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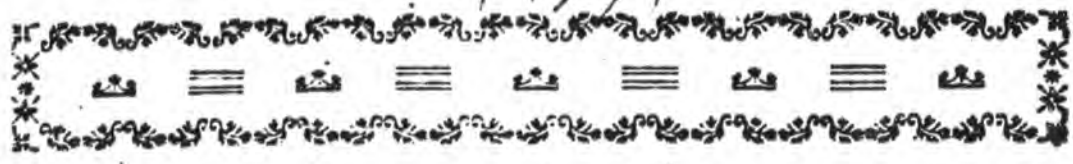
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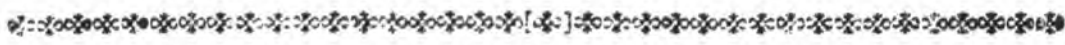
(1791)

A. D. 1780

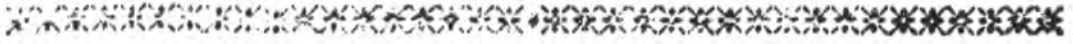
(1791)



ACTS OF ASSEMBLY OF THE STATE OF NORTH CAROLINA.



At a GENERAL ASSEMBLY, begun and held at Hillsborough on the fifth day of September, in the year of our Lord one thousand seven hundred and eighty, and in the fifth year of the independence of the said state: Being the second session of this assembly. **ABNER NASH, Esq;** governor.



CHAP. I.

An act for levying a specific provision tax on all the inhabitants of this state, for the support of the army and navy of this and the united states in the southern department.

I. **WHEREAS** from the operations of war in this and the neighbouring states, it becomes difficult, by purchase alone, to supply the army and navy with a sufficient quantity of provisions, and other necessaries: 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 a specific provision tax be levied on all the inhabitants of this state, in addition to the pecuniary tax for the current year, in the following manner, viz. that each and every inhabitant of this state shall for every hundred pounds value of his or her taxable property, contribute and pay to the commissioner of his respective county one peck of Indian corn, or half a peck of wheat, or five pounds of good flour, or one and one fourth peck of clean oats, or three fourths of a peck of rye, or one peck of rough rice, or one third 20. clean rice, merchantable, or three pounds of good pork, or two pounds of salted do. or four and a half pounds of good beef, and shall be bound and obliged severally to convey and deliver at such places, warehouses or magazines, not exceeding three, within the county (the county of Rowan excepted, and in that not exceeding four) as may be ordered and directed by the commissioner of each respective county; and that any person who shall delay or refuse, after the tenth day of January next, to advance and deliver his or her proportion of the specific tax in some of the before enumerated articles, agreeable to the true intent and meaning of this law, the collector of the district shall and may, by warrant from the commissioner, make distress, seizure and sale, of the goods and chattels, lands and tenements, of all persons so refusing or neglecting, sufficient to purchase double the quantity of such specific supplies at the highest prices then in the district: Provided nevertheless, that the inhabitants of Carteret county may deliver one gallon of salt in lieu of any one of the enumerated articles by

Specific tax laid,

1780

L A W S of NORTH-CAROLINA.

A. D. 1780. by this act directed to be paid. Provided also, that no collector shall be obliged to lay out the sums he may receive for enumerated articles as aforesaid, but shall settle and account with the said commissioner for the same; and that the said collector shall be intitled to take and receive for every seizure or distress the sum of twenty five dollars.

Distress to be made.

Quakers, &c. taxed.

III. AND be it further enacted, by the authority aforesaid, that all quakers, moravians, menonists, dunkards, taxable polls and non-jurors, shall be taxed, and shall pay and deliver in the specific enumerated articles as aforesaid, in the same proportion as by the pecuniary tax law for the present year they are bound and obliged to do. Provided, no person shall be considered as a non juror except such who, having been lawfully called on, have refused to take the oath of allegiance to this state.

Commissioner appointed.

IV. AND be it further enacted, by the authority aforesaid, that immediately after the passing of this act, the sheriff of each county in this state shall summon the justices within his county to meet at the courthouse on some certain day, within six days next after such notice, who having met, they, or any five of them, shall, and are hereby required to nominate and appoint a proper person to be commissioner of each county for carrying into effect the purposes of this act into effect, and from time to time fill up any such vacancies as may happen; the said commissioner, before entering upon the duties of his office, shall give bond, with two or more sufficient securities, payable to the governor or commander in chief for the time being, and his successors, in the sum of ten thousand Spanish milled dollars, with the following condition:

bond.

THE condition of the above obligation is such, that whereas the above bounden is nominated and appointed commissioner for the county of _____ for collecting provision taxes, and purchasing and procuring supplies or provisions, pursuant to an act of the general assembly, intitled, "An act for levying a specific provision tax on all the inhabitants of this state, for the support of the army and navy of this and the adjacent states of the southern department." Now if the said _____ shall well and lawfully perform all the several duties enjoined on him by the said act in the manner therein prescribed, then the above obligation to be void, otherwise to remain in full force and effect.

Oath.

And shall also take the following oath before some justice of the county, and obtain a certificate thereof, to wit,
I, A. B. do swear, that as commissioner for receiving and procuring specific provision supplies for the county of _____ I will well, truly, and faithfully, execute the trust reposed in me, to the best of my skill and ability, according to law; and that I will not, directly or indirectly, purchase or procure for my own use, or for the use of any other person or persons, (articles for my own family use and consumption excepted) any of the above enumerated articles, during my continuance in said office, otherwise than is by this act directed.

Warehouses to be rented.

V. AND be it further enacted, by the authority aforesaid, that the commissioner for each county respectively shall have power and authority to rent, hire, or seize, for the use of the public, warehouses, stores, and other inclosures, for the purpose of storing and keeping safe the said enumerated articles, and shall give receipts for all such specific provision supplies as may be received in taxes aforesaid, and shall keep particular and exact accounts of the same.

Provision to be purchased.

VI. AND be it further enacted, by the authority aforesaid, that the commissioners in each respective county are hereby authorized and required, as soon as may be, to purchase on account of this state, all such quantities of beef, pork, flour, wheat, Indian corn and oats, as any of the inhabitants may be willing to supply, at the prices ascertained by resolve of the continental congress, bearing date the 25th of February 1780, viz. beef five and a half dollars per hundred, fresh pork well fattened seven dollars per net hundred weight, salted pork per barrel twenty two dollars, salted beef seventeen and a half dollars per barrel, flour four and a half dollars per each 112lb. good wheat one dollar and a half per bushel, Indian corn three fourths of a dollar per bushel, oats half a dollar per bushel, giving the owners indented certificates for such purchased supplies in the form following, to wit, "State of North Carolina, _____ county. This may certify, that as commissioner for the county aforesaid, I have purchased _____ from _____ at the prices ascertained in Spanish milled dollars by a resolve of congress, dated the 25th of February 1780, amounting in the whole to _____ Spanish milled

Form of certificate.

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milled dollars, which sum is to bear interest at six per cent. until paid, agreeable to an act of the general assembly in such case made. Which certificates shall bear the said interest of six per cent. be free and exempt from a public tax, and shall be paid and redeemed by the general assembly of this state on or before the first day of September 1782, in Spanish milled dollars, or in continental or state currency, equal in value to such Spanish milled dollars as aforesaid.

VII. AND be it further enacted, by the authority aforesaid, that all certificates to be issued in virtue of this act shall be a tender, at the exchange of one for seven y five, in discharge of the pecuniary tax, and the respective collectors and receivers of the said pecuniary tax shall receive the same at the exchange aforesaid.

VIII. AND be it further enacted, by the authority aforesaid, in case any person shall be possessed of more of any of the said articles than will be sufficient for his, her, or their family use, and for the use of his, or his, her, or their specific tax, and shall refuse to sell the one half of the residue, then, and in such case, the said commissioners are hereby required to call on the nearest justice and two free holders, who shall determine what quantity may be sufficient for the use and consumption of the family of such person or persons; which said justice and freeholders shall give and deliver to the commissioner a certificate or memorandum of the remaining quantity of such article or articles in the hands or possession of the person or persons so refusing to sell as aforesaid, which said commissioner is hereby directed and required first to demand remounts, carriages, and in case of refusal, to break open in the day time, if necessary, all houses or other buildings, and to take and impress the one half of the aforesaid certified articles, whereupon he shall give a certificate thereof to the owner, in order that satisfaction may be made for the same, agreeable to the directions of this act, and also hire or impress horses, wagons, carts, and boats, belonging to his county, sufficient for transporting to the county where such articles are to be purchased or impressed; and the commissioners are hereby respectively required to make application to the board of war for such quantities of provisions as may be necessary to supply the said provisions they may receive, also to purchase barrels, and finally to do every thing necessary for the safe keeping all such provisions as may be collected or received in virtue of this act.

IX. AND be it further enacted, by the authority aforesaid, that the treasurer of each district shall furnish to the commissioners of every county in the same with a sum not exceeding five thousand pounds, to enable them to perform the several services required of him by this act, for which said sums, together with the amount of the provisions which may be purchased, impressed or received, by virtue of this act, the said commissioners respectively shall account with the general assembly of this state; and each commissioner as aforesaid shall make quarterly returns, or oftener if required, to the board of war, or in case a board of war should not be established in this state, to the governor for the time being, of all supplies by him received, either by provision taxes, purchases or impressment, as aforesaid.

X. AND be it further enacted, by the authority aforesaid, that each commissioner hereby appointed shall be allowed five per cent. on the value of all such articles as he shall or may have received as provision taxes, and also five per cent. on the articles purchased or impressed by virtue of this act, exclusive of his necessary public expences, which allowances are hereby declared to be in Spanish milled dollars; and each respective commissioner having settled his accounts with the board of war, or the general assembly, shall be intitled to receive certificates on the same security, and of the like tenor, as herein before directed.

C H A P. II.

An act for raising money on loan for the immediate support of the army, and laying an additional tax for the year one thousand seven hundred and eighty, and for other purposes.

I. **W**HEREAS supporting a large body of troops, absolutely necessary for defending this state from the ravages of the British arms, hath already, at the present high prices of all necessary articles, called out of the treasury the greatest part of the currency lately emitted, and it being found by experience that emitting further sums would have a tendency to increase the prices of necessaries, and be greatly injurious to the public;

II. **B**e it therefore enacted by the general assembly of the state of North Carolina, and it is hereby

A. D. 1780.

Tender for taxes.

Provisions may be impressed.

Commissioners supplied with money, & to account.

Their allowances.

Preamble

(182)

4 **L A W S of NORTH-CAROLINA.**

A. D. 1780.
Money to be borrowed.

hereby enacted by the authority of the same, that the public treasurers of this state respectively are hereby authorized, impowered and required, to receive on loan into the public treasury all such sums of money as any of the good people of this state shall be willing to supply, and which may be actually deposited into the hands of such treasurers on or before the first day of May next ensuing, giving to such person or persons indented certificates for the amount of the sum so lent, which certificate shall bear an interest of six per cent per annum, and be free and exempt from a public tax. Provided nevertheless, that no one of the said public treasurers shall receive on loan a greater sum than one million of pounds in virtue of this act.

To be paid with interest.

III. AND be it further enacted, by the authority aforesaid, that the holders of all such certificates issued by the treasurers agreeable to the directions of this act, shall be paid the amount thereof, with interest, by the general assembly of this state, on or before the first day of May, in the year one thousand seven hundred and eighty two, together with the depreciation, if any, so as to secure him or them from loss in the value of the money lent.

Pen. for counterfeiting.

IV. AND be it further enacted, by the authority aforesaid, that all such certificates, with interest thereon, shall be received in payment of taxes, and other public demands, at the option of the holders: And in case any person whatsoever shall by printing, writing, engraving, or otherwise, counterfeit, or attempt to counterfeit, any certificate issued by any of the treasurers agreeable to this act, or shall alter or deface any such certificate with intention to change the value or denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said certificates, being thereof lawfully convicted on verdict, or shall stand mute, every such person shall suffer death without benefit of clergy.

Treasurers allowance.

V. AND be it further enacted, by the authority aforesaid, that the public treasurers respectively shall be accountable for all such sums of money as they may receive in consequence of this act as for other public monies, and shall make returns to his excellency the governor of all such sums; for which additional trouble and expence in the duty of their office, they shall be allowed by the general assembly.

Additional tax.

VI. AND be it further enacted, by the authority aforesaid, that for the present year an additional tax, equal to double the amount of the public tax which the inhabitants of this state respectively are now liable by law to pay for the year one thousand seven hundred and eighty, be levied on all the taxable property of this state, the particular articles of money and money at interest only excepted; and the county treasurers and collectors of the different districts of each county in this state are hereby authorized, and expressly required, to collect and account for the said additional tax at the times, and in the same manner, as the tax heretofore laid for the year one thousand seven hundred and eighty was by law directed to be collected and accounted for.

Deficient taxes to be collected.

VII. AND be it further enacted, by the authority aforesaid, that in every county in this state where assessors of taxable property for the years one thousand seven hundred and seventy nine and one thousand seven hundred and eighty, or either of them, have not been appointed, or have failed to assess the property agreeable to law, it shall be lawful for the chairman of the court, together with two other justices of such county, to meet and appoint other assessors, who shall assess the value of the taxable property of their respective districts, and make return thereof to the clerk of the county court, who is hereby directed to furnish the collectors with the assessments of their respective districts.

C H A P. III.

An act for the speedy trial of all persons accused of treason against this and the united states, and for other purposes.

Remember.

I. **WHEREAS** most of the county gaols in this state are insufficient to contain any number of prisoners, as well with respect to their size as their strength, and where there are district gaols, the most of them are already crowded with prisoners of various kinds; and whereas the armies of the enemy, now in the state of South Carolina, preparing to carry the war into this state, makes it highly necessary that some method for the speedy trial of traitors should be adopted and enforced:

II. **BE** it therefore enacted by the general assembly of the state of North Carolina, and it is hereby

(183)

hereby enacted by the authority of the same, that when any person or persons shall hereafter be accused of treason, or where any person or persons owing allegiance to this state, shall be found in arms, opposing, or intending to oppose this state, or the united states, or committing any other crime which by the laws of this state is defined to be treason, it shall be lawful for the magistrates of any county in this state, although such county should be distant from, or in a different district from that in which such person or persons may be taken, or have committed such treasonable crime, or any three of them, to order and direct the proper officer to summon a grand and petit jury, being freeholders, to attend at such time as the said justices shall appoint, and to cause to be preferred bills of indictment against all such traitors as shall be taken or accused as aforesaid; and such justices are hereby empowered to hear, try and determine, all treasons against this state, and against the united states, which shall be committed within their jurisdiction, and shall pass sentence on, and order immediate execution, if necessary, of all such offenders who shall be convicted or stand mute.

A. D. 1789.
Manner of trial for treason.

III. AND be it further enacted, by the authority aforesaid, that in case of a default of jurors attending at any of the said courts, it shall be lawful for such courts to direct the sheriff or coroner of the county, as the case may require, to summon of the bystanders other persons, being freeholders, to complete the said juries or any of them; and that on the trial by the petit jury no challenges shall be allowed, unless for causes shewn, any law or usage to the contrary notwithstanding.

Jurors

IV. AND be it further enacted, by the authority aforesaid, that council shall not be allowed on trial in any of the said courts either for or against the prisoner, nor shall any prisoner arrest judgment for any defect or want of form in the bill of indictment, or other proceedings, so that there is sufficient substance to convict such prisoner. Provided always, that every prisoner shall be at liberty to make his own defence, and to demand summonses to enforce the attendance of his witnesses, and a reasonable time to prepare for his trial.

Council not allowed.

V. AND be it further enacted, by the authority aforesaid, that the said courts shall be continued by adjournments from day to day, until all the prisoners shall be tried, discharged, or re-committed, as the courts shall direct. Provided always, that if the said courts, or any of them, should think proper to remit the trial of any offender or offenders, and send him or them to the superior court, such offender or offenders may be accordingly sent under a sufficient guard to be tried by the court of the district where he committed the offence; and all persons which shall be taken near the term time of any superior court, shall be sent to such court for trial as in other cases.

Adjournment of courts, & prisoners to be sent to the district courts.

VI. AND be it also enacted, by the authority aforesaid, that all jurors to be summoned to any of the said courts, shall be subject to the same fines and penalties as jurors summoned to the superior courts are subject to for non-attendance at the said superior courts; and that every justice of the peace who shall refuse when required to attend and act as a judge in any of the said courts, shall forfeit and pay five thousand pounds. Provided always, that if any justice of the peace shall be concerned in taking any traitor to be tried as aforesaid, or shall be the accuser of any person to be tried under this act, such justice shall not be admitted to sit as a judge on the trial of such traitor or accused person, any thing herein before mentioned to the contrary notwithstanding.

Pen. on jurors and justices.

Accusers not to sit on trial.

VII. AND be it further enacted, by the authority aforesaid, that the person who may be appointed to act as clerk on any trial under this act, shall draw up the charge or charges against the offender in a plain, distinct, and comprehensible manner, and also shall read and present the same to him, the said clerk not being considered as confined to the strict forms of bills of indictment used in like cases in the superior courts in this state.

Proceedings on trial.

VIII. AND be it enacted, by the authority aforesaid, that upon every conviction the court shall order the sheriff or other proper officer, to seize and take into his possession, and make an inventory of all the offender's estate real and personal, and transmit the same to the general assembly at their next session. Provided always, that the court shall make such provision for the maintenance of the wife and children, if any, of the convicted traitor, as by the treason act is directed.

Criminal's goods forfeited.

IX. AND be it further enacted, by the authority aforesaid, that this act shall be and continue in force until the end of the next session of the general assembly, and no longer.

Continuance of the act.

A. D. 1780.

C H A P. IV.

An act for securing the quiet and inoffensive inhabitants of this state from being injured, for preventing such property as hath or may be confiscated from being wasted or destroyed, and for other purposes.

Preamble

I. **W**HEREAS great and frequent complaints have been made, that many acts of violence and barbarity have been lately committed in divers counties of this state, under pretence of seizing the property of disaffected persons, and of those who have joined, or are supposed to have joined the enemy, and under various other pretences, and it is suggested that these unwarrantable depredations have been carried so far as to deprive many poor people of their common house and kitchen utensils, and even of some part of their wearing apparel; and whereas many persons have unlawfully seized upon, and carried away, negro slaves, and other valuable effects, which fall within the description of confiscated property, with intention, as it is suggested, of applying the same to their own particular use, and many slaves are said to be conveyed to distant parts, and others have been publicly sold, in violation of law and justice: That the public therefore may not be defrauded, and that the quiet and inoffensive inhabitants may be protected and redressed;

Confiscated property secured.

II. **B**E it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that the commissioners of confiscated estates in every county in this state, and where there are no lawful commissioners, the sheriff or coroner of the county, shall seize and take into his or their possession all the confiscated property in his or their respective counties, not claimed by any other person, and shall become the same, to be hereafter applied as the general assembly shall direct; and it is hereby declared, that the property of all persons who may at any time have joined, or shall hereafter join or attach themselves to the enemy, shall be comprehended within the meaning of this act.

Commissioners or sheriff to seize confiscated property.

III. **A**ND be it further enacted, by the authority aforesaid, that no person or persons whatsoever but the commissioners of confiscated estates in each county, or for want of lawful commissioners, the sheriff or coroner, shall have any authority to take possession of any confiscated property, and every person offending, or who hath already offended in the premises, on the refusal to deliver the same, shall forfeit and pay treble the value of the property so illegally seized as aforesaid; to be recovered by action of debt, in the name of the governor, and shall moreover be compelled to make restitution of all property so illegally taken as aforesaid, and in default thereof, shall suffer imprisonment at the discretion of the court.

Governor or board of war to enforce this act.

IV. **A**ND be it enacted, by the authority aforesaid, that the governor or commander in chief for the time being, or the board of war, shall take such measures as to them shall appear necessary for enforcing the execution of this act, and shall cause all offenders therein directed to be prosecuted and punished agreeable to the directions thereof.

Confiscated negroes to be hired out.

V. **A**ND whereas no provision has been made in the several counties of this state for the hiring out, for the benefit of the state, negroes seized under the confiscation law; Be it therefore enacted by the general assembly of the state, and the authority of the same, that where no provision has been made adequate to this purpose, or such provision not carried into execution, that the sheriff, or coroner if there is no sheriff, shall be empowered to hire out until the first day of February, such negroes to the highest bidder, at public auction, at the courthouse, after giving ten days notice.

Property plundered from South-Carolina, secured to the owners.

VI. **A**ND whereas divers evil disposed persons, taking advantage of the present unsettled state of public affairs, and under pretence of distressing the enemies of the united states, make practice of going into the state of South Carolina, plundering and committing depredations upon all persons indiscriminately, and bringing the plundered property into this state, whereby many faithful citizens of that state are reduced to the most distressing circumstances: In order to prevent such unlawful and cruel proceedings, Be it enacted by the authority aforesaid, that all property heretofore brought, or that may hereafter be brought from South Carolina, by any person or persons residing in this state, shall be seized by the sheriff of the county to which the same shall be brought, and the commanding officer of the county shall, if required, assist the sheriff with such aid as may be deemed necessary for that purpose; and all such property shall be safely kept and secured, and returned to the owner, if it shall appear that such owner is

is a faithful citizen of any of the united states, but if otherwise, shall remain in the hands of such sheriff, to be applied to the use of the state, in such manner as the general assembly may hereafter direct: And every person or persons who shall offend against this act, by plundering as aforesaid, shall upon conviction thereof for the first offence receive thirty nine lashes on his bare back, and for the second offence shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

VII. AND be it further enacted, by the authority aforesaid, that any person or persons, formerly inhabitants of the state of Georgia, who have taken refuge in this state, shall be, and they are hereby exempted from the payment of any taxes whatever to this state for the present year; any law to the contrary notwithstanding.

A. D. 1780

People from Georgia exempt from taxes.

C H A P. V.

An act to prevent the impressment of boats, waggons, carts, and other carriages, employed in carrying salt, and for other purposes therein mentioned.

I. **W**HEREAS the distresses of the inhabitants of this state, arising from the scarcity of salt, are greatly increased by the frequent impressment of boats, carriages and horses, employed for the purpose of procuring salt: 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 no boat, waggon, cart, or other carriage, or any horse or horses employed in drawing any carriage, going to, or returning from any place where salt is usually procured, and observing the directions herein after prescribed, shall be liable to be impressed by any person or persons whatsoever, except in the cases herein after mentioned.

III. AND in order that such boats, waggons, and other carriages, intending to transport salt from the places where the same may be procured into the interior parts of the country, may be known; Be it enacted by the authority aforesaid, that the person or persons going with, or sending such boats, waggons, or other carriages, shall make affidavit before any justice of the peace of the county from whence such boat, waggon, or other carriage, shall go, that his or their principal intention is to procure salt as aforesaid, which affidavit, produced to the first convenient acting quarter master on the intended route, or at the place of the destination of such boat, waggon, or other carriage, shall entitle the bearer to a protection from impressment; and every quarter master is hereby required to grant such protection, and until a protection can be procured, the affidavit shall be deemed sufficient to answer the purposes of a protection.

IV. PROVIDED always, and be it enacted, by the authority aforesaid, that in cases of necessity, when the public safety is in danger, or extraordinary exertions are requisite to annoy the enemy, the board of war may order impressment to be made of all boats, waggons, and other carriages, horses and other things, without exception; any thing in this act to the contrary notwithstanding.

V. AND be it further enacted, by the authority aforesaid, that if any magistrate or quarter master shall refuse to perform the requisites by this act directed, such magistrate or quarter master shall forfeit and pay to the person aggrieved the sum of one thousand pounds; to be recovered by action of debt, before any jurisdiction having cognizance thereof: And if any person or persons shall make any seizure or impressment contrary to the true intent and meaning of this act, such person or persons shall for every such impressment forfeit and pay the sum of one thousand pounds to the party grieved; to be recovered as aforesaid, and shall be further liable to the action of the party.

VI. AND be it enacted, by the authority aforesaid, that in case any person shall produce or offer as a protection for any boat, waggon, carriage or team any forged, false, or altered affidavit or protection, every such person, being thereof lawfully convicted, shall forfeit all such boat, waggon, carriage or team, as he may then be possessed of, and for which he claimed protection, or the full value thereof; to be recovered by action of debt, in any court having cognizance thereof, and applied one half to the use of the informer, and the other half to the use of the county where the trial may happen.

VII. AND

Preambles

Carriages for salt not to be impressed.

Protection granted.

Proviso for impressing.

Pen. on quarter masters

Pen. for forged protection.

A. D. 1780.

Continuance
of the act.

VII. AND be it enacted, by the authority aforesaid, that this act shall continue and be in force for and during the space of six months, and from thence until the end of the next session of the general assembly.

C H A P. VI.

An act for suspending the operations of an act, for carrying into effect an act, commonly called the confiscation act.

Preamble.

I. WHEREAS from the unsettled state of public affairs, and from the fluctuating state of the currency, as well as from other causes, the act directing the sale of confiscated property has not answered the purposes intended thereby, and the army of the enemy now in the state of South Carolina, would occasion the said property to sell greatly under its intrinsic value; and whereas the lands confiscated to the state would, if reserved, establish a valuable and permanent fund, either for supplying the army and navy with provisions, or for establishing a paper currency, which would in all probability maintain its original value:

Act suspend-
ed.

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 operation of an act, intitled, "An act to carry into effect an act passed at Newbern in the year one thousand seven hundred and seventy seven, intitled, 'An act for confiscating the property of all such persons as are inimical to this or the united states and of such persons as shall not within a certain time therein mentioned appear and submit to the state whether they shall be received as citizens thereof, and of such persons as shall so appear and shall not be admitted as citizens, and for other purposes therein mentioned,' and for other purposes," and the powers of the commissioners appointed under the said act, be, and are hereby suspended, and shall continue suspended, and of no effect, from and immediately after the passing of this act, until the end of the next session of the general assembly.

Commission-
ers to pay the
monies in
their hands.

III. AND be it further enacted, by the authority aforesaid, that in the mean time the commissioners appointed in the several counties by virtue of the said act, do account with and pay to the treasurers of their respective districts, agreeable to the directions of the same act, all the monies which may be now remaining in their hands, received for confiscated property by them sold and disposed of; and such commissioners as refuse or neglect so to do, shall be prosecuted agreeable to the directions of the said act.

List of confis-
cated prop-
erty to be re-
turned.

IV. AND whereas it is necessary that the general assembly should be informed of the different kinds and quantities of confiscated property in the state, in order that the same may be applied to the most beneficial purposes for the public use; Be it therefore enacted, by the authority aforesaid, that the commissioners of the respective counties (and where no commissioners have been appointed, or where appointed have declined qualifying, then the sheriff of such county) shall return to the next session of the general assembly a separate list of the property of every person who comes within the confiscation acts, or any of them, which shall be found within their respective counties; which lists shall be signed by such commissioners or sheriffs, and shall contain all the lands, houses, and other real estate, slaves, horses, hogs, neat cattle, and sheep, and other moveable property, confiscated by any act or acts of the general assembly, and how much of the same hath been sold under the said acts, or claimed by other persons.

Titles to be
completed.

V. AND be it enacted, by the authority aforesaid, that the several commissioners shall in the mean time complete the titles of such sales as they may have bona fide made agreeable to law, any thing in this act to the contrary notwithstanding.

C H A P. VII.

An act for quieting such persons as may suffer in their titles and claims of lands, by reason of the extension of the boundary line between this state and the commonwealth of Virginia.

Preamble.

I. WHEREAS from the extension of the dividing line between this state and the commonwealth of Virginia, lands claimed under the authority and sanction of the laws of Virginia are found to fall within this state, though deemed, when patented and surveyed, to lie within the then colony of Virginia; and whereas sundry persons have proceeded to make entries on the said patented and surveyed lands as aforesaid, whereby divers persons,

(1787)

L A W S of NORTH-CAROLINA.

persons, patentees and claimants aforesaid, are likely to be greatly injured in their just rights; and whereas it is right policy to do equal justice, and grant reciprocal advantages, to citizens whose states are in union:

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 entries made within the limits of the said patented and surveyed lands as aforesaid, shall, and are hereby declared to be suspended until the end of the next session of the general assembly of this state; and the entry takers and surveyors of the counties of Washington and Sullivan are enjoined and required, at their peril, to desist from any further proceedings on the said lands.

A. D. 1780.

Entries fast
pendd.

C H A P. VIII.

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

I. **W**HEREAS by the before recited act no provision is made for the filling up of vacancies, occasioned by the death, removal, or refusal to act, of the persons appointed auditors under the same, whereby the good intention and meaning of the said act may be entirely frustrated;

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 in the before mentioned cases of any of the persons appointed auditors under the said act, the general assembly, by a joint resolve of both houses, may occasionally appoint another person or persons to fill up the vacancies as aforesaid; and if any vacancy should happen during the recess of the general assembly, the governor, with advice of the council of state, may make a temporary appointment, to be in force until the general assembly shall meet and take such appointment under consideration; and all auditors appointed to fill up any vacancy, shall take the oath appointed by the before recited act.

Vacancy of
auditors how
filled.

C H A P. IX.

An act to repeal an act, intituled, An act for the more effectually preventing engrossing and forestalling, for the encouragement of commerce and the fair trader, and for other purposes therein mentioned.

I. **W**HEREAS by experience it is found that the above recited act hath not produced the good effects intended, being fraught with many inconveniences, prejudicial to commerce, and the good people of this state;

Preamble.

II. BE it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that the before mentioned act, and every part thereof, be henceforth repealed and made void.

Act repealed.

III. **PROVIDED** nevertheless, that it shall not be lawful for any person or persons, other than the commissioners of counties, or persons purchasing for the use of the army, to engross or purchase any provisions, except for his family use and consumption, until after the first day of November next, any thing in this act to the contrary notwithstanding; and if any person or persons shall offend against this act, he or they shall forfeit the value of such purchase; to be recovered by action of debt, in the name of the governor, one moiety to the informer, and the other moiety to the state.

Proviso for
commissioners
&c.

C H A P. X.

An act for establishing a board of war, and other purposes.

I. **W**HEREAS it is expedient that a board of commissioners be appointed, for the more effectually and expeditiously calling forth the powers and resources of this state, and disposing the same in such manner as to enable the generals and commanders of the troops which shall be employed against the common enemy to act with vigour and precision;

Preamble.

II. BE it therefore enacted by the general assembly of the state of North Carolina, and it is enacted by the authority of the same, that there be a board erected, which shall consist of five commissioners, to be chosen by joint ballot of both houses of the general assembly, which board shall be styled a board of war, and shall sit at the most convenient places within this state, for

Board of war
erected.

L A W S of NORTH-CAROLINA.

A. D. 1780.

effecting without delay the purposes intended by this act; that the said board be empowered to correspond with the commanding officer of the forces of this state, which are or shall be in actual service, and with him to concert a general plan of operations for the defence of the said state, such plans to be as nearly consistent with those formed by the continental commander as circumstances will admit; to call upon all and every the officers of this state for returns of men, arms, horses, carriages, provisions and stores of all kinds, and to direct and order the procuring of all such articles as shall be necessary for completing and keeping up competent magazines of necessaries for carrying on with effect the military operations which shall be undertaken for the defence of this state, and the neighbouring states; and to make requisitions to the governor, or commander in chief for the time being, of all such aids and reinforcements, and to demand of the county commissioners, and all others possessed of provisions, arms, ammunition, carriages, and any other articles necessary for the supply, equipment, march, or armament, of the forces destined for the defence of this and the united states, which said articles belong to the public of this state, or have been by such commissioners or others procured in execution of public appointments, or by the direction of the state, for the use of the same; and such commissioners and others, upon such requisition made, failing to deliver the same, shall be deemed guilty of misbehaviour in office, and subjected to the penalties ordained by law for other failure or neglect in the said office, and shall be held hereafter incapable to hold the said office, or any other, civil or military, within this state; also to superintend all such officers as may be employed within this state for procuring supplies of provisions, forage or other necessaries, on public account, to direct and order the said officers in the manner of performing their respective duties.

Board may remove staff officers.

III. AND be it enacted, by the authority aforesaid, that the said board be empowered and required to remove or suspend, as they shall think proper, all officers in the staff department, and to appoint others in their respective places.

And cause surveys to be made.

IV. AND be it also enacted, by the authority aforesaid, that it shall and may be lawful for the said board to cause plans and surveys to be made, at the public expence, of all posts, passes, routs, positions, and other places, where it may be deemed necessary to employ troops, erect defences, dispose posts or detachments, or carry on military operations, and to obtain information relative to the designs and movements of the enemy; and the said board, or any three of them, are hereby declared to have full power to act as such.

Executive department to enforce acts of the board.

V. AND whereas this state is likely to become the theatre of war, and the honourable the congress have recommended that in such cases it is proper and necessary the general assembly should sit constantly, or vest sufficient powers in the executive department to answer all the immediate exigencies of the state; Be it therefore enacted, by the authority aforesaid, that it shall be lawful for the executive department to take, pursue and execute, any measures which the said board of war shall, agreeable to the restrictions of this act, direct, as necessary and expedient for the public security.

Secretary and clerks may be appointed.

VI. AND be it enacted, by the authority aforesaid, that the said board be empowered to appoint a secretary, and as many clerks as they may find necessary, and shall enjoy the rights of all business which shall be by them transacted to be kept, and to demand warrants from the governor of all moneys necessary for their expences, and the expenditures of the said board; which warrants are to be made payable to the secretary of the board, who is to be accountable for the same to the general assembly.

Commissioners kept up.

VII. AND be it further enacted, that in case any of the said commissioners shall die, remove out of this state, or refuse to undertake the duties of his appointment, it shall and may be lawful for the governor, with the advice of the council, to appoint any other person a commissioner, in place of the commissioner so dying, removing, or refusing to act, who shall, in virtue of his appointment and acceptance thereof, be invested with all the powers hereby granted to any one of the commissioners appointed by the general assembly.

All suspended

VIII. AND whereas it may not be expedient that an act passed this session, intitled, *An act for the relief of all persons resident of foreign countries and the united states*, be immediately carried into execution, Be it therefore enacted, by the authority aforesaid, that the said act shall not operate, or be binding upon the inhabitants of this state, or any others, until the board of war shall recommend, and the governor, under the seal of this state, shall announce the expediency of carrying the said law into execution; and then, and not till then, such law shall be in full force and virtue.

Board to settle with contractors, &c.

IX. AND whereas, in the records of the assembly, it is necessary that a power should be lodged in the board of war for the purpose of calling to account all commissioners and contractors, and all other persons who have received public moneys, and have not duly accounted for and settled the same; Be it

therefore

(179)

L A W S of NORTH-CAROLINA.

11

therefore enacted, by the authority aforesaid, that the board of war shall have full power and authority to call upon all commissioners and contractors, and all other persons who have been intrusted with, or received public monies, without fully accounting for the same, and compel them to settle their accounts, and pay up any surplus monies remaining in their hands, the property of the state: and all persons so called upon, who after ten days notice shall fail to settle and account, or having so settled and accounted, shall fail to pay up arrears, the board of war shall be authorized to enter judgment in any county court of this state, the bonds of such debtors in judgment for the penalty thereof, such penalty to be discharged upon the payment of principal, interest, the depreciation, and costs, which depreciation the juries are hereby respectively authorized and required to assess: In all cases where balances may be tendered to the board of war, and disputes arise respecting the allowance for depreciation, the board of war shall choose three indifferent persons, and the party three, who shall be considered as a jury, and be sworn by a justice of the peace, and the damages and depreciation by them assessed considered as the balance in such case due; which verdict, delivered to the board of war in writing, shall operate and take effect as a judgment final, and may be entered up in any court having cognizance thereof, and execution issue thereon.

X AND be it further enacted, that the governor for the time being shall have full power to convene to such places, and at such times, as he shall think expedient for the public safety, the board of war; and to adjourn as to time and place as to him shall seem meet and convenient.

A. D. 1780.

Governor to convene the board of war.

Read three times, and ratified in General Assembly, the thirtieth day of Sept.
Anno Dom. 1780.

S I G N E D

ALEXANDER MARTIN, S. S.

THOMAS BENBURY, S. C.