be adjourned in the same manner, and for as long a time, if necessary, as those held on the days formerly appointed.

Courts how adjourned.

IV AND be it further enacted, by the authority aforesaid, that the county court of Sullivan shall be held on the first day of August, November, February, and May, in each and every year, from and after the first day of July next; and that all matters of business whatsoever returnable in the said county court of pleas and quarter sessions of Sullivan to the third Monday of August next, shall be deemed returnable to the third

Court days of Sullivan altered.

A. D. 1780.

second Monday of the same month; and all persons who have day or days of appearance at the said court on the said third Monday, shall and may appear at the said court on the said second Monday, which shall be deemed and held sufficient, to all intents and purposes; and all manner of proceedings now depending and undetermined in the said county court of Sullivan, shall stand adjourned to the day or days aforesaid appointed for holding said court.

C H A P. XVI.

An act to continue an act, intitled, "An act to amend part of an act for emitting eight hundred and fifty thousand pounds in bills of credit, for discharging the debts incurred by this state in raising men to reinforce the militia belonging to this state in the continental army, for calling in all former emissions, and for other purposes."

Preamble.

I. **W**HEREAS by the before recited act the redemption of the bills of credit emitted under the authority of congress, held at Hillsborough in the year one thousand seven hundred and seventy five, and those emitted under the authority of the congress held at Halifax in the year one thousand seven hundred and eighty, was postponed to the first day of May, in the year one thousand seven hundred and eighty, and the exigencies of the state require a further time for the redemption of the said emissions,

Redemption postponed.

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 redemption of the said late emissions be further postponed until the first day of May, one thousand seven hundred and eighty one, and from thence to the end of the next session of assembly.

C H A P. XVII.

An act for authorizing his excellency the governor, with the advice of the council of state, to find a relief to South Carolina of any number of men not exceeding eight thousand, if absolutely necessary.

Preamble.

I. **W**HEREAS in the present situation of the state of South Carolina requests may be made before the next session of assembly for a further aid for the relief of the militia ordered out of this state by an act passed this present session of the general assembly, intitled, "An act for granting an aid to the state of South Carolina, and other purposes;"

Further aid.

II. BE it therefore enacted, that it shall and may be lawful for his excellency the governor, with the advice of the council of state, in case it should appear absolutely necessary, to tend to the assistance of South Carolina a further relief of any number of men not exceeding eight thousand, to be raised in the same manner and under the like rules and regulations, and entitled to the same bounty, pay, subsistence and allowance, as the men to be raised under the said recited act.

C H A P. XVIII.

An act to invest the title of a certain tract of land therein mentioned in William Houston, his heirs and assigns, in fee simple.

Preamble.

I. **W**HEREAS it hath been made appear to the satisfaction of the general assembly that William Houston purchased of Henry McCulloch, for two valuable considerations, a tract of land in Duplin county, on the northeast of Cape Fear river, containing eight hundred and forty acres, granted to the said Henry McCulloch by patent bearing date the third day of March, anno domini one thousand seven hundred and forty five, and bounded as follows: beginning at a gum on the east branch of the river Cape Fear, and running thence east sixty one chains to a pine by the Indian branch, then south twenty degrees west eighty seven chains to a lightwood, then south seventy degrees east three chains to a pine, then south twenty degrees west fifty seven chains to a large pine in a great meadow, then south sixty degrees west forty chains to a stake by the said northeast branch of Cape Fear river, then up the various courses of said branch to the first station. And whereas the said William Houston hath actually been in quiet and peaceable possession of the aforesaid tract of land ever since the year 1757, without any legal conveyance from the said Henry McCulloch, and the same being now subject to confiscation, to the great injury of the said William Houston: For remedy whereof,

Title confirmed.

II. BE it enacted by the general assembly of the state of North Carolina, that the title of the said tract of land containing eight hundred and forty acres, bounded as before mentioned, shall be, and is hereby declared to be, invested in the said William Houston, his heirs and assigns, in fee simple.

C H A P. XIX.

An act for vesting and confirming in Hannah Reed, widow and administratrix of the late reverend James Reed, deceased, the personal estate of the said James Reed in her own right, and for other purposes.

Preamble.

I. **W**HEREAS the reverend James Reed died intestate, and left no children, or other legal representative, in this or any of the united states of America; and whereas by an act of the general assembly now in force in this state, intitled, *An act appointing a method for the dividing intestate estates, passed in the year of our Lord one thousand seven hundred and sixty six*, only one moiety of the estate of such intestate decedent is allowed to his widow; and whereas the whole of the property of which the said James Reed died possessed of was acquired by his intermarriage with his now widow:

Estate vested.

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 and every part and parcel of the personal estate of which the said James Reed died seized and possessed, be and remain in the said Hannah Reed, to her life use, benefit and behoof, for ever.

Act suspended.

III. AND whereas it is represented to the general assembly, that before the running of the dividing line between this state and the commonwealth of Virginia, some grants have been made by the governor of Virginia for lands which, save the running of the said line, appear to be within this state: In order therefore that the general assembly may have it in their power at a future day to do whatever may appear just and equitable to the respective parties interested as aforesaid, BE it enacted, by the authority of the same, that so much of the said recited act as might be construed to affect the claims of such persons as before the running of the dividing line aforesaid had obtained grants from the governor of Virginia, shall be suspended until the next session of the general assembly; and the surveyors of the said county shall not survey or return their works for any lands so patented until after the next session of assembly; any law to the contrary notwithstanding.

C H A P.

C H A P. XX.

An act to appoint commissioners to complete the emissions of eight hundred and fifty thousand pounds, directed to be emitted by an act passed at Hillsborough in the year one thousand seven hundred and seventy eight.

A. D. 1780.

I. **WHEREAS** by reason of the late breaking out in Newbern at the time the said commissioners were superintending the press, and striking the said bills of credit, they were prevented from finishing the same, there being yet the sum of twenty nine thousand eight hundred and seventy six pounds five shillings of the aforesaid sum of eight hundred and fifty thousand pounds yet to complete and finish;

Preamble.

II. **BE** it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that Mecom Hunt and Henry Rhodes, esquires, are hereby directed and required to proceed immediately to the printing and emitting the aforesaid sum in bills of the following denominations, that is to say, fourteen hundred and ninety four bills of fifty dollars each, in lieu of the bills directed; that they proceed with the same under the same rules, regulations and restrictions, as are prescribed by the aforesaid act of assembly for emitting the said sum of eight hundred and fifty thousand pounds.

Money finished.

III. **AND** be it enacted, by the authority aforesaid, that if either of the said commissioners should die, remove, or neglect to proceed to finish the said emission, that his excellency the governor be empowered and required to appoint other commissioners, in the room of those so dying, removing, or neglecting to serve.

Cont. kept up.

IV. **AND** be it further enacted, that each of the commissioners for superintending the bills of credit by this act directed to be struck shall have and receive one hundred pounds; and James Coker, and James Green, junior, esquires, the commissioners for signing and paying the same to the treasurers, fifty pounds each. That so much of the act aforesaid as comes within the purview of this act, be, and the same is hereby made void.

Allowance.

C H A P. XXI.

An act for prolonging the term for showing lots in the town of Smithfield, in Johnston county.

I. **WHEREAS** from the great difficulty of procuring nails, and other necessary materials for building, as well as from many other unavoidable contingencies, it has been put entirely out of the power of the possessors of lots in town of Smithfield, in Johnston county, to complete their buildings on their respective lots within the time limited by law;

Preamble.

II. **BE** it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that every lot in the said town, on which a house shall be built of the dimensions mentioned in an act of assembly, intitled, *An act for establishing a town on the bank of John Smith, on Newk River, in Johnston county, or other improvements thereon, which shall be ordered by the directors or commissioners of said town equal thereto, within the space of three years after the passing this act, shall and is hereby declared to be veiled in the grant thereof, his heirs and assigns, in fee simple; any thing in the said act contained to the contrary notwithstanding.*

Time for selling lots.

C H A P. XXII.

An act to vest the title of a certain lot therein mentioned in William Courtney, esquire.

I. **WHEREAS** it hath been made appear, to the satisfaction of the general assembly, that William Courtney, esquire, of the town of Hillsborough, is justly intitled to a certain lot in the town aforesaid, commonly known by the name of the Mill-house lot, number 45, the same being a lot late the property of Young, Miller, and company; and the said Young, Miller, and company, who owed allegiance to this state, having departed the same, and joined the enemies of the united states, whereby their property hath by the laws of this state become forfeited to the same; and it being reasonable that the said lot should be protected from confiscation, and secured to the said William Courtney;

Preamble.

II. **BE** it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that Joshua Lott, John Ray, and James Carrington, commissioners for selling the confiscated property in the county of Orange, or any two of them, be, and they are hereby empowered and required to execute unto the said William Courtney, his heirs or assigns, a good and sufficient deed of conveyance for the same, he the said Courtney paying into their hands the balance which may appear to be due on the said contract; which proceedings, when had and done, shall be deemed sufficient in law to vest in him, his heirs and assigns, 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.

Title vested.

C H A P. XXIII.

An act to amend an act, intitled, "An act for quieting and securing the Tuscarora Indians, and others claiming under the Tuscaroras, in the possession of their lands."

I. **WHEREAS** by the said act there is no penalty imposed on jurors or witnesses, duly summoned, and failing to attend;

Preamble.

II. **BE** it enacted by the general assembly of the state of North Carolina, and it is enacted by the authority of the same, that the commissioners by the said act appointed, or any three of them, assembled for the purpose of holding a court, shall and may inflict fines on jurors or witnesses for failing to attend, not exceeding one hundred pounds, at their discretion; and unless sufficient excuse be to them afterwards shewn, cause the same to be levied and applied towards defraying the county charges of Bertie: And the witnesses and jurors who shall attend on the trial of any dispute between the said Tuscaroras and others, shall have and receive ten dollars per day for their attendance, to be paid by the party call, with all other costs; and such trials may hereafter be had on any part of the lands belonging to said Tuscaroras in Bertie county, which the commissioners shall direct.

Attendance of jurors.

C H A P. XXIV.

An act to amend an act, intitled, "An act to regulate and establish a militia in this state."

I. **WHEREAS** it is found necessary to amend the said act;

II. **BE** it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that every person who shall be legally drafted, or turn out as a volunteer, and shall fail to appear at the place of rendezvous, to serve or perform his tour of duty agreeable to law, or find a substitute to perform the same, then, and in that case, the colonel of the county

Pen. for not performing duty.

A. D. 1780.

Pen. exempt-
ed.Receipt for
arms.

Bounty allowed.

Fine on serge-
ants.

Cart weight.

Substitutes.

To serve in
turn.Pen. on drafted
officers.

Pen. on officers.

Costs of troops.

Allowance for
waggoners, &c.

county is hereby empowered to hire a substitute for such person, and to issue his warrant; directed to the sheriff or constable of his county, to levy the sum by him given to such substitute on the delinquent's goods and chattles, lands and tenements, and shall sell the same at public auction, first giving five days notice; and after paying the same, and all charges thereon, the overplus, if any, to be returned to the owner: And if any volunteer or draft as aforesaid shall not be possessed of sufficient property to hire a substitute, such person shall be deemed and held a continental soldier for the term of twelve months, or during the war.

III. AND be it enacted, by the authority aforesaid, that all persons who have heretofore faithfully served in the continental army for the term of one year, shall not be liable to be drafted until the whole of the company to which he may belong shall have performed their tour of duty in turn agreeable to the militia law; any law, usage or custom, to the contrary notwithstanding.

IV. AND be it further enacted, by the authority aforesaid, that every captain who shall go on actual service, shall give a receipt to the colonel of his county for all arms and other articles furnished his company going on actual service; and in case such articles are not returned, the captain shall be accountable for such articles, or the value thereof, unavoidable accidents excepted.

V. AND whereas a considerable number of persons have lately marched as volunteers from this state, and are now in the actual service of South Carolina, and it is probable many more may follow their laudable example; be it further enacted, by the authority aforesaid, that every volunteer who has turned out as such from this state, now in actual service in South Carolina, and who has not been called into such service under the militia law, and all others who shall turn out in the same manner, shall be invited to the bounty, pay and rations, allowed by law to the militia of this state; and all such persons who shall faithfully serve without the limits of this state for the space of three months, shall be exempt in the same manner as persons serving as volunteers or drafts under the said law.

VI. AND be it further enacted, by the authority aforesaid, that any sergeant to whom a warrant shall be directed by his colonel or commanding officer, who shall fail or neglect to execute the same, shall forfeit and pay the sum of two hundred pounds; to be recovered and applied in the same manner as other forfeitures in the said recited act directed.

VII. AND be it further enacted, by the authority aforesaid, that every cart hereafter employed in the service of this state, shall carry one half of the weight prescribed by the said act to be a load for a waggon.

VIII. AND be it further enacted, by the authority aforesaid, that no Frenchman, Spaniard, British deserter, Heilan deserter, Indian or Slave, shall in future be received by any militia officer as a substitute for any militia soldier or officer, under any pretence whatsoever.

IX. AND whereas many disputes have arisen respecting persons who have performed their tour of duty, and on their return to the state have been promoted to superior rank to that in which they served; to prevent which in future, be it further enacted, by the authority aforesaid, that every person who hath or may perform his tour of duty agreeable to the militia law, shall not be subject to be again drafted until it comes to his turn, although such person may be promoted to superior rank from that in which he served.

X. AND be it further enacted, by the authority aforesaid, that any commissioned officer, who shall be legally drafted into the service of his country, and shall refuse or neglect to appear at the place of rendezvous appointed by the commanding officer, and march on the said service, or shall after such draft resign his commission, shall by his commanding officer be put in the ranks on the division of the company in which he resides, then going into service, and shall be thereafter incapable of being appointed to any office, civil or military in this state.

XI. AND be it further enacted, by the authority aforesaid, that the colonel or commanding officer of every regiment, who shall not call a general muster of his regiment agreeable to the directions of the law recited act, shall forfeit and pay the sum of one thousand pounds for every default; and every captain who shall fail or neglect to muster and train his company as by the said act is directed, shall for every default forfeit and pay the sum of five hundred pounds; and every non commissioned officer and soldier neglecting or refusing to attend the general muster, shall forfeit the sum of twenty pounds, and if a private muster ten pounds; which several forfeitures shall be recovered and applied as other fines in the said act are directed.

XII. AND be it further enacted, by the authority aforesaid, that whereas there is or may be any troop or company of light horse belonging to the militia in any county in this state, such troop or company shall, whenever a draft shall be ordered from the militia, furnish its proportion of men, with their horses, and in that case shall not be subject to be drafted in the foot companies.

XIII. AND be it further enacted, by the authority aforesaid, that each waggon and team, with a driver, shall be allowed thirty dollars for each and every day they shall be in service, and every waggoner's discharge shall set forth the time of entering into service, as well as the time of its being discharged, and the number of miles to return home, and also the number of days forage due from the public to such waggoner, and no waggoner who shall enter into service hereafter shall be allowed for any forage but what is certified as aforesaid; and the quarter master of each brigade shall make a just return to the general assembly of all the forage due to the several waggons under his command. Provided nevertheless, that when any waggon or cart, and team, shall be impressed into the service, and the owner thereof does not furnish a driver, he shall be allowed the sum of twenty dollars per day, and no more, and each cart half the sum allowed to a waggon in like circumstances; which allowance shall be considered as in full for all damages sustained, unavoidable accidents excepted.

XIV. AND

XIV. AND be it further enacted, by the authority aforesaid, that the field officers and captains, or a majority of them, shall previous to any drafts in the militia of their respective counties, hold a court of inquiry on the infirmities and incapacities of such militia as may come before them, and exact such as they shall think unfit for the service from time to time; and that they take an oath before they proceed on such inquiry, as prescribed by law for holding courts martial.

XV. AND be it further enacted, by the authority aforesaid, that immediately after the passing of this act, the captain or commanding officer of each company shall make a return of all delinquents that he may know lurking within the limits of his command, to the colonel or commanding officer of his county, who shall immediately proceed against him or them according to law; and every officer who shall neglect or refuse to do the duties by this act required, shall for every such neglect or refusal forfeit and pay the sum of two hundred pounds; to be recovered by action of debt, before any justification having cognizance thereof, to be applied as other fines by the militia act directed.

XVI. AND be it further enacted, by the authority aforesaid, that all persons shall be drafted agreeable to the militia law, except such persons as shall produce a legal exemption, obtained without fraud or collusion, and in due time, agreeable to the several acts of assembly made heretofore for that purpose. Provided, that such exemption shall only be had by the person who originally obtained such certificate, and no other.

C H A P T E R XXV.
An act for raising men to complete the continental battalions belonging to this state, and other purposes.

I. WHEREAS by reason of the short numbers of a great number of the soldiers of the continental army the continental battalions of this state are very incomplete:

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 three thousand men shall be immediately raised on and from this date for the term of three years, or during the war, and each of every soldier so enlisted shall have five hundred dollars at the time of such enlistment, and shall receive the same clothing, pay and rations, that the continental soldiers are now, or may hereafter be entitled to.

III. AND as a further consideration, Be it enacted, by the authority aforesaid, that each and every soldier who shall well and truly serve and perform his duty as a soldier, shall be entitled to receive at the expiration of every year the sum of five hundred dollars, to be paid him by the proper officer appointed for that purpose; and each and every soldier who shall serve out his three years, or to the end of the present war, shall have and receive one prime slave between the age of fifteen and thirty years, or the value thereof in current money, and two hundred acres of land, to be laid off as herein after located and described; and every soldier enlisted as aforesaid, who may die in the service of his country by the fate of war, sickness, accident, or otherwise, his heirs shall be intitled to receive his pay, together with the five and land intended to be given him in virtue of this act.

IV. AND be it enacted, by the authority aforesaid, that every soldier who may be disabled in the service, and shall obtain a discharge, shall be intitled to receive the same considerations as if he had served out his full time.

V. BE it enacted, by the authority aforesaid, that all that tract or territory of land situate between the Virginia line and the rivers Tar and Hatteras, as far up as the mouth of French Broad river; thence a direct course, to the mouth of Powell's river; thence a direct course, to great gap in Cumberland mountain, about twenty miles south west of the Kentucky road, where it strikes Cumberland mountain; thence a north course to the Virginia line: shall be kept and reserved to and for the use of the said state, and that it shall not be lawful for any person or persons to make entry of, or settle on any of the said lands, until they shall have permission so to do by the legislature of the said state; and it is hereby declared that the whole of the said lands above recited are held and reserved for the express purpose of being out therefrom such lands as this state have engaged and promised to the officers and soldiers of their several continental battalions already raised, or which may hereafter be raised.

VI. AND be it further enacted, by the authority aforesaid, that if any person or persons shall presume to make entry of, or settle on any of the before recited lands, contrary to this act, that he, she or they, so entering or settling, shall not thereby be intitled to any pre-emption of or to such lands.

VII. AND be it further enacted, that no assignment or transfer made by any soldier of any thing allowed by virtue of this act, during the continuance of the time for which such soldier may be enlisted, shall be valid.

VIII. AND be it further enacted, that his excellency the governor, upon application to him made, from time to time, may grant warrants on the treasury for all such sums of money as he may deem necessary to brigadier general Sumner, and the brigadier general of the several districts (and in case of the absence of any brigadier, then, and in that case, to the commanding officer of the respective counties in such district) within this state, for the purpose of carrying this act into effect; which said brigadiers shall appoint as many recruiting officers in their respective districts, for the purpose of enlisting soldiers agreeable to this act, as they may think proper, and may parcel out such portions of the money as they may draw for the purpose aforesaid to such recruiting officers, first taking bond, with sufficient security, for the due application and accounting for the same: And the said brigadiers, on receiving

A. D. 1780
Court of equity

Delinquents

Drafts how made

Problems

Men to be enlisted

Allowance

For disabled soldiers

Land for the soldiers

Pen. for settling on the

No transfer

Returning money

W. D. 1780. Such warrants as aforesaid, shall also give bond, with approved security, to the governor, for the due application of all money to be by them received in consequence of such warrants, and shall make an accurate return of the whole amount of the sums received, and the number of men recruited, therewith, to the next assembly; and the militia and continental officers so employed in recruiting, shall be intitled to two hundred and fifty dollars for each and every a bodied man they may enlist by virtue of this act; and a drum and fife shall be allowed each officer employed in the said service. Provided nevertheless, that this act shall not extend to authorize any recruiting officer to enlist any sailor, seaman, or foreigners, nor citizens of this state, or the united states, previous to the passing of this act.

Indians quieted.

IX. AND whereas it hath been represented to this general assembly, that sundry of the subjects of this state have, contrary to the laws, and in direct violation of the treaties subsisting between this state and the Cherokee Indians, settled beyond the boundary line, on the lands reserved for the said Indians hunting ground, to their great uneasiness; Be it therefore enacted, by the authority aforesaid, that none of the said persons so unlawfully settled shall be intitled to enter, survey, or take up, any of the said lands, but that they remove themselves therefrom before the first day of January next; and if they shall refuse or delay to remove themselves, and are found on the said lands after the day aforesaid, they, and every one of them, shall forfeit and pay the sum of five hundred pounds; to be recovered in any court having cognizance of the same, to the use of the state, and be liable to be forcibly removed therefrom; and the governor, or commander in chief for the time being, is hereby authorized and required to order out such force from any of the neighbouring counties as may be sufficient to effect the same.

CHAP. XXVI.

An act for granting an aid to the state of South Carolina, and other purposes.

Preamble.

I. WHEREAS from the actual invasion of South Carolina by a large army of British troops, and from the weak and defenceless situation of that state, it becomes absolutely necessary that a considerable aid should be immediately detached from the militia of this state for its relief;

Aid granted.

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 his excellency the governor do immediately issue orders to the brigadier generals of the respective districts in this state, or in case of the absence of any of any of the said brigadiers from their districts, to the commanding officers of the respective counties for such district, directing that a proportional number for each county of four thousand able bodied men be summoned and intitled voluntarily by the commanding officers of the respective counties, to leave this state for three months from the time of leaving the limits thereof, and shall pay as a bounty to all such able bodied volunteers the sum of three hundred dollars; and such volunteers shall be further intitled to the daily pay, and such subsistence which the militia when in actual service are authorized to receive, and shall be further intitled to draw upon the public treasury daily, and every day, for all of spirits, and be subject to the same rules and regulations as the militia now on service in the state of South Carolina.

Drafts made.

III. AND be it further enacted, by the authority aforesaid, that in case a sufficient number of volunteers cannot be had, the colonels of the respective regiments shall direct drafts to be made, agreeable to the militia law, for all deficiencies in making up and completing the aforesaid aid of four thousand men, in a proportional manner as aforesaid; all of which drafts shall be intitled to a bounty of one hundred and fifty dollars each, and a gift of spirits per day, and shall also serve three months as aforesaid, and be subject to the like regulations.

Pun. for refusing.

IV. AND whereas many persons lately drafted, especially of the two last aids ordered to the assistance of South Carolina, have failed or refused to march accordingly, or after marching, and continuing in service for some time, have deserted and returned home; Be it therefore enacted, by the authority aforesaid, that the colonels or commanding officers in their respective counties shall order all such persons to march agreeable to his excellency's orders, and the militia law, and on failure, shall incur all the penalties inflicted by the militia law for disobedience of orders.

Lists to be made.

V. AND be it further enacted, by the authority aforesaid, that the captains of each respective company in every county of this state do, and they are hereby required, as soon as may be, to furnish the commanding officer of their respective county with descriptive lists of the names of all the volunteers and drafts which have heretofore failed to perform their duty as directed by law. And the colonel or commanding officer of each county in this state are hereby empowered and required to send out as many light horse men, not exceeding fifteen in any county, as he may judge necessary to apprehend and take up all such delinquents as may be in his county, whether they may have been drafted from his or any other county in this state; and having so apprehended them, or any of them, to deliver all such to the commanding officer of the volunteers and drafts by this act ordered to the aid of South Carolina.

Regiments.

VI. AND be it further enacted, by the authority aforesaid, that the volunteers and drafted men by this act directed to be raised shall be formed into four regiments, to be commanded by militia officers; and that the field officers and others necessary for the command of one of the said regiments shall be taken out of the district of Salisbury, and the officers necessary for the second regiment out of the district of Hillsborough, and the officers for the third regiment out of the districts of Edenton and Wilmington, and the officers necessary for the fourth or last regiment out of the districts of Newbern and Halifax, agreeable to the militia law. Provided, that nothing herein contained shall be construed to give precedency to any one of the said regiments.

VII. AND be it further enacted, by the authority aforesaid, that his excellency the governor

nor be directed to grant warrants on the treasurers, or either of them, to the colonels or commanding officers in their resp five counties, for so much money as shall appear to him to be necessary to pay the bounty proposed and held out by this act to volunteers and drafted men, taking bond and security for the faithful application.

A. D. 1780.

Bounty money.

VI. AND be it further enacted, by the authority aforesaid, that if any colonel or commanding officer, or other person, shall advance the bounty by this act allowed, such colonel or commanding officer, or other person, shall be intitled to receive the sum by him so advanced, with ten per cent. interest thereon, out of the public treasury, on settlement of his account with the general assembly.

Allowance for advancing it.

IX. AND be it further enacted, by the authority aforesaid, that his excellency the governor do order that all the men raised by virtue of this act immediately, without loss of time, march to the assistance of South Carolina, and continue for the space of three months as aforesaid.

Men to march.

X. AND be it further enacted, by the authority aforesaid, that Richard Caswell, esquire, be, and he is hereby constituted and appointed major general, to command the aid hereby ordered to be raised, as well as all the militia belonging to this state now in service, who shall be intitled to the same rank, pay and subsistence, as a major general in the continental army, on a separate and distinct command.

Mj. gen. appointed.

XI. AND be it further enacted, by the authority aforesaid, that on or before the expiration of the service of the aforesaid four thousand men, it shall and may be lawful for his excellency the governor, with the advice of the council of state, in case it should appear absolutely necessary to send to the assistance of South Carolina any further aid not exceeding four thousand men, to be raised and sent out on the same terms, and under the same rules and regulations, in this act directed for the militia now ordered out for the assistance of South Carolina.

Further aid.

XII. AND be it further enacted, by the authority aforesaid, that one hundred and five of the militia to be by this act raised be formed into three troops of light horse, each troop to consist of thirty five privates (no horse to be admitted in either of the said troop under fourteen years of age) to be apportioned to the several districts in the following manner, viz. Salisbury three five, Hillsborough seven, Halifax eighteen, Lenoir twelve, Newbern twelve, and Wilmington eleven.

Light horse.

C H A P. XXVII.

An act to prevent armed, and other vessels, leaving the several ports, harbours, and quays, within the state.

I. WHEREAS the operations of the enemy in the state of South Carolina induce a belief that this state may be shortly invaded, and the unprepared situation of the same to make defence against them, makes it necessary immediately to fall upon some effectual expedient to procure warlike stores for the defence of said state; and it appears the most certain mode will be to dispatch armed and other vessels to the West India islands to procure said stores, which will be best effected by laying an embargo:

Preamble.

II. BE it therefore enacted by the general assembly of the state of North-Carolina, and by the authority of the same, that from and after the passing of this act, it shall not be lawful for any armed, or other vessel, to leave any port, harbour or quay, within said state, within the term of forty days, except such vessels as are actually in the service of this state, or the united States: And any owner, or other person under whose direction any such vessel is, suffering or permitting such vessel to depart the state contrary to the true intent and meaning of this act, shall forfeit and pay the sum of one hundred thousand pounds currency; to be recovered by any person who shall sue for the same, by action of debt, in any court of record, one half thereof to the use of the state, the other half to the prosecutor.

Embargo.

III. AND be it further enacted, by the authority aforesaid, that the commercial agent be, and he is hereby authorized and empowered, to impress, or cause to be impressed, by warrant under his hand and seal, directed to any person whom he may deem adequate to the execution thereof, all such vessels, together with their sails, rigging, tackle, apparel and furniture, as he may judge proper for the service of this state, directing them at the same time to be valued in the same manner as waggons impressed into the service of this state are directed by the militia law to be valued. Provided nevertheless, that this act shall not extend to authorize the impressing any vessel or vessels, wholly the property of any foreigner or foreigners. Provided also, that this act shall not extend to debar small crafts running to and from any ports of this state.

Vessels pressed.

IV. AND be it further enacted, by the authority aforesaid, that the said agent be, and he is hereby required, to transmit printed or written copies of this act, as soon as may be, to the several naval officers within this state, as also to the respective towns and sea ports, as he may judge proper.

Agents duty.

V. AND be it further enacted, by the authority aforesaid, that if the captain or owner of any vessel shall refuse to deliver up the same to the officer when impressed or required, with the sails, rigging, tackle, apparel and furniture, he or they so offending shall forfeit and pay the sum of one hundred thousand pounds; to be recovered and applied in manner herein before directed.

Pen. for refusing to deliver vessels.

VI. AND be it further enacted, by the authority aforesaid, that it shall and may be lawful for the governor, with the advice of the council of state, to suspend from time to time the restrictions by this act imposed on the departure of vessels from this state, as they in their discretion may judge necessary.

Suspending clause.

