

A C T S
O F
A S S E M B L Y
O F T H E S T A T E O F
N O R T H C A R O L I N A.

At a GENERAL ASSEMBLY, begun and held at *Hillsborough*,
on the Thirteenth day of *April*, in the year of our Lord One
Thousand Seven Hundred and Eighty Two, and in the Sixth
Year of the INDEPENDENCE of the said State: Being the First
Session of this Assembly.

ALEXAN-
DER MAR-
TIN, Esquire,
Governor.

C H A P. I.

An Act for raising troops to compleat the Continental Battalions of this State, and other purposes.

WHILEAS the time of service of the troops raised to compleat the continental battalions of this state by an act of assembly passed at *Halifax* in *February*, one thousand seven hundred and eighty one, is nearly expired; and whereas it is absolutely necessary the said battalions be immediately compleated, and the common mode of recruiting being found ineffectual;

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 colonel or commanding officer of each battalion in this state is hereby directed to order the field officers and captains of his battalion to meet at the place by law appointed for the general muster of his battalion, or at some other convenient place, on or before the Fifteenth day of *June* next, and the field officers and captains shall then and there divide the said battalion, officers and men of every rank between the ages of sixteen and fifty included, (his excellency the governor, judges of the superior courts of law, attorney general, continental delegates, the speakers of both houses of the general assembly, and *Moravians, Quakers, Methodists* and *Dunkards*, who are by law subject to a three fold tax, in lieu of all draughts and military duty, excepted) into classes of twenty men each, after deducting all such as have been captured and made prisoners when in actual service of this or the united states and are now on parole, and all such as have been lately drafted, or have turned out as volunteers in behalf of classes and have performed their

Militia classes

respective tours of duty either by personal service, or by hiring a substitute who shall have performed his tour of duty agreeable to law, and all such who are now in the service of his state under an act for raising troops out of the militia of this state for the defence thereof, provided such exemption be agreeable to the said act; and provided that all delinquents who have been turned over to the continental service for desertion or other military offence, within twelve months preceeding the fifteenth day of March last, shall not be included in any class for raising the aforesaid continental troops if they have actually served the time prescribed by law, and shall produce a discharge from the proper continental officer certifying the same.

To be enrolled.

Classes to furnish volunteers.

Or be drafted.

Persons who may not be substitutes.

III. *AND* be it further enacted by the authority aforesaid, That the commanding officer of the several regiments within their respective counties in this state shall cause all the inhabitants of their counties between the ages of sixteen and fifty to be enrolled, no respect being had to any exemptions, and hold a court of enquiry to exempt such who are unfit for service, previous to the day directed by this act for the classing the militia as aforesaid; and whereas it may happen that a number not sufficient to make a class may be left, after dividing the battalions into classes of twenty, then and in that case, it shall be lawful for the said commissioned officers, field officers and captains, by lot to determine what men shall be of the said number, and to which class each of them shall be added, therein to stand a draft, provided the class to which he may belong do not produce a volunteer on the day of the general muster; and the commanding officer of each battalion of militia shall, within ten days after classing his battalion as aforesaid, order a general muster of his said battalion at the place aforesaid, and shall then and there require each class to furnish one able bodied man, who shall serve in the continental battalions belonging to this state for eighteen months from the day of their meeting at such place of rendezvous as is hereafter appointed: And the said volunteers shall be subject to the same rules and discipline, and have the same pay and rations as the continental troops belonging to this state, from the day of their being enlisted. And in case a sufficient number of volunteers do not then enlist, the commanding officer shall immediately order one man to be drafted from each of the classes who have failed to produce a volunteer, and each of the men so drafted shall be entitled to receive the same pay and rations as if they had enlisted, and shall be obliged to serve in the continental battalions of this state for the same term, and be subject to the same rules and discipline as the said volunteer, or produce an able bodied substitute on the day, and at the place appointed by this act for the district rendezvous, which substitute on being approved of by the field officer delivering, and the continental officer receiving him, shall be entitled to the same pay and rations, and shall be obliged to serve for the same term, and be subject to the same rules and discipline, as the drafted man would have been had he not hired such substitute.

IV. *PROVIDED* always, That no *British* or *Hessian* deserter who hath not been a resident of this state twelve months, or orphan or apprentice under eighteen years of age, indian, sailor or negro slave, shall be received as a substitute for any class volunteer or draft whatever: *And provided further*, That no militia officer shall take or receive any person offered as a substitute for any person, then being himself a substitute for any person or class under this act, on pain of forfeiting for every such offence, the sum of fifty pounds specie, to be recovered by action of debt in any court of record in this state, by any person who will sue for the same, and applied one half to his own use, the other half to the use of the state, and becoming moreover liable to be removed from office.

V. *AND be it further enacted by the authority aforesaid,* That the field officers and captains shall class the men in such manner that each class may be of equal value, as near as may be, agreeable to the assessment of their taxable property for the year one thousand seven hundred and eighty one.

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Classes to be of equal value

VI. *AND be it further enacted,* That each and every captain, or other officer commanding the respective companies of militia in this state, shall, previous to the time of classing their battalion, make return on oath to the colonel or commanding officer of their regiment of all the effective men belonging to their companies respectively, under pain of forfeiting fifty pounds specie for each and every neglect or refusal, to be recovered by any person suing for the same, in any court of record in this state, and applied one half to his own use, and the other half to the use of the state.

Captains to make return of their companies.

VII. *AND be it further enacted by the authority aforesaid,* That the captains shall return descriptive lists of the volunteers and drafts raised in and from the several classes apportioned to them, to the colonel or commanding officer within five days after such draft, therein specifying the name, size, age, complexion and occupation, of the men so raised, and also the name of the captain from whose company they were taken; and the said commanding officer shall make two fair copies of such descriptive lists, one of which by him, or one of his field officers, to be delivered with the men so raised, on or before the first day of *August* next, at the district rendezvous, to the continental officer or other person appointed to receive and take charge of the said men, and shall take a receipt for the delivery of the men on the other; and shall also take a descriptive list in manner aforesaid of all substitutes there offered by drafted men of the battalion to which he belongs, and approved by the persons appointed for that purpose, one fair copy of which list he is required to deliver with the said substitutes to the continental officer, or other person appointed to receive and take charge of the said men, and shall take a receipt for the said substitutes in like manner as for the said drafts, and one other fair copy of the descriptive list of such substitutes, together with receipts for the volunteers, drafts and substitutes as aforesaid, shall be returned to, if not taken by, the militia colonel or commanding officer of the battalion.

And return descriptive lists of volunteers and drafts to the commanding officer, to be returned to the continental officer after receiving the men.

VIII. *AND be it further enacted by the authority aforesaid,* That the men so raised shall rendezvous on or before the first day of *August* next at the following places, to wit: Those from the district of *Salisbury*, at *Salisbury*; from the district of *Hillsborough*, at *Hillsborough*; from the district of *Edenton*, at *Winton*; from the district of *Halifax*, at *Warrenton*; from the district of *Newbern*, at *Kingston*; from the district of *Wilmington*, at *Duplin Court-House*; and those from the district of *Morgan*, at *Ramsfers's Mill*. And in case any of the said volunteers and drafts should fail to appear at the day and place appointed for the district rendezvous, they shall be considered as deserters, and treated accordingly.

Men where to rendezvous.

IX. *AND be it further enacted,* That the commanding officer of the battalions shall send a list of the volunteers, drafts and substitutes, to the brigadiers general of their respective districts within fifteen days from the district rendezvous, and the brigadiers general shall, within one month from the receipt of such list, transmit copies thereof to his excellency the governor for the time being.

Pen. for not appearing.

Commanding officer to transmit list to the brigadiers, to be transmitted to the governor.

X. *AND be it further enacted by the authority aforesaid,* That each and every person who shall voluntarily enter, or be drafted into the said service, or be received as a substitute by the persons appointed for the purposes aforesaid, shall be entitled to have and receive two pair of shoes, two pair of stockings, two shirts, two stocks, one pair of leather or

Cloathes allowed.

woollen

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woollen breeches, two pair of overalls, one waistcoat, one coat, one hunting-shirt, one blanket, one hat, and five yards of tent cloth; which cloathing shall be good and new, and shall be delivered to the said volunteer, draft or substitute, on the day and place of the district rendezvous. And in order to procure the aforesaid cloathing,

How furnished

XI. *BE it enacted by the authority aforesaid,* That the said cloathing shall be furnished by the respective classes to the volunteer, draft or substitute, belonging to the said class, in proportion to the assessment of their taxable property for the year one thousand seven hundred and eighty one as aforesaid, on the day, and at the place of the district rendezvous, or before. And in case the said cloathing shall not be delivered to the said volunteer, draft or substitute, on the time aforesaid, the colonel or commanding officer of the county to which such class so deficient belong, shall by warrant under his hand appoint two of the ablest men in property in the said class, to procure from the class their quota of cloathing so deficient, and in case the said men so appointed do not collect the said cloathing in the foregoing proportion, with respect to their assessment, within twenty days from their appointment, then and in that case, the colonel or commanding officer shall issue his warrant to the lieutenant or ensign of the company to which such class belongs, to levy of the goods and chattels of the persons so appointed, a sum sufficient to procure such deficient articles of cloathing as aforesaid by sale of the goods and chattels of the said persons, which cloathing shall be appraised by two freeholders on oath, and certificates given to the parties furnishing the same in specie, and shall be received by the sheriff or collector in payment of taxes.

Volunteers or drafts serving their time, exempted for twelve months

XII. *AND be it further enacted by the authority aforesaid,* That every volunteer or draft faithfully serving, either by himself or substitute the aforesaid term, shall be exempted from all drafts whatsoever for twelve months from the date of his, or his substitute's discharge, provided it be certified on the back of the discharge by the commanding officer of the militia battalion to which such volunteer or draft belonged at the time of his entering the said service, that he has reason to believe the said volunteer or draft has faithfully served as aforesaid.

Reward for apprehending deserters.

XIII. *AND be it further enacted by the authority aforesaid,* That any person who shall apprehend or deliver, or cause to be apprehended or delivered to a continental officer, any deserter from the continental State troops, or delinquent from the militia service, on producing a receipt for the delivery of such deserter or delinquent to the colonel or commanding officer of the county wherein he shall reside, shall be entitled to receive the sum of four pounds specie, as a reward for apprehending and delivering such deserter or delinquent in full, and it is hereby declared, that no exemptions whatever shall in future be allowed for such service.

Men to be forwarded to the rendezvous.

XIV. *AND be it further enacted by the authority aforesaid,* That the volunteers and drafts raised as aforesaid, shall be forwarded without delay to their respective places of rendezvous by the commanding officer of the battalions from whence they shall be so raised, or by some field officer of his said battalion, by him to be appointed for that purpose as herein before directed, on penalty of one hundred pounds specie, to be recovered by any person for the use of the person so suing.

Waggon and team of horses to exempt two classes.

XV. *PROVIDED nevertheless,* That any two classes in each regiment who shall produce to the commanding officer of the regiment one good waggon, and team of four good horses, geers and every thing complete for the road, fit to carry one ton at least, and deliver the same as public property, for the use of the North-Carolina brigade, shall be exempt from the draft. *And provided also,* That if it should happen in any

any case that more than four classes in any battalion should be desirous of furnishing their proportion of waggons and teams, the preference shall be determined by lot, on the day the men are classed.

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XVI. *AND be it further enacted by the authority aforesaid*, That every militia officer employed in carrying this act into execution shall be allowed full pay and rations for every day he may be in actual service; and each and every militia officer neglecting or refusing to do any or every of the duties by this act required, shall forfeit a sum equal to three months pay, to be collected in the same manner as fines and forfeitures inflicted by the militia law, which fines and forfeitures shall be paid to the county treasurer for the use of the county.

Allowance to militia officers

XVII. *AND be it further enacted*, That the county commissioners shall, by order of the commanding officer of the county, deliver to the soldiers raised as aforesaid, rations sufficient to serve them to the district rendezvous, allowing fifteen miles for a days march.

Rations to the troops.

XVIII. *AND whereas* sundry persons employed in the quarter master, commissary, and in other the staff department of the continental army, claim exemptions from militia duty, and other drafts; *BE it therefore enacted by the authority aforesaid*, That no person whatever shall claim, or be entitled to an exemption from this draft, under colour of being in the staff department of this, or the united states, except the deputy quarter master general, and deputy commissary general.

Staff not exempt from draft.

XIX. *AND be it enacted*, That the continental officer receiving the drafts and volunteers in the several districts respectively, shall within twenty days after the first day of *August* next, make returns to the governor of the said drafts and volunteers by them respectively received, shewing the numbers for each particular county within such district, as also a particular account of the cloathing and tent cloth with which the said drafts and volunteers are furnished.

Continental officers to make returns to the governor.

XX. *AND whereas* the commanding officers of sundry battalions have failed to deliver their full quota of troops which were to be raised by an act of assembly passed at *Halifax* in *February*, one thousand seven hundred and eighty one, intituled, *An act to reduce the six continental battalions belonging to this state to four, to compleat the said four battalions, and for other purposes*, and amended by an act passed at *Wake county*, the last session of the general assembly, intituled, *An act to compell the counties which have not furnished their quota of continental troops as required by a late act of the general assembly of this state, to furnish the same*; *BE it therefore enacted by the authority aforesaid*, That in addition to the troops to be raised by virtue of this act, the commanding officer in each battalion which have failed to deliver their full quota of troops on the last twelve months draft, to the continental officer agreeable to the directions in the before recited act, are hereby authorized and directed to raise a number of able bodied men sufficient to compleat the whole number apportioned to the battalions respectively of the delinquent classes, under the same rules and regulations, and subject to the same pains and penalties, as are prescribed in the acts aforesaid.

Deficiency of the late drafts to be made up

CHAP. II.

An act to compell all persons who have acted as commissaries or quarter-masters, in the militia line of this state, to account for public stores, and for restraining impressments, and for other purposes.

WHEREAS there are in this state sundry persons who have lately stiled themselves state commissaries, quarter-masters, superintendants, &c. and it is found by experience that those persons have

Preamble.

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Commissariel
department a-
bolished.

To return a
state of their
accounts.

Their depu-
ties also.

Stores to be
delivered to
county com-
missioners.

County com-
missioners is-
sues.

Marching
troops how
supplied.

Commission-
ers to attend.

Pen. for un-
lawful impress-
ments.

committed great abuses and waste, by making unlawful impressments and misapplication of public stores;

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the quarter-master and commissariel departments within this state, is, and are hereby abolished, any law to the contrary notwithstanding.

III. *AND be it enacted by the authority aforesaid,* That the heads of the departments aforesaid, shall within three months after the passing of this act, return into the comptroller's office a true and perfect state of their several and respective accounts with the vouchers, distinguishing their several receipts, either by impressment or otherwise, from their several deliveries, under the penalty of five hundred pounds specie each, to be recovered by action of debt, in the name of the governor for the time being, for the use of the state.

IV. *AND be it enacted by the authority aforesaid,* That all deputy quarter-masters, commissaries, and others, employed or acting in either of the departments aforesaid, shall forthwith render to the heads of their departments respectively, on oath, a true and perfect state of their several accounts with the vouchers, on or before the fifteenth day of July next, under the penalty of one hundred pounds specie each, to be recovered as herein before mentioned.

V. *AND be it enacted by the authority aforesaid,* That the quarter master and commissary, with their several and respective assistants or deputies, and all other persons in any manner employed in either of the departments aforesaid, having under their charge, or in their possession, any kind of provisions, stores, waggons, horses, cattle, or other articles of public property, shall respectively deliver the same to the nearest county commissioner, taking his receipt therefor, under the penalty of one hundred pounds specie each, to be recovered as herein before mentioned.

VI. *AND be it enacted by the authority aforesaid,* That the several county commissioners shall be, and they are hereby appointed, issuers of the specific taxes of their counties respectively, when issuing the same may be necessary, and his or their accounts shall be stated so as to debit him or them with the specifics received on one side, and the state of the issues shall stand as a credit for the same on the other, distinguishing the issues made on account of the united states.

VII. *AND whereas the public posts on the roads where the troops usually march cannot be supplied by the specific taxes of the counties through which they pass; BE it therefore enacted by the authority aforesaid,* That the commissioner attending such post, on application to the commanding officer of the district shall obtain a warrant to draw the specific taxes from the commissioners of the neighbouring counties where there may not be a post, who shall give his receipt therefor, which shall serve as a voucher for the commissioner delivering such specifics.

VIII. *AND be it enacted by the authority aforesaid,* That the commissioners shall give due attendance by themselves, or clerk, at their posts respectively.

IX. *AND be it enacted by the authority aforesaid,* That if any officer, soldier or other person, shall presume to take from any citizen or citizens of this state, any part of their property by impressment, unless it be by a warrant from at least two justices of the peace, which warrant shall not be general, but shall express the particular purposes for which they are granted, or by sheriffs or other officers taking criminals to some goal, it shall be lawful for any justice of the peace in the county where the offence is committed,

rant for the immediate taking and safe keeping of such offender or offenders, until they are delivered by due course of law; and all military officers are hereby enjoined to support the civil power in the securing, and bringing such offenders to justice.

X. *AND be it further enacted by the authority aforesaid*, That when any warrant shall be granted in the case aforesaid, the person executing the same shall immediately return the warrant to one of the subscribing justices, endorsed with the kind and quantity of articles so impressed, and the name of the person or persons from whom it was so impressed, under the penalty of fifty pounds specie for every neglect, to be recovered by action of debt, in the name of the governor for the time being, for the use of any person suing for the same, and be further liable to the party aggrieved for all damages he or she may have sustained.

Impress warrants how executed.

XI. *AND* whereas many county commissioners in this state have large quantities of live stock on hand, that may not be called for, for immediate consumption; *BE it therefore further enacted*, That any county commissioner who shall have any beef cattle on hand, belonging to the public, that shall not be immediately called for, be, and they are hereby required to provide sufficient pasturage for the same.

Pasturage for cattle.

XII. *AND* whereas it is represented that there are large stocks of live cattle and other stores, in different parts of this state, which are much wanted in the southern army and have been procured for that use; and as it is necessary that effectual means be adopted to prevent the said army from suffering by the scarcity of provisions; *BE it enacted*, That his excellency the governor, by and with the advice of the council, shall appoint a superintendant in each district, whose duty it shall be to receive from the county commissioners any stores they may have on hand, from time to time, proper for the army, and the same the superintendant or superintendants shall convey, or cause to be conveyed, to the southern army, or such other post as the governor may direct.

Southern army supplied.

XIII. *AND be it enacted by the authority aforesaid*, That his excellency the governor, with the advice of the council of state, is hereby authorised and empowered to appoint one or more proper persons to superintend the driving cattle, and transporting stores or supplies to the southern army, and the supreme executive shall make such arrangements as to draw the specific taxes to such posts and places as may be necessary for supplying the marching continental troops, and troops of this state.

Cattle to be driven.

XIV. *AND be it enacted by the authority aforesaid*, That the several penalties by this act incurred, shall be applied to the use and benefit of the public, and shall, by the clerks of the several courts in which the same may be recovered, be paid to the treasurer of the district, who shall be accountable for, and return an exact account of, all monies to the general assembly.

Penalties applied.

C H A P. III.

An act for the relief of the officers and soldiers in the continental line, and for other purposes therein mentioned.

WHEREAS the officers and soldiers of the continental line of this state, have suffered very much by the depreciation of paper currency, as well as by the deficiency of cloathing and other supplies, that have been due them according to sundry acts and resolves of the general assembly of this state; and whereas the honourable the continental congress have resolved, that such depreciation shall be made

Preamble.

good

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Depreciation
allowed.

good to the eighteenth day of *August*, one thousand seven hundred and eighty, agreeable to a scale of depreciation established;

II. *BE it enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all depreciation of pay and subsistence, due to any officer or soldier before the said eighteenth day of *August*, one thousand seven hundred and eighty, be made good to them agreeable to the resolutions of congress, and that they shall be paid for all deficiency of cloathing, and that *Jehz Hawks, James Coor, and William Blount*, esquires, or any two of them, be, and they are hereby appointed a board to liquidate, and finally settle the same in specie.

To receive
certificates.

III. *AND for the more immediate relief of the parties, BE it enacted,* That each officer and soldier shall receive indented certificates, one or more being for twelve months pay and subsistence, which shall be negotiable in prompt payment for any public property that may be immediately sold, and shall receive another certificate or certificates, for the balance, which shall be paid off by any treasurer of the state, as soon as the situation of the finances will permit.

Heirs of killed
soldiers, and
widows to re-
ceive.

IV. *AND be it enacted,* That the balance, or arrearages, due to any officer or soldier who has been killed in action, or died in service, since the eighteenth day of *August*, one thousand seven hundred and eighty, shall be paid to the heirs of such officer or soldier deceased, and that such widows of officers and soldiers deceased, as are by resolve of the assembly of North-Carolina, entitled to half pay, shall have the depreciation made good to them, and have their certificates issued accordingly.

Commission-
ers pay, and
penalty for
counterfeiting

V. *AND be it further enacted,* That the commissioners aforesaid shall each receive twenty four shillings per day for their trouble in liquidating, and finally settling the aforesaid accounts, and that any person who shall counterfeit any certificate issued in consequence of this law, shall be deemed guilty of forgery, and suffer accordingly.

Lands allowed
the troops.

VI. *AND whereas it is proper that some effectual and permanent reward should be rendered for the signal bravery, and persevering zeal, of the continental officers and soldiers in the service of the state; BE it enacted,* That each continental soldier of the line of this state, who is now in service, and continues to the end of the war, or such as from wounds or bodily infirmities, have been, or shall be rendered unfit for service, which shall be ascertained by a certificate from the commanding officer, shall have six hundred and forty acres of land, and every officer who is now in service, and shall continue in service during the war, as well as those officers who from wounds or bodily infirmities, have left, or may be obliged to leave the service, shall have a greater quantity, in proportion to his pay, as followeth: A private six hundred and forty acres of land, and each non-commissioned officer one thousand acres, a subaltern two thousand five hundred and sixty acres, a captain three thousand eight hundred and forty acres, a major four thousand eight hundred acres, a lieutenant colonel five thousand seven hundred and sixty acres, a lieutenant colonel commandant seven thousand two hundred acres, a colonel seven thousand two hundred acres, a brigadier twelve thousand acres, a chaplain seven thousand two hundred acres, each surgeon four thousand eight hundred acres, each surgeons mate two thousand five hundred and sixty acres; and where any officer or soldier has fallen, or shall fall in the defence of his country, his heirs or assigns shall have the same quantity of land that such officer or soldier would have been entitled to, had they served during the war; and the aforesaid grants of land to each officer and sol-

dier, shall be free from taxation during the term they respectively shall continue in actual service, unless by them sooner disposed of.

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VII. AND whereas in May, one thousand seven hundred and eighty, an act passed at *Newbern*, reserving a certain tract of country to be appropriated to the aforesaid purposes, and it being represented to this present assembly that sundry families had, before the passing the said act, settled on the said tract of country; *BE it enacted*, That six hundred and forty acres of land shall be granted to each family, or head of a family, and to every single man of the age of twenty one years and upwards, (to include their improvements) settled on said land before the first day of June, one thousand seven hundred and eighty, for which they shall have the right of pre-emption; *Provided*, no such grant shall include any salt lick, or salt spring, which are hereby declared to be reserved as public property, together with six hundred and forty acres of the adjoining lands, for the common use and benefit of the inhabitants of that country, and not subject to future appropriations; and all the remainder of the aforesaid tract of country, shall be considered as subject to partition, as by this act directed.

To families settled on the lands.

VIII. *AND be it further enacted*, That *Abraham Tatam*, *Isaac Shelby*, and *Anthony Bledsoe*, esquires, or any two of them, are appointed commissioners in behalf of the state, to examine and superintend the laying off the land in one or more tracts allotted to the officers and soldiers, and they shall be accompanied by one or more agents, whom the officers may appoint, to assist in the business; and in case any commissioner so appointed shall die, or refuse to act, his excellency the governor shall fill up the vacancy.

Commissioners to lay it off

IX. AND whereas it is proper that an early opportunity should be taken to explore, and lay off those lands; *BE it therefore enacted*, That his excellency the governor, or his successor, shall be empowered in the course of the present year, or as soon as the situation of public affairs shall render it practicable and expedient, to direct the commissioners to proceed in the execution of their duty, and he shall appoint them a proper guard, not exceeding one hundred men, properly officered, which said officers shall be appointed and commissioned by the governor. And that each commissioner shall receive, in one survey, five thousand acres of land for his service.

To proceed on their duty.

X. *AND be it further enacted by the authority aforesaid*, That twenty five thousand acres of land shall be allotted for, and given to major-general *Nathaniel Green*, his heirs or assigns, within the bounds of the lands reserved for the use of the army, to be laid off by the aforesaid commissioners, as a mark of the high sense this state entertains of the extraordinary services of that brave and gallant officer.

Lands allowed Gen. Green.

XI. *AND be it further enacted by the authority aforesaid*, That the said commissioners are hereby authorized and empowered, to appoint one or more surveyors, not exceeding three, as they may find necessary, for the more speedy and effectual laying off, and surveying the said lands, and also to employ the usual number of chain carriers and markers, and such number of hunters (not exceeding six) as may be absolutely necessary to supply the persons concerned in this business with provisions, which said surveyors shall be allowed two thousand five hundred acres of land each for their services, the chain carriers, markers and hunters, six hundred and forty acres each for their services, and the private men of the guard three hundred and twenty acres each, and the officers of the guard in proportion to their militia pay respectively.

Surveyors &c. appointed

XII. *AND be it further enacted by the authority aforesaid*, That the commissioners shall be empowered, from time to time, during the execution of this business, to administer an oath or oaths in cases where

Commissioners to grant certificates to settlers

doctors

A. D. 1782. doubts may arise respecting any settler claiming a right to pre-emption under this act, and to grant certificates to such persons as shall appear to them to have a right to the same; and the said commissioners are directed and required to note down, in a book to be kept by them for that purpose, the names of such persons to whom certificates of pre-emption may be granted, a copy of which certificates they shall return to the general assembly, also an accurate draught of the country they may explore, and the tracts of land they may lay off.

To take an oath.

XIII. *AND be it further enacted by the authority aforesaid,* That the commissioners hereby appointed shall take an oath, to do equal right and justice in determining preference to the settled, as by this act admitted.

CHAP. IV.

An act to amend an act, passed at the last session of the general assembly, intituled, An act for continuing the district auditors of this state, directing their duty in office, and for other purposes; And also another act, passed at Halifax, on the eighteenth day of January, one thousand seven hundred and eighty one, intituled, An act for appointing district auditors, for the settlement of public claims.

Preamble.

WHEREAS the before recited acts are found inadequate to the good purposes intended thereby, and the auditors have been much embarrassed in the liquidation of the public accounts; for remedy whereof,

Claims in specie.

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 claims now due, and unsettled, shall be liquidated in specie, by the district auditors, under the same rules and regulations as prescribed by the before recited act, passed at Wake county.

Auditors to settle commissioners accounts.

III. *AND be it enacted by the authority aforesaid,* That the auditors shall be, and they are hereby authorized and directed, to settle with, and adjust the accounts of the several county commissioners within their respective districts, allowing each of them a commission of seven and a half *per cent.* for receiving, purchasing, and delivering, and return the same with the vouchers, and their report thereon, into the comptroller's office.

And all other claims.

IV. *AND be it enacted by the authority aforesaid,* That the district auditors may, and shall, settle all such claims and accounts in their respective districts, as are not otherwise provided for by law.

District auditors.

V. *AND be it further enacted by the authority aforesaid,* That the following persons be, and they are hereby appointed district auditors, to wit, William Reighton, Edward Everagin, and James Webb, for the district of Edenton; David Wilson, Matthew Lock, and William Catba, for the middle board of Salisbury district; Fraugott Bagge, James Hunter, and Charles Bruce, for the upper board; and John Auld, Stephen Miller, and Thomas Childs, for the lower board of Salisbury district; John Eradsford, John Branch, and William Green, for Halifax district; for Washington and Sullivan counties, Anthony Bledsoe, Edmund Williams, and Landon Carter; for the other board in Morgan district, Alexander Irwin, James Miller, and Benjamin Ellledge; for Wilmington district, William Dickson, Thomas Rutledge, and John King; for Hillsborough, Archibald Murphrey, John Nichols, and Richard D. Cook; for Newbern district, James Coor, John Hawks, and Etbeldred Russin.

Their power.

VI. *AND be it enacted by the authority aforesaid,* That the several boards of auditors appointed by this act, shall have the same powers, authorities and privileges, as the auditors held and enjoyed under an act,

passed

passed at Wake county, intituled, *An act for continuing the district auditors of this state, directing their duty in office, and for other purposes.* And in case one or more of the auditors herein named should die, remove, or refuse to act, his excellency the governor, with the advice of the council of state, shall appoint others to serve in the room of the person or persons so dying, removing, or refusing to act. A. D. 1728.

- C H A P. V.

An act for the relief of persons who have suffered, or may suffer, by their deeds and mesne conveyances not being proved and registered, within the time heretofore appointed by law.

WHEREAS many persons, through ignorance of the law, have neglected to have their deeds and mesne conveyances proved and registered, according to the directions of the several acts of assembly in such case made and provided, or through the confusion of the times have been prevented from a compliance with the aforesaid acts; for remedy whereof,

Preamble.

II. *BE it enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all deeds and mesne conveyances of lands, tenements, and hereditaments, not already registered, acknowledged, or proved, shall, and may within two years after the passing of this act, be acknowledged by the grantor or grantors, his or their agents or attornies, or proved by one or more of the subscribing witnesses to the same, and tendered or delivered to the registers of the counties where such lands, tenements or hereditaments, are respectively situated; and all deeds and mesne conveyances whatsoever, which shall be acknowledged or proved, according to the directions of this act, though not within two years after the date of the respective conveyances, shall be good and valid in law, and shall inure and take effect, as fully and effectually, to the use and behoof of the grantees, their heirs and assigns, and those claiming under them, as if such deeds and conveyances had been acknowledged or proved, and registered agreeable to the directions of any act of assembly heretofore made. *Provided nevertheless,* That nothing herein contained shall be construed to effect, or in any manner whatsoever to relate to, lands or other property of persons coming within the description or penalties of the confiscation act, or any other act creating forfeitures for acts of high and petit-treason. *Provided also,* That nothing in this act contained shall be construed so as to admit to record, or ratify and enforce any grant or grants, heretofore made in Lord Granville's office.

Deeds registered.

III. *AND* whereas sundry persons may have purchased land at a time when it was not in their power to have their deeds admitted to record, owing to a stop being put to the business of the several county courts within this state, since which time the grantor or grantors, together with the subscribing witnesses, have removed themselves out of the county where the land lies, to the great prejudice of the purchaser or purchasers; and whereas there is no law to compell them, or any of them, to appear at any of the said courts to acknowledge or prove any such deed or deeds; *BE it enacted by the authority aforesaid,* That any person or persons under the beforementioned circumstances, after making it appear to the satisfaction of said courts where such cases may be, the said county courts are hereby empowered to grant a dedimus, directed to some justice of the peace in the county or state where such grantor, grantors, or all or any of the subscribing witnesses may be, empowering the said justice to take the acknowledgment, or probate of such deed, and requiring him to certify the same under his hand and seal,

How proved where witnesses are not in the county.

directed

A. D. 1782. directed to the county court, setting forth that such deed or deeds have either been acknowledged by the grantor or grantors, or otherwise proved by the oath of one or more of the subscribing witnesses, then and in that case, such county courts may, and are hereby empowered to admit such deed or deeds to record, which shall be as good and valid in law, as if the same had been acknowledged or proved in open court of said county, any law to the contrary notwithstanding.

CHAP. VI.

An act directing the sale of confiscated property.

Preamble.

WHEREAS many large and valuable tracts of land, as well as negroes and other personal property, of persons who have left this state, gone over to the enemy, and joined the same, and others, have been forfeited to the state, and it is apprehended the selling the same will be a means of raising a considerable revenue to the state;

Forfeited
estates.

II. *BE it enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all the lands, tenements and hereditaments, negroes and other estates, real and personal, which were, on the fourth day of July, in the year of our lord, one thousand seven hundred and seventy six, and at any time since, the property of the following persons, to wit, William Tryon and Josiah Martin, esqrs. sir Nathaniel Duckinfield, Henry McCulloch, Henry Eustace McCulloch, Samuel Cornell and Edmund Fanning, Thomas McKnight, late of Currituck county; James Parker, William McCormack, John Dunlap, Neal Snadgrass, and John Lancaster, late of Pasquotank county; James Green, mariner, and John Alexander, late of Craven; Thomas Oldham, late of Chowan; Thomas Christie, of the kingdom of Ireland; Frederick Gregg, late of New-Hanover; Andrew Miller, Alexander Telfair, Hugh Telfair, John Thompson, John Hamilton and Archibald Hamilton, late of Halifax; George Alston, late of Granville, Michael Wallace, John Wallace, late merchants of Virginia; William Field, John Field, jun. and Robert Turner, late of Guilford; John Moore, late of Tryon; James Roberts, late of Surry; George Miller, late of Dobbs; James Cotton, Walter Cunningham, Samuel Williams, late of Anson; Samuel Bryan, William Spurgin, Matthias Sappingfield, late of Rowan; William McLellan, late of Edgcomb; mess. Dinwiddie, Crawford, and company, late of Bute county; Robert Palmer, late of Beaufort; Edward Brice Dobbs, Ralph McNair, John McNair, Joseph Field, James McNeil, Arch. McKay, Alex. McKay, Neil McArthur, John Leggett, John McCloud, Collin Shaw, Wm. Campbell, James Gamble, and company, Thomas Rutherford, William Rose, Alexander McKay, mess. Waller and Bridgen, merchants in London; Alexander McCauslin, late of Newbern; Alexander Campbell, Robert Bell, and Duncan Campbell, late of Granville; Francis Williamson, late of Currituck county; Chancey Townsend, doctor Tucker, late of Wilmington; Buchanan, Hastie, and company; James McNeil, late of Halifax county; and Alexander Munn, late of Wake county; shall be considered as absolutely forfeited, and shall be sold by the commissioners by this act appointed, in manner herein after directed.

Notice on
disputed pro-
perty.

III. *AND* whereas the property of sundry other persons hath been seized by the commissioners of confiscated property, sheriff or coroner, in the different counties of this state, as forfeited under some one or other of the acts of assembly commonly called the confiscation laws, and some differences have arisen, or may arise, respecting the legal forfeiture of the same; *BE it therefore enacted by the authority aforesaid,* That in all cases whatsoever, (except in cases relating to the property of the persons herein before expressly named) the county commissioners of confiscated

property

property, and where there are no commissioners, the sheriff, and where no sheriff, the coroner, of each county shall, by notice under their, or his hand, require each and every person in the county where they are commissioners, he is sheriff or coroner, in whose hands or possession any property is, which has been, or may be, seized as forfeited, and all other property within this state which may be deemed forfeited, and confiscated by any law, though the same may not hitherto have been seized, or possessed by any commissioner, sheriff or other officer, to appear at the next county court to be held for such county, and before the justices thereof shew cause, if any they have, why such property shall not be adjudged as confiscated to the use of the state; and on failure of the person or persons so notified to appear, the property in the hands of such person or persons, shall be adjudged by the justices of the county court to be forfeited. But wherever any person or persons shall appear, in pursuance of such notice, and dispute the right of confiscation, then and in such case, the court shall direct a trial to be had at the same court, by the jury attending such court, in the same manner as trials are had in other cases; and in case of a verdict being found, that the property in dispute is forfeited under the confiscation laws, then the same shall be sold in the same manner as other property directed to be sold under this act. *Provided*, That the claims set up by persons under entries or grants obtained since the declaration of independence, shall not be deemed a claim under this act, so as to obstruct or delay the sale thereof, except such entries or grants as have been, or may be made, on the large tract of land called No. V. and of which *Arthur Dobbs*, esquire, died seized.

IV. *AND be it further enacted by the authority aforesaid*, That all the lands, tenements and hereditaments, with their, and every of their appurtenances lately belonging to the several persons herein before named, as well as all those which shall, under this act, be adjudged as forfeited, shall be sold by the commissioner at public vendue for specie, such commissioner giving public notice thereof, by advertising the same at all the court houses in the district in which such property shall be, at least one month before such sales, which sales shall be made on credit for five years, the purchasers giving judgment bonds, with sufficient security, payable to the governor for the time being, or his successor, for the use of the state, in double the amount of the purchase money, conditioned for the payment of the principal at the end of the said five years in specie, and for the faithful payment and discharge of six *per cent.* interest thereon annually; and in case of the interest not being regularly paid, judgment shall be entered in any court of record for the same, and the bond shall not be void on the first recovery, but judgment may be entered thereon from time to time, so as not to exceed the whole penalty of such bond, until the interest and principal shall be recovered.

V. *PROVIDED nevertheless*, That every purchaser who is willing, and desirous of paying any part of the purchase money down, not exceeding two thirds thereof, shall be at liberty to pay the same in certificates issued for currency by the general assembly, or by any board of auditors in this state, at or before the session of assembly at *Wake* court-house, one thousand seven hundred and eighty one, at the rate of one hundred and fifty dollars currency for one in specie, (certificates for soldiers bounty excepted) or in currency or certificates issued as aforesaid, for currency since the said session of assembly at *Wake* court house, at eight hundred dollars currency for one in specie.

VI. *AND be it further enacted by the authority aforesaid*, That seven commissioners be appointed to superintend the sales of such forfeited estates, whose duty it shall be to receive returns of all confiscated property from

A. D. 1782.

Condemned
property to be
sold.Certificates
to be receivedCommission-
ers to attend
the sales.

A. D. 1782.

from the commissioners, sheriff or coroner, in each county, and direct the surveyors of the counties to survey and lay off all the forfeited lands in their respective counties, and return one plan thereof to him, and one other plan to the secretary's office, which surveys shall not contain more than six hundred and forty acres of land in each; and the said commissioners shall attend the sales of such lands, and make return thereof to the governor and commander in chief for the time being, or his successors in office, within three months after such sale, in which shall be expressed the quantity and description of the land, county where situated, to whom sold, and the price, with the bond for payment of principal and interest, and thereupon the governor and commander in chief shall cause grants under the great seal of the state to be made to the respective purchasers, which grants shall be enrolled in the secretary's office, and registered in the county where the lands lie, in the same manner as other grants; but no grant shall issue from the secretary's office until the purchaser shall, in order further to secure the payment of the purchase money and interest as aforesaid, execute a mortgage of the lands contained in his grant to the governor and commander in chief for the time being, for the use of the state, in which mortgage it shall be expressly declared, that the same shall be void on the regular payment of the interest yearly, and of the principal at or before the end of the said five years, and on failure of such payment, it shall be lawful for the state to re-sell the same lands to any other person, or so much thereof as may be sufficient to raise the balance that shall be then due to the public for principal and interest, from any of the grantees, and their secretaries, their heirs or assigns.

Commissioners kept up.

VII. *AND be it enacted by the authority aforesaid,* That in case of the death, removal out of this state, or resignation of all, or any of the commissioners named in this act, that his excellency the governor, with the advice of the council of state, be, and he is hereby authorized and empowered to appoint other commissioner or commissioners to fill such vacancy or vacancies.

Their oath, and commissions.

VIII. *AND be it further enacted by the authority aforesaid,* That the said commissioners shall, before they enter on the execution of their office, take an oath that they will truly and faithfully execute their said office agreeable to the directions of this act; and such commissioners, for such their faithful services, shall be entitled to a commission of one *per cent.* to be paid them by any one of the treasurers on a warrant from the governor, or commander in chief for the time being, and allowed such treasurer in his accounts with the public.

Surveyors fees.

IX. *AND be it further enacted by the authority aforesaid,* That the county surveyors shall be allowed the sum of forty shillings for each and every survey by them respectively made, agreeable to the directions of the said commissioners, paying the chain-bearers, and returning the plans according to the directions of this act, to be paid by warrant from the governor in manner aforesaid. And in case any surveyor shall meet with opposition by force, he shall apply to the commanding officer of the county, who, on having the same ascertained on oath, shall order out so many of the militia under his command as may be sufficient to repel such force, and support the surveyor in the execution of his office.

X. *AND be it enacted by the authority aforesaid,* That the sales of all confiscated lands, negroes and horses, shall be held at the several district court houses in this state, to wit, Hillsborough, Halifax, Salisbury, Newbern, Wilmington, Edenton and Morgan, by the persons for that purpose appointed; and the sales of all other confiscated property in the several counties where the same may be, by the commissioners or commissioner

missioner of confiscated property for such counties respectively, or in case of the neglect or refusal of such commissioners, then by the sheriff or coroner of the county where such refusal or neglect shall happen; and the commissioners shall divide the negroes as nearly as may be, into four equal lots, of which three lots shall be sold for specie, payable in certificates for currency, or currency at the rate herein before mentioned, or specie certificates at their nominal value, the remaining lot to be sold for hard money, one half to be paid in hand, the other half to be paid at six months, for which judgment bonds shall be given, payable to the governor, or his successor, with good and sufficient security, and the commissioners aforesaid are hereby required and directed to give public notice thereof, in the *Virginia* and *North-Carolina* gazetts (if such shall be published) at least sixty days previous to such sale, and also at the most public places in the districts respectively.

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And how sold.

XI. *AND be it further enacted by the authority aforesaid*, That the commissioners of confiscated property herein before mentioned, shall cause all such confiscated property to be sold on or before the first day of *January* next; and the commissioners are hereby directed and required to order and direct the sales of such in their respective districts in such manner that the sales in no two or more of the districts shall be on the same week, or in such manner as to prevent any person or persons being desirous of attending the sales of a reasonable time to go from one sale to another, and that the commissioners so appointed shall settle with the district commissioner for all sums that may arise from such sales.

Time of sales.

XII. *AND be it enacted by the authority aforesaid*, That the county commissioners shall open the sale of all the confiscated property in their district herein mentioned on one day, and continue the same open until the whole of the property so collected is sold in the said district.

To be on one day.

XIII. *PROVIDED nevertheless*, That the commissioner for the counties of *Washington* and *Sullivan* may, and shall sell the confiscated property in those counties at the court house in *Washington*, which sales the commissioner for the district of *Morgan* is hereby required to attend, any thing in this act to the contrary notwithstanding. And the remaining part of the property as herein before mentioned in the district of *Morgan* to be sold at *Burke* court house, under the same rules and restrictions as herein before mentioned.

Sales in Washington and Sullivan.

XIV. *AND* whereas it has been represented to the general assembly that sundry licentious persons, during the late disturbance in this state, have taken by force or otherwise, various kinds of property from the disaffected inhabitants, and have applied the same to their own use; *BE it therefore enacted by the authority aforesaid*, That the commissioners of confiscated property shall be, and they are hereby authorized and directed to demand and receive such property so taken as aforesaid, from any person being possessed of the same within their counties respectively, and any person being possessed of property, and refusing to deliver the same to any county commissioner, or his order, shall forfeit and pay a sum in specie equal to three times the estimated value of such property so detained, to be recovered by action on the case in the name of the governor for the time being, for the use of the state, and the commissioners shall sell the property so demanded and received in the same manner as other perishable confiscated property.

Property taken from the disaffected, and how disposed of.

XV. *AND be it enacted by the authority aforesaid*, That the commissioners of confiscated property, and all justices of the peace, are hereby authorized and directed to cause all persons within their county whom they suspect, or believe to have been possessed of property taken as herein aforesaid, to appear before some justice of the peace and declare upon

Persons having property to be cited to appear.

upon oath, what property so taken as aforesaid he now is, or has been possessed of; and if it shall appear that any person summoned to appear as aforesaid, hath been possessed of such property, he shall pay the estimated value thereof to the commissioners for the use of the state, under the penalty herein aforesaid.

Not to extend
to property taken
from the
enemy.

XVI. *PROVIDED nevertheless*, That this act shall not extend to any species of property taken from the enemy in action, or within their lines, when the same may be proved by two or more witnesses to the satisfaction of the commissioner or commissioners. *Provided also*, That the several commissioners shall have full power to stop any sale, or the sale of any article, when it is evidently below its value.

Commission-
ers to pay the
treasurers.

XVII. *AND be it further enacted by the authority aforesaid*, That the superintendant commissioners of confiscated property within this state, pay over the money by him or them received from the sales of property as aforesaid, into the hands of the district treasurers within twenty days from the date of such sales as may be made in consequence of this act, under the penalty of double the sum or sums by him or them so received, to be recovered by action on the case, in the name of the governor for the time being, for the use of the state.

Not to affect
legal sales.

XVIII. *PROVIDED nevertheless*, That nothing herein contained shall be construed to invalidate or affect any legal sales, and the consideration money bona fide paid to any of the persons enumerated in this act, pursuant to an act of the general assembly, intitled, *An act to amend an act for declaring what crimes and practices against this state shall be treason, and what shall be misprision of treason, and providing punishments adequate to the crimes of both classes, and for preventing the dangers which may arise from persons disaffected to the state.*

Claims against
forfeited es-
tates.

XIX. *AND be it enacted*, That when any citizen of this state, or the united states, shall have any just claim or demand against any of the persons who have forfeited his or their estates, such citizen shall prefer a petition to the superior or inferior court where he resides, setting forth the nature and circumstances of such claim or demand, whereupon the court shall cause a jury to be summoned to try the said case, in the same manner as juries are summoned to enquire of damages in cases of default, and the court shall pass judgment in favour of the complainant, or dismiss the same agreeable to the verdict of the jury, as the case may be; and thereupon in case of a verdict and judgment in favour of the complainant, execution may issue against the goods and chattels, lands and tenements, of such debtor, as in other cases, but in case the estate of such debtor shall be sold on account of the state, previous to the recovery to be had against him, then and in such case, the said judgment shall be deemed and considered as a debt due and owing from the public to such creditor, so that the same do not exceed the sales of such estate.

Persons estates
forfeited.

XX. *BE it enacted by the authority aforesaid*, That every person who has been a resident in this state, and have heretofore attached themselves in any manner whatsoever to the enemies of this, or the united states, it is hereby fully and entirely expressed, that all the property of such person or persons, shall be considered as having been forfeited to and for the use of this state, from the time that such person so joined the enemy as aforesaid; and that all bargains and sales, wills and devises, made so as to interfere with this act, is, and are hereby declared to be null and void, to all intents and purposes.

Provision for
wives and chil-
dren.

XXI. *PROVIDED nevertheless*, That it shall be lawful for the several county courts in this state, and they are hereby strictly required, previous to any sales which may be made in virtue of this act, to set apart so much of the personal property, including all the house-
hold goods of every estate liable to be sold as aforesaid, as will be suffi-

cient for the reasonable support of the wives, widows and children, of any person whose estate is, or may be confiscated, and one third of the lands, or so much thereof as will be sufficient for their support, to be laid off by the county surveyor, in the same manner as lands in dower are directed by the common law, or may, at their discretion, assign the whole of the land, and manor plantation, where the same may be of small value, and not more than sufficient for the purposes aforesaid; and the respective county courts are hereby required to make due return of all such lands and other property to the next general assembly for their further determination. *Provided*, That no such reservation of property shall be made, unless for wives, widows and children, now subsisting in this state.

A. D. 1782.

C H A P. VII.

An act for ascertaining what property in this state shall be deemed taxable property, the method of assessing the same, and collecting public taxes.

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 lots and lands, with their improvements, slaves under the age of sixty years, horses, mules and cattle, from one year old and upwards, and stock in trade, shall be held and deemed taxable property, liable to be assessed, and the public taxes laid thereon by law collected agreeable to the directions of this act.

Taxable property

II. *AND* be it enacted by the authority aforesaid, That the sheriffs in the several counties shall, as soon as may be, after the passing of this act, summon the several justices of the peace of their counties to meet at the court house, or the place at which courts are usually held, and that any five of the said justices so meeting, shall lay out their counties into moderate and convenient districts, and appoint a justice of the peace to attend in each district, to receive from every inhabitant thereof a just and true account, on oath, of all the taxable property within this state which such person was possessed of, in his or her own right, or as agent, factor or attorney, for any other person, on the first day of *April*, then last past, specifying the particular place or places where such lots or lands lie, and distinguishing the ages of the slaves; and every inhabitant of the respective districts of each county in this state shall, within one month after such court, return on oath to the justice appointed to receive the same, a true account of all the taxable property which he or she was possessed of as aforesaid, on the first day of *April* then last past, which account shall be immediately delivered by the justice receiving the same to the persons appointed to ascertain the value of taxable property in such district, with an account of the taxable part of his own estate, upon oath; and the said justice of the peace is hereby strictly required to administer to every person delivering such account as aforesaid, the following oath:

Counties laid out in districts

Account of taxable property delivered in.

YOU do swear or affirm, that this inventory by you produced, contains a just and true account of all the taxable property of every denomination, which to you belonged, or which was in your possession, on the first day of April last, which by law is liable to taxation, to the best of your knowledge and belief, and that you have not removed out of this state, or fraudulently conveyed away, any part of your property with intention to evade payment of the tax to which by law the same is liable. SO HELP YOU GOD.

Oaths

E

AND

A. D. 1782.

Assessors.

AND the said county courts shall annually appoint in their respective counties as many intelligent freeholders as they shall think proper, (not exceeding fifteen) and to every three of the number such portion of the county shall be assigned to be assessed as they shall think fit; who shall on oath, to be administered by any justice of the peace, value each individual part of the taxable property of every inhabitant of such county, (negroes and cattle excepted) as near as may be to the reputed and usual estimation or value of the property, in gold and silver, having respect to the valuation of negroes herein after mentioned; and the assessors shall return into the clerk's office of their counties respectively, a fair state of the taxable property in their districts respectively, distinguishing the quantity and valuation of taxable property, in the following form:

Persons Names.	Acres of Land.	Negroes from one to seven, and from fifty to sixty years of age.	Negroes from seven to sixteen, and from forty to fifty years of age.	Negroes from sixteen to forty years of age.	Horses and mules.	Cattle.	Stock in trade.	Carrriage wheels.	Value of each persons property carried out.
A. B.									
Tot. amt. prop.									
Value £.									

Method on disagreement.

AND in case they cannot all agree in such valuation, the agreement of any two shall be valid; but where they shall all differ in opinion respecting the value of any part of taxable property, then and in that case, the valuation of each of the said persons shall be added together, and the third part of all the three sums shall be deemed the value of the said property, and returned to court accordingly; and such assessors shall make a due, particular, and faithful return of all rateable property, and in their turns shall specify the names and ages of the negroes, and the number of horses, mules and cattle, also the several tracts of land belonging to each individual, the quantity they contain, and the county wherein they lie; and the clerk of each county court shall transmit a fair copy of all such returns to him made, to the general assembly annually, under the penalty of one hundred pounds specie, to be recovered by action of debt, in the name of the governor, and applied to the use of the state.

Returns to be made.

Entries of lands taxable.

III. AND whereas doubts have arisen whether lands which have been entered in the land offices, and for which grants have not been yet obtained, should be deemed taxable property; *BE it enacted by the authority aforesaid*, That when any person has heretofore made, or shall hereafter make, entries of land in the land offices of this state, agreeable to the act in such case made, and when no caveats have been entered against such entries, that then and in that case, such lands shall be given in as taxable property, and assessed accordingly. *Provided always*, That this clause shall not affect any lands subject to the operation of the confiscation law, all entries of which are hereby declared null and void.

Cattle, &c. rated.

IV. *AND be it enacted by the authority aforesaid*, That all cattle from one year old and upwards shall be, and they are hereby rated at twenty shillings per head, and all slaves under seven years of age, and all who are

are between the ages of fifty and sixty, shall be rated at twenty pounds each, all slaves seven years old, and under sixteen, and all between the ages of forty and fifty, shall be rated at forty pounds each, and all slaves sixteen years old, and under forty, shall be rated at eighty pounds; and every wheel affixed to any coach, charriot, phaeton, stage waggon or other carriage of pleasure, be taxed the sum of five shillings specie for each wheel.

A. D. 1782.

V. *PROVIDED* nevertheless, It shall not extend to tax any new carriage in the hands of the maker remaining unsold. *Provided also*, That slaves disabled by bodily infirmities, or void of reason, such incapacity to be judged and certified by the county court, shall not be deemed taxable property, nor given in as such by the respective proprietors. And the persons so appointed to value the taxable property of such inhabitants shall, previous to their valuing the same, take the following oath before some justice of the peace:

Proviso for
new carriages,
and debilitat-
ed slaves.

I A. B. do solemnly swear, that I will faithfully, and to the best of my information and understanding, according to law, value and appraise the taxable property directed to be valued and appraised by law, of the inhabitants of the county wherein I am appointed for that purpose. SO HELP ME GOD.

Assessors oath.

VI. *AND* be it further enacted by the authority aforesaid, That if any person or persons, his, her, or their attorney, agent or factor, shall fail or refuse, in due time to give in to the justice of the peace appointed to receive the same, an account of all his, her or their, taxable property, agreeable to the directions of this act, it shall and may be lawful for the assessors in their respective counties, to value and appraise, to the best of their knowledge, the taxable property of the person or persons so failing or refusing as aforesaid, and the tax on all such property shall be two fold the sum which said amount of taxable property for that year would otherwise have been liable to, and shall be collected and accounted for as other public taxes.

Pen. for not
giving in an
account of pro-
perty.

VII. *AND* be it enacted by the authority aforesaid, That every unmarried free man in this state of the age of twenty one years and upwards, other than soldiers in the service of the continent, or of this state, who shall not possess the value of one hundred pounds in taxable property, shall pay annually, in lieu of assessment on property, a poll tax equal to the tax for that year on one hundred pounds.

Poll tax.

VIII. *AND* be it enacted by the authority aforesaid, That the several county courts are hereby authorized to exempt all such aged or infirm persons within their counties, as they may think proper objects, from the payment of a poll tax.

Persons ex-
empt.

IX. *AND* be it further enacted by the authority aforesaid, That the clerks of the several county courts shall, within thirty days after the courts to which the assessments may be returned, transmit an exact list of the several assessments in their respective counties, and a list of all persons subject to the payment of a poll tax, to the sheriff and county commissioner, and shall also furnish to each tax-gatherer an account of the amount of each persons taxable property, and a list of such persons as are liable to pay poll taxes within the respective districts to which they may be appointed, and certify to the public treasurer the amount of the taxes in their several counties, and transmit annually to the general assembly a fair state of the quantity of all the taxable property in their respective counties, distinguishing precisely the several denominations of such property, with the amount of the valuation of each, under the penalty

Clerks to
transmit lists
of assessments.

penalty

A. D. 1782.

nalty of one hundred pounds specie for the neglect or omission of each and every of the said duties, to be recovered by action of debt, in the name of the governor, for the use of the state.

Tax-gatherers

X. *AND be it further enacted by the authority aforesaid*, That the county courts shall appoint a tax-gatherer or collector in each district in their respective counties, who shall collect all the taxes in their respective districts, but before entering on the execution of his said office, shall give bond, with ample and sufficient security, in double the sum at least to be by him 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 shall pay into the hands of the county treasurers the whole amount of his collection, deducting commissions as aforesaid, on or before the first day of *February*, in each year. And 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 are hereby constituted county treasurers, and for their trouble in so receiving the public taxes, and paying the same to the treasurer, shall be allowed at the rate of two pounds for 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 public tax assessed in his county, payable to the governor for the time being, and his successors in office, with condition that he shall well and truly account for, and pay to the public treasurer, all such public taxes as he shall receive from the tax-gatherers, after deducting his lawful commissions.

Sheriffs to receive.

Method of
recovering tax
from tax-
gatherers.

XI. *AND be it further enacted by the authority aforesaid*, That if any tax-gatherer shall fail to collect, account for and pay, the public taxes as by this act directed, such tax-gatherer shall forfeit his commissions, and shall be liable to pay the whole amount of the taxes which he ought to have collected; and it shall be lawful for the county treasurer, and he is hereby required, to move for judgment on the bond of such tax-gatherer in any court having cognizance thereof; and if any county treasurer shall be found in arrear for public taxes, the treasurer shall, and he is hereby required, to move for judgment on the bond of such county treasurer, in any court having cognizance thereof, and such court, upon due proof before them made, that ten days previous notice had been given to such tax-gatherer, or county treasurer, or their securities, shall cause the tax-gatherer or county treasurer, or the securities, to be called, and if the tax-gatherer or county treasurer, or the securities, shall appear and contest the same, the court shall order an issue to be speedily made up and tried by a jury, and shall give judgment and award execution accordingly; but if such tax-gatherer or county treasurer, or the securities, shall fail to appear, the court shall cause a jury to be sworn, to enquire what arrears are due, and shall give judgment and award execution accordingly. And the tax-gatherers in the several counties shall, within two months after the courts to which the assessors shall make their returns annually, attend three days at least in their respective districts, previously giving due notice of the time and place, to receive from the inhabitants of such districts their public taxes; and if any person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the same, on or before the first day of *February*, in every year, such tax-gatherers may, and they are hereby impowered to levy the same by distress,

treffs, and sale of the goods and chattels of such delinquent, and shall be entitled to take and receive for such distress four shillings and no more. *Provided*, That no distress shall be made on slaves without the consent of the owner thereof, if other sufficient personal estate can be found. And if it shall appear to any tax-gatherer that any person in his district is about to remove himself and effects out of the county wherein it is, then it shall and may be lawful for such tax-gatherer to distrain on so much of the goods and chattels of such person, previous to the said first of February, as will fully pay his or her taxes for that year, and the charges of distress.

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Distress on
persons remov-
ing.

XII. *AND be it further enacted by the authority aforesaid*, That the justices of the respective county courts who shall fail or neglect to lay off their respective counties into districts as directed by this act, or fail or neglect to appoint a justice of the peace for each district, to receive the accounts of the taxable property of the inhabitants thereof, and every justice of the peace who shall be appointed to receive lists of taxable property from the inhabitants of their respective districts, or any of them, or any of the persons to be appointed to value the property of the inhabitants aforesaid, who shall refuse or neglect to do and perform the several and respective duties required of them by this act, or any of them, the person or persons so neglecting or refusing, shall forfeit and pay for every such neglect or refusal the sum of thirty pounds specie, to be recovered by action of debt, in the name of the governor for the time being, and applied to the use of the state.

Pen. on justi-
ces, &c. refus-
ing their duty

XIII. *AND be it enacted*, That any three justices of any county, on the death, inability, removal, or refusal to act, of any of the justices appointed by the county court to receive lists of taxable property from the inhabitants of such county, or of any of the assessors appointed to value the taxable property, shall, and they are hereby empowered and required to appoint other justices, or assessors, in stead of those so refusing to act, dying, removing, or being disabled.

Where justi-
ces or assessors
die, remove,
&c.

XIV. *AND be it further enacted*, That inventories of the estates of testators, intestates, minors and absentees, shall be delivered by the executors, administrators, guardians, agents or attorneys, in the same manner as the estates of other persons, and on refusal or neglect shall be valued as aforesaid, and the tax shall be levied of the proper estate of such executor, administrator, guardian, agent or attorney, any law or custom to the contrary notwithstanding.

Estates to be
delivered in
by guardians,
executors, &c.

XV. *AND be it also enacted by the authority aforesaid*, That the real estates of persons residing out of this state, or of the inhabitants thereof who have not any personal property therein, shall be assessed yearly by the persons appointed to value as aforesaid, and a particular and separate return thereof made to the county court; and if the tax thereon shall not be discharged within one year after the same becomes due, then such estate, or so much thereof as shall be necessary to discharge such tax, with all contingent charges, shall be sold by the sheriff of the county by order of the county court, any law or usage to the contrary, notwithstanding; and the taxable part of the estates of the assessors in the different counties shall be valued by the court of the county wherein they reside, and the tax-gatherers shall collect and account for the same as in other cases.

Estates of per-
sons out of the
state, &c.

XVI. *AND be it further enacted*, That the county courts may allow the assessors reasonable satisfaction for their services, which allowance

Assessors al-
lowance.

A. D. 1782. being certified by the clerk of the court, shall be paid by the sheriff of the county, who shall be allowed for the same in the settlement of his public accounts.

*Lands tax-
able.* XVII. *AND be it enacted,* That every person holding lands by title of dower, courtesy, or other estate for life, or on lease for five years or more, shall pay all such taxes as shall be assessed on the same, in like manner as owners of other lands are required to pay by this act.

*Tax on Mo-
ravians, &c.* XVIII. *AND be it further enacted by the authority aforesaid,* That the *Moravians, Quakers, Menonists and Dunkards,* shall pay a three fold tax, and all others who refuse to take an oath of allegiance as the law directs, shall also pay a three fold tax.

Proviso. XIX. *PROVIDED* nevertheless, That no *Moravian, Quaker, Menonist or Dunkard,* shall be subject under any pretence whatever to pay more than a three fold tax for exemption from military duty, and an additional single tax for refusing or neglecting to return his, her or their inventory, and thus together not to exceed four fold on the whole.

C H A P. VIII.

An act for levying a specific provision tax, for defraying contingencies, and supporting the armies of the united states, for the year one thousand seven hundred and eighty two.

Preamble. **W**HEREAS it is absolutely necessary that provisions be collected for defraying contingencies, and supporting the armies which are, or may be employed in defending the united states;

Specific tax. II. *BE it therefore enacted by the General Assembly, of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That for the present year a specific provision tax be levied on all the taxable property of the inhabitants of this state, as follows: Each and every inhabitant of this state shall, for every one hundred pounds value in specie of their taxable property, contribute and pay to the commissioner of his respective county, one bushel of corn, or three pecks of wheat, or one bushel rough rice, or one and an half pecks of clean ditto, or five pecks of oats, or three pecks of rye, or ten pounds of good fresh pork, or six pounds of salted ditto, or twelve and an half pounds of fresh beef, or twelve pounds of dry salt, or fifteen pounds of flour; *Provided,* That the article of indian corn shall not be received to be stored at any time but between the first day of *January* and the first day of *February* next; but the same may be received in such quantities as may be immediately wanting for the supply of the army at any time when demanded. *Provided also,* That every inhabitant shall be allowed, on account of the provision tax he may be liable to pay, for all such provisions and forage as he may supply on account of the public after the passing of this act until the first day of *February* next, in case they produce a certificate of such supply from under the hand of any continental or militia commanding officer, or quarter master, having a special warrant from one justice of the peace of the county to grant the same, making a proper description whether the same be for the use of the continental or militia department, duly sworn to, to the county commissioners, and the county commissioners respectively shall be allowed for all such certificates in the settlement of their public accounts. And in case any certificate shall exceed the amount of the provision tax, the commissioner shall give such person a certificate for the

the ballance, which balance he shall be bound to repay out of the specific tax if enabled by the collection so to do, otherwise the same to be allowed in the next years tax, and the articles of forage shall, in the settlement of this tax, be allowed for at the following rates, that is to say, seventy five pounds of hay, or fifty six pounds of blades, or fifty six pounds of sheaf oats, as equal to a bushel of indian corn; and every inhabitant shall be obliged severally to convey and deliver his specific tax at such place or places within the county as may be ordered and directed by the commissioner, (not exceeding three in any county) he having respect to the ease of the inhabitants in fixing the same as convenient as possible; and that any person who shall refuse or delay to pay his or her proportion of this specific tax agreeable to the true intent and meaning of this act, between the first day of *September* and the first day of *February* next, the collector of the district, or the sheriff of the county, shall and may, by warrant from the commissioner, make distress, seizure and sale, of the goods and chattels, or for the want thereof, lands and tenements, of the person so refusing or neglecting, sufficient to purchase double the quantity of such specific supplies at the highest price then current in the county, and the collector or sheriff shall pay the same into the hands of the county commissioner, who shall be answerable for the same in the settlement of his accounts, and the collector or sheriff shall be entitled to receive for every distress so made, the sum of four shillings specie and no more.

A. D. 1782.

Pen. for refusing to pay.

III. *AND be it further enacted by the authority aforesaid*, That all *Quakers, Moravians, Menonists and Dunkards*, between the ages of sixteen and fifty, shall be taxed, and shall deliver in the specific enumerated articles aforesaid, or some one of them, as an equivalent for exemption from militia duty, three times the quantity which the inhabitants liable to militia duty in this state would for the same amount of taxable property be liable to pay, and all single men not possessed of one hundred pounds specie in taxable property (such as are in the regular service excepted) shall pay a specific tax on the said sum, any law or custom to the contrary notwithstanding.

Tax on 1782.
TAVIENS, &c.

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 summons the justices thereof to meet at the court house, or some other convenient place, within six days after such notice, any five of whom having met, they, or a majority of them, shall and are hereby required to nominate and appoint a proper person to be commissioner of such county, for carrying the purposes of this act into effect, and from time to time to fill up vacancies, and that the said commissioner, before entering upon his office, do give bond with security approved of by the justices appointing him, in the sum of two thousand pounds specie, payable to the governor and commander in chief for the time being, and his successors, with the following condition: *The condition of the above obligation is such, that whereas the above bounden is appointed commissioner for the county of* Now if the said shall well and truly execute the office of a commissioner for receiving and issuing the specific provision tax for the year one thousand seven hundred and eighty two, according to law, then the above obligation to be void, otherwise to remain in full force: Which bond shall be delivered and lodged in the office of the clerk of each county respectively, there to be safely kept; and the commissioner, before entering upon the duty of his office, shall also take the following oath before

Commissioners appointed.

fore

A. D. 1782.

Oath.

Stores, &c. to
be rented, &c.

fore the county court, or any three justices of the peace of the county, to wit: I A. B. do swear, that as commissioner for the county of I will well and truly execute the trust reposed in me agreeable to law. SO HELP ME GOD. And the commissioner for each county respectively shall have full power to rent, hire or seize, for public use, stores, warehouses and other inclosures, for keeping the before enumerated articles, as also to receive, purchase or barter, for salt, barrels, and every other article necessary for curing and safe keeping the provisions he may receive by virtue of this act, and each commissioner who may be appointed in consequence of this act, shall have and receive five *per cent.* commissions on all provisions by him received, and also two and an half *per cent.* on all issues; and every person who acted as a county commissioner for the last year, and who still resides in such county, on giving bond and qualifying agreeable to this act, shall be impowered, and is hereby required, to hold and exercise the duty of commissioner in such county for the present year, in case a new commissioner should not be appointed under the direction of this act on or before the first day of September next.

Clerks to fur-
nish lists of tax
rs.Insolvents al-
lowed.Pen. for neg-
lect of duty of
collectors, &c.Lists of dis-
trict taxes to
be transmitted
to captains.Waste pre-
vented.Commission-
ers to account
with the go-
vernor for spe-
cifics, which
may be dispos-
ed of.

V. *AND be it further enacted*, That in each county the clerk of the county court shall, in distinct lists signed by him of each captain's district in the county, furnish the commissioner with the true amount of the tax of each inhabitant, and the county courts are hereby impowered and required to grant certificates to the commissioners for all such amount of taxes as they deem insolvent and could not be collected, for which said commissioners shall be allowed in settling their public accounts.

VI. *AND be it further enacted*, That in case any justice of the peace, collector, sheriff or any other officer, shall neglect, refuse or delay, to do or perform any of the duties required of them by virtue of this act, they shall severally forfeit and pay the sum of fifty pounds specie for every neglect or refusal, to be recovered in the county court where the forfeiture shall happen, and be applied to the use of the poor in such county; and every county commissioner shall, previous to the collection of the tax in his county, transmit to each captain in the county a list of the taxes due from his district for the information of the people, and shall, for the fair keeping and easy settlement of his accounts, enter all the different articles he may receive and issue in a book expressly kept for that purpose in different columns for each article, and shall give receipts for all articles by him received in the payment of his tax, and shall give due attendance by himself or his deputy for the transacting the business hereby required of him, and shall in due time salt and preserve any pork or beef for the well keeping thereof, and shall prevent as far as possible the spoiling or wasting of any article, and shall account for all his transactions, and the monies he may receive by virtue of this act, with the general assembly, or such other authority as may be appointed by law.

VII. *AND be it further enacted*, That the several county commissioners shall once every six months render an account to the governor of the state for the time being, of the different specifics on hand, or oftener if the governor should call for them, and send expresses for that purpose, under the penalty of fifty pounds specie for every offence, and the governor, with the advice of the council, may cause the same to be delivered to the order of the commander in chief in the southern department, or he may cause them to be sold for cash when they are not otherwise needed, or he may cause them to be exchanged for such articles as are necessary for the army.

VIII. *PROVIDED*,

VIII. *PROVIDED*, That no person shall be appointed as commissioner for any county within this state unless such person has fully settled for all specific supplies which he may or ought to have received for the preceeding year.

A. D. 1782.

Commissioners delinquent to be appointed.

IX. *BE it further enacted*, That all such persons as choose to pay specie in lieu of specific articles herein before recited, shall be, and are hereby allowed to pay the sum of two shillings and six pence specie for every hundred pounds value of their taxable property respectively, and each person subject to a poll tax may pay the like sum in lieu of his specific tax, any thing herein before contained to the contrary notwithstanding.

Tax in specie.

C H A P. IX.

An act to amend an act passed the last session of the general assembly, intituled, An act for levying a specific and pecuniary tax.

WHEREAS by the before recited act one fourth part of the pecuniary tax was directed to be paid in continental currency, which in many parts of this state cannot be procured by the inhabitants thereof;

Preamble.

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 it shall and may be lawful for such persons who are still in arrears for the said tax, either to pay the said continental currency, or the same sum in state currency or certificates upon the public, any law to the contrary notwithstanding: And the collectors of taxes shall account upon oath, and pay into the hands of the sheriffs or county treasurers, all specie certificates they may have on hand, or may hereafter receive, in payment of such taxes, at the same rate they may receive them, and the treasurers shall account in the same manner, and at the same rate.

Tax how paid

C H A P. X.

An act for raising a revenue for the support of government.

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 for the year one thousand seven hundred and eighty two, a tax of one penny specie on each pound value of the taxable property in this state, shall be levied and collected from the inhabitants agreeable to law, and in lieu of assessment on property, a poll tax of eight shillings and four pence in specie shall also be levied and collected from each and every unmarried man between twenty and fifty years of age whose taxable property shall not amount to the sum of one hundred pounds, (such unmarried men who are in the continental service, and others who received any wound in the defence of this country, whose property does not exceed one hundred pounds, excepted;) and every freeman from sixteen to fifty years of age of the Quakers, Moravians, Menonists and Dunkards, who are admitted as regular members of those societies, and on account of religious scruples are indulged in an exemption from militia duty, shall, in consideration of such exemption, pay a further tax of two pence specie in each pound value of their taxable property for the year aforesaid, exclusive of the tax of one penny specie on each pound value of taxable property which by this act the other inhabitants are liable to pay; and that

Revenue raised.

A. D. 1782.

Commodities
in lieu of spe-
cie.

all free men of either of the aforesaid societies from the age of sixteen years to fifty, whose taxable property does not amount to one hundred pounds, shall pay a poll tax of one pound five shillings.

II. AND in consideration of the scarcity of gold and silver coin in this state, *BE it enacted by the authority aforesaid*, That all and every person liable to pay public taxes shall be at liberty to pay any part not exceeding three fourths of the whole amount thereof, in some one or more of the following articles, *to wit*, inspectors certificates for any quantity of tobacco actually delivered on account of taxes at some public warehouse in this state, at the rate of twenty four shillings for each hundred pounds, good hemp at forty five shillings per hundred, deer skins indian dressed at three shillings per pound, bees wax one shilling and six pence, tallow nine pence, indico six shillings per pound, good flour eighteen shillings per hundred, clean'd rice twenty shillings per hundred, good pork seventy five shillings per barrel, linen yard wide five hundred say two shillings and eight pence, six hundred say three shillings and four pence, seven hundred say four shillings, eight hundred say four shillings and eight pence, nine hundred say five shillings and four pence, and one thousand say ditto six shillings per yard; all which articles it shall be the duty of the county treasurer to inspect, and see that the same is good and merchantable, and safely keep them in such place as the county court may direct.

To be collect-
ed by the col-
lectors.

III. *AND be it enacted by the authority aforesaid*, That the collectors for the different districts of each county in this state respectively shall collect from the inhabitants thereof, the whole amount of their public tax, and after deducting his commissions, pay the same in the identical articles which they received from the inhabitants to the county treasurer on or before the twentieth day of *January*, one thousand seven hundred and eighty three, and shall also deliver therewith on oath, a particular account of the quality and quantity of the articles he shall have so received for taxes as aforesaid, and the county treasurer shall in like manner be liable to account on oath for each particular article he shall receive from the district collectors, and after deducting his commissions, shall pay the amount of the specie he may receive for taxes into the hands of the district treasurer on or before the first day of *February* next, whose receipt shall be allowed in the settlement of his accounts with the public.

Distress may
be made.

IV. *AND be it enacted by the authority aforesaid*, That if any person subject to pay taxes as aforesaid, shall neglect or refuse to pay the same in due time agreeable to this act, it shall be lawful for the collectors respectively to levy the same by distress and sale of the goods and chattels, lands and tenements of such delinquent, sufficient to raise the full amount of such tax in specie, and the collector shall be entitled to receive for every distress the sum of four shillings specie and no more.

Tax on per-
sons exempt
from duty.

V. *AND* whereas there is in this state a number of persons possessing considerable property who by law are exempt from doing or performing any military duty, or from aiding in raising and keeping up the continental line of this state; and whereas it is reasonable that such persons should pay as an equivalent for military services, an additional pecuniary tax on their property; *BE it therefore enacted by the authority aforesaid*, That all the free men in this state who possess taxable property of greater value than two hundred pounds, and who are by the laws of this state exempt from drafts in the militia or continental service, shall pay

pay an additional tax of four shillings in every hundred pounds of his taxable property, to be paid in specie and specific commodities, in the same manner and proportion as other taxes are by this act directed to be levied and paid, for and in lieu of all military services. *Provided*, That no man who hath been wounded and disabled in the public service, has two sons liable to do service under twenty one years of age, nor *Quakers, Mercians, Dunkards or Menonists*, who now pay by law a three or four fold tax, shall be considered as included in this clause.

A. D. 1782.

C H A P. XI.

An act for giving an equity jurisdiction to the superior courts.

WHEREAS the courts of law, as at present established, are not equal to the redress of all kinds of injuries, but many innocent men are withheld of their just rights, and some deprived of them altogether, for want of a court or courts of equity;

Preamble.

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the expiration of the present session of the general assembly, each superior court of law in this state shall also be and act as a court of equity for the same district, and possess all the powers and authorities within the same, that the court of chancery which was formerly held in this state under the late government used and exercised, and that are properly and rightfully incident to such a court, agreeable to the laws in force in this state, and not inconsistent with our present constitution. *Provided*, That no final decree shall be passed by any such court but where two of the judges at least are present.

Courts of equity established.

III. *AND be it further enacted by the authority aforesaid*, That the rules and methods of proceeding in the said courts shall be as follows, that is to say, the plaintiff may file his bill in the clerk's office, either during term time, or in the vacation, and therein suggest on oath such damages as he thinks he has incurred by the conduct complained of in the defendant, (which damages are to be stated in specie) and thereupon the clerk shall issue a writ of *subpoena* as is usual in cases of chancery, or in case either of the judges shall give special order to hold the defendant to bail, the clerk shall issue a writ directed to the sheriff of the county wherein the defendant is supposed to be resident, as follows:

Rules.

The State of North-Carolina, To the Sheriff of County, Greeting.

YOU are hereby commanded to take the body of late of your county, (if to be found in your county) and him safely keep, so that you have him before the judges of the superior court of law and equity for the district of at the town of on the day of next, or until he shall give you good and sufficient security in the sum of pounds specie, (which sum is hereby directed to be double the damages suggested on oath in the bill) to appear and answer at the said court on the day aforesaid, to a bill in equity filed against him by and this you shall in nowise omit at your peril. Witness clerk of the said court at the day of and in the year of the state.

Subpoena

Which writ the sheriff is hereby directed and required to obey; and the same rules and regulations shall be observed in regard to bonds taken by virtue of this act, and that they be upon the same footing in all respects as bail bonds taken by the sheriff on actions at law, except that they

To be served by the sheriff.

A. D. 1792.

Rules in serving
process, and prosecut-
ing suits.

they shall be assignable by the sheriff, or his executors or administrators, under the direction of the court, and the sheriff is to be held liable for taking insufficient security as in such cases in actions at law. *Provided*, That no such writ shall issue against an executor, administrator or heir at law, who is sued as such, but the process against such executor, administrator or heir at law, shall be by a writ of *subpoena*, as usual in cases of chancery, and the penalty for not appearing and answering shall be one hundred pounds specie, but the said penalty is not to be levied, nor final judgment given for it, until the term ensuing that to which it is returnable, nor without a *scire facias* having been duly served, and proof thereof made to the satisfaction of the court, as in cases at law where *scire facias*'s are required. And where any other person is made a defendant together with such executor, administrator or heir at law, as aforesaid, a *capias* may issue as above against such other person, and a writ of *subpoena* against such executor, administrator or heir at law. No writ shall be served by the sheriff unless he has a copy of the bill ready to deliver to the defendant, and he is hereby required to deliver the said copy immediately after the service of the said writ; nor shall any service be valid unless it be made at least ten days before the term at which the defendant is required to appear, and where the service is by *subpoena* the defendant shall be served with a copy of the bill at least ten days before such term, on failure of any of which requisitions, the defendant may plead the matter in abatement, and the bill shall be dismissed. Upon such writ or *subpoena* being duly served, and a copy of the bill delivered in proper time, (proof being made to the satisfaction of the court by return of the sheriff or by affidavit) the defendant shall appear and put in his answer or plea, agreeable to the practice in chancery, or demurr; or on failure thereof the plaintiff's bill shall be taken *pro confesso*, and appointed to be heard *ex parte* at the ensuing term.---*Provided*, That if within the three first days of the said ensuing term the defendant shall offer any satisfactory reason to the court for his not appearing at the first term, the order for the bill being taken *pro confesso*, and heard *ex parte*, may be discharged, and the defendant then admitted to plead, answer or demurr, and such time shall be allowed in this as well as in all other cases for the pleadings on both sides, and such day appointed for the hearing as the court shall direct. Commissions to take testimony may issue, directed to any two justices of the peace, who shall have all the powers of commissioners of chancery, and the rules of proceeding in all cases of taking such testimony shall be conformable to the method of proceeding formerly observed in the court of chancery in this state. *Provided*, That no such testimony shall be taken until at least twenty days notice of the time and place of taking the same be given to the opposite party, unless the court for sufficient reasons should appoint any other limited time for the notice, which they may do in all cases, either by enlarging or shortening the time hereby appointed for taking such testimony, as the case may require; commissions may also issue to any justice or justices of the peace to take the plea, answer, or demurer of a defendant, as is accustomed in cases in chancery with respect to commissioners of chancery, and the said justice or justices shall have all the power of such commissioners for that purpose. Any one judge of the court may in the vacation, if it shall be necessary, grant such commissions as are above mentioned, or may himself examine testimony, or take the plea, answer or demurer,

of

A. D. 1782

of a defendant in like manner; he may also grant injunctions, or *ne exeat*, where the necessity of the case will not admit of a delay, but still subject to the controul and further order of the court, and no *ne exeat* shall issue where sufficient bail has been taken for the party's appearance. All matters of fact that shall come in issue between the parties shall be determined by a jury in the presence of the court, as in trials at law, and the trial shall be by the jury attending the superior court, or if they shall be discharged, it may be by a jury summoned *instantly*, (who are to be qualified as other jurymen) or a special jury may be summoned for that purpose with the consent of the parties, and approbation of the court, and the mode of proceeding by such juries shall be the same in every respect as in trials at law; the same rules and methods to be observed in this case as have been practised upon questions of fact being submitted by a court of chancery to the decision of a common law jurisdiction. Costs shall be paid by either party at the discretion of the court. The court may at any time during the dependance of the suit, require further security from a defendant, or on failure thereof, make use of such personal process as was formerly used by the court of chancery held in this state, and deemed incident to the chancery jurisdiction; and the court shall in all cases have power to order such process to enforce their sentences or decrees, as have usually belonged to courts of chancery.

IV. *AND be it further enacted by the authority aforesaid*, That from and after the expiration of the present session of the general assembly, each superior court of law in this state shall be called in all court proceedings, the superior court of law and equity for its respective district, and shall have the like jurisdiction in the said district in matters of equity, as it now has in matters of law, and shall be deemed equally for that purpose a court of record: And each clerk of the said superior court of law for the time being, shall be also clerk of the court of equity, and keep all the proceedings of the said court distinctly by themselves, and shall be entitled to the following fees and no other:

Court of law
and equity.

	l.	s.	d.	Fees.
For { An injunction,	0	5	0	
{ A supersedeas or return,	0	1	6	
{ Entering up a decree,	0	3	0	
{ Calling or dismissal,	0	0	8	
{ Taking every deposition in writing,	0	0	8	
{ Interrogatories, if drawn by the clerk,	0	1	6	
{ A commission to take testimony,	0	2	0	
{ Every petition or motion, if entered in writing,	0	0	8	
{ Recording of any paper not before mentioned,	0	0	6	
{ or copy of record, per copy sheet containing				
{ ninety words,	0	1	6	
{ Setting down the cause for hearing,	0	0	10	
{ Every search,				

V. *AND be it further enacted by the authority aforesaid*, That the respective sheriffs shall be entitled to receive the same fees for any services under this act, as for the like services in proceedings at law, and be entitled to the same remedy for the recovery of them.

Sheriff's fees.

A. D. 1782.

C H A P. XII.

An act to establish a department for adjusting and liquidating the public accounts of this state, and for appointing a comptroller, and other purposes.

Preamble.

WHEREAS it is indispensably necessary that the public accounts of this state should be immediately settled, and those of the several departments collected into one office, so that the legislature may have a clear and distinct view of the accounts, and of the state of each department from time to time;

Boards of
auditors.

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 ten boards of auditors, to consist of three members at each board, two of which boards shall be for the district of *Morgan*, and three for the district of *Salisbury*, any one of the members of which boards is hereby authorized and empowered to administer an oath or affirmation where the same may be necessary, and the said boards shall perform such duties; receive such emoluments, and be subject to such penalties and forfeitures, as may be pointed out by law.

Comptroller.

III. AND be it enacted by the authority aforesaid, That a comptroller shall be appointed by the general assembly, who shall keep his office as near as conveniently may be to the center of the state, and whose duty it shall be to direct the mode of stating, to check and controul all public accounts in every department, that he shall enter up in books for that purpose a clear and distinct view of the accounts of each department ready for the inspection of the general assembly, and who shall at any time when required by his excellency the governor, and council of state, make out a brief state of the public accounts for their information.

Accounts to
be settled.

IV. AND be it further enacted by the authority aforesaid, That the several boards of auditors shall make accurate returns half yearly to the comptroller's office, of all the accounts, with the vouchers, which they may have respectively liquidated; that the several district treasurers, the county commissioners of specific taxes, the commissioners of confiscated estates, the clerks of courts who have passed the accounts of commissioners of confiscation, and all persons who have acted as quarter masters, commissaries, and all others in the staff department, the late commissioners of trade or public agents, and all whose accounts are independent of any of the departments aforesaid, are hereby required respectively to render a true and perfect state of their several accounts and vouchers forthwith into the comptroller's office, and then half yearly afterwards, in case any such officers may be continued.

Proviso for
accounts set-
tled.

V. PROVIDED nevertheless, That all such persons as have heretofore accounted with the public shall not be called upon for their respective accounts and vouchers, but that such accounts and vouchers shall be furnished from the different officers or persons in whose possession they are.

Accounts, &c.
delivered to
the comptrol-
ler's office.

VI. AND be it enacted by the authority aforesaid, That the state board of auditors, or their clerk, shall deliver into the comptroller's office all public books, accounts and vouchers, which are or have been in their possession, and the several clerks of the district boards of auditors shall respectively deliver to the district auditors who may be appointed by virtue of this act, all their books, vouchers and papers, which respect the public accounts, and the same shall be done by the county commissioners, and the commissioners of confiscated estates, to their respective successors

successors, and the same shall be done by every person who may be removed from office or employment, or suspended, to their successors, or to such other person as the comptroller may direct to receive the same.

VII. *AND be it enacted by the authority aforesaid*, That the clerks of the district boards of auditors respectively by this act required to make returns of the proceedings of such board to the comptroller's office, shall be allowed all reasonable expences attending such duty.

VIII. *AND be it enacted by the authority aforesaid*, That any person or persons named or described in this act, refusing or failing to perform their respective duties required by this act, shall for every offence forfeit and pay fifty pounds specie, to be recovered by action of debt, in the name of the governor for the time being, for the use of the state.

IX. *AND be it further enacted by the authority aforesaid*, That the comptroller, and each auditor, before entering on the duties of their several appointments, shall before some justice of the peace take the following oath: *I A. B. do swear, that I will well and truly execute the trust reposed in me as comptroller or auditor, (as the case may be) without favour or partiality, according to law, to the best of my knowledge and understanding. SO HELP ME GOD.*

X. *AND be it enacted by the authority aforesaid*, That in case of the resignation or death of the comptroller, the supreme executive are hereby authorized and empowered to nominate a person to exercise the powers, and perform the duties of comptroller, during the recess of the general assembly.

XI. *AND be it further enacted by the authority aforesaid*, That the comptroller shall be allowed eight hundred pounds specie *per annum* for his services, exclusive of all necessary expences for books and paper, and that he shall employ one, two, or three clerks, the first of which shall be allowed a salary of two hundred and fifty pounds specie, inclusive of his expences, and for the others he shall be allowed the necessary wages, and that the comptroller shall apply to the governor, who is hereby authorized to grant warrants quarterly on the treasury for his expences; and that each member of any of the several boards of auditors shall be allowed three dollars specie *per day* for each day's attendance at the board, and the clerks of the respective boards the same.

XII. *AND be it enacted*, That the district commissioner shall sell the house and lot in *Newbern* which belonged to the late *Samuel Cornell*, in and on which he lived, being that in which mess. *Singleton* and *Jones* now live, with the wharf and every thing to the said lot and wharf appertaining, for hard money, one third to be paid in hand, the remaining two thirds in four and eight months, with good security, after the same has been advertised one month; the county commissioners of confiscated estates shall also sell all the slaves lately belonging to *Thomas Oldham*, late of *Chowan* county, for hard money, on the same terms that the lot and its improvements are to be sold, two thousand five hundred pounds of the money arising from those sales to be paid into the hands of the governor for the time being, to be appropriated to the sole purpose of defraying the expence of the delegates in congress, any thing in this act, or any other act of the general assembly, to the contrary notwithstanding.

XIII. *AND be it further enacted by the authority aforesaid*, That the comptroller of this state, in liquidating and settling any accounts with any person or persons who may have been entrusted with public monies,

A. D. 1782.

Clerk's allowed.

Pen. for neglect of duty.

Comptroller's and auditor's oath.

Comptroller kept up.

His salary.

Property to be sold.

Accounts settled by depreciation.

or

A. D. 1782. or may have been receivers of public monies, to settle and account for any sums by them received and accounted for, agreeable to the scale of depreciation as by law established.

C H A P. XIII.

An act for ascertaining the salaries of the governor, secretary, and other officers of the state.

Preamble.

WHEREAS it is necessary that the principal officers of the state should be allowed salaries suitable and adequate to the dignity of their respective offices;

Officers
salaries.

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 be allowed the annual sum of one thousand pounds specie in full for all his services as governor; that the secretary of state be allowed annually the sum of one hundred and seventy five pounds specie, exclusive of such fees as are or may be established by law; in full of all expences for public services; that each of the delegates be allowed the sum of eighty pounds specie *per month* during the time of their travelling to and from, and attendance at congress; that each of the judges be allowed the sum of fifty pounds specie for each and every court he shall attend; that the attorney general be allowed for each superior court he shall attend forty pounds specie, together with all fees by law established; that each of the public treasurers be allowed annually the sum of one hundred pounds specie for their services, in lieu of all commissions incident to their appointments; that each of the members of the council of state be allowed twenty shillings specie for each and every day he shall attend at the council board; and that the public printer be allowed the sum of six hundred pounds specie *per annum* for his public services, exclusive of the prime cost of paper, for which he shall be allowed by the auditors or general assembly.

Private secretary's.

III. *AND be it enacted by the authority aforesaid,* That the governor shall appoint a private secretary, whose special duty it shall be to enter into books for that purpose, fair copies of all official letters written by the governor which are of considerable importance, also to enter up fair copies of all official letters which may be received from the delegates for this state in congress, the president of congress, with such acts and resolutions as may be transmitted, letters from general Washington, the commanding officer of any separate department, and such other public letters and papers as his excellency the governor may judge necessary, which book or books shall be laid before the general assembly at their next session, and by the clerk be carefully preserved in their office; that the private secretary shall be allowed a salary of two hundred pounds specie in full consideration of all expences incidental to his office, except such fees as he may be allowed by law for preparing and applying seals to grants of land.

C H A P. XIV.

An act to regulate and ascertain the fees to the secretary of state, the governor's private secretary, the surveyors, and other officers.

Preamble.

WHEREAS it is necessary that adequate fees be allowed to the secretary of state, the governor's private secretary, and the county surveyors, for services by them respectively to be performed;

II. *BE*

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That for the future the said officers shall take and receive the following fees, to wit.* The secretary of state, for receiving the surveyor's return; filing the plan, making out and recording the grant, with the indorsment thereof, and the certificate thereon, to be paid by the grantee at or before the delivery of the said grant out of the office, four shillings; for docketing a caveat, filing order of suspension of grants, issuing and certifying such suspension to the court, and entering and filing the judgment of court thereon, four shillings; for copying and certifying a will, four shillings; for copying and certifying the record of a grant or patent, four shillings; for every commission for a place of profit, eight shillings; for every search, eight pence; for every certificate, one shilling; for recording inventories, orders for letters testamentary or of administration, to be received and accounted for by the clerk of the county court, two shillings and eight pence. To the governor's private secretary, for the certificate of suspension of a grant, two shillings and eight pence; for every testimonial, five shillings; for every commission for a place of profit, eight shillings; for a pilot branch, eight shillings; for the great seal, two shillings and eight pence; for sealing each grant for land, including wax, paper and tape, used in making the same, to be paid by the grantee on or before the delivery of the grant out of the secretary's office, two shillings and eight pence. To the surveyor, for making each survey of three hundred acres or under, sixteen shillings; for every hundred acres more than three contained in a warrant, four shillings.

A. D. 1722.

Officers fees.

III. *AND be it further enacted by the authority aforesaid, That so much of the tenth clause of an act of assembly passed at Wake court house in June, one thousand seven hundred and eighty one, intituled, An act to regulate and ascertain the several officers fees therein mentioned, as directs that the fees therein rated in specie shall be received in currency at the proportion of two hundred for one, is hereby repealed and made void; and that the above fees shall, and may in future, be discharged in specie or eight hundred currency for one specie.*

Repealing clause.

C H A P. XV.

An act for the security of the bank of North America.

WHEREAS congress on the twenty sixth day of May last did, from conviction of the support which the finances of the united states would receive from the establishment of a national bank, approve a plan for such an institution; and whereas a subscription thereto was filled, and a president and directors chosen, from the expectation of a charter of incorporation, and as the exigencies of the united states render it indispensably necessary that such an act of incorporation should be passed, and the congress of the united states have been pleased, by an ordinance dated the thirty first of December, one thousand seven hundred and eighty one, to incorporate as well those who then were, as those who thereafter might become subscribers to the said bank, by the name and stile of the president, directors and company, of the bank of North America, and as it is the interest of the united states that the faith of the said bank should be preserved;

Preamble.

II. *BE it enacted by the general assembly of the state of North-Carolina,*

Bank established.

A. D. 1782.

Counterfeit-
ing deemed
felony.

and it is hereby enacted by the authority of the same, That the said ordinance of incorporation shall be held and deemed valid and effectual to all intents and purposes, as if the same had been passed by an act of the general assembly of this state.

III. *AND be it further enacted by the authority aforesaid,* That if any person shall erase, alter, or counterfeit any note or notes of the aforesaid bank of *North America*, he shall be deemed guilty of felony without the benefit of clergy; and if any president, inspector, director, officer or servant, of the said bank, shall convert any of the property, money, or credit of the said bank, to his own use, or in any other way be guilty of fraud or embezzlement as an officer or servant of the bank, he shall be deemed guilty of felony without benefit of clergy.

C H A P. XVI.

An act to confirm certain patents therein specified, issued in Virginia, for lands which on the extension of the boundary line between this state and that, are found to lie within the state of North-Carolina.

Preamble.

WHEREAS it is represented to this general assembly that certain lands granted and patented in the state of *Virginia* under a supposition of their being within the bounds thereof, have on the late extension of the boundary line between this state and that, been found to lie within the bounds of this state, and although it is consonant to justice, to custom, and to the obligations of federal union, that titles to such lands should be established in this state, yet it is advisable, in order to prevent monopolies and obviate stale or latent grants, to particularize the lands which stand in the said predicament.

Patents estab-
lished.

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 patents or grants herein after enumerated, which were so issued in *Virginia* for lands now found to lie within this state, shall be good and valid in this state, in like manner as if they had been passed or issued therein, either previous or subsequent to the declaration of independence. *Provided,* That the said patents or grants were, or would have been good and valid in *Virginia*, according to the laws thereof, previous to the extension of the said boundary line. *Provided also,* That nothing herein contained shall be construed so as to defeat any previous or elder grant or deed, which may have been issued in the state of *North-Carolina*, for the same lands, or any part thereof; the said patents or grants as above ratified, established and confirmed, are and shall be as follows, to wit: A patent issued to *Edmund Pendleton*, bearing date the sixteenth day of *August*, one thousand seven hundred and fifty six, containing three thousand acres, and lying on a branch of the middle fork of *Indian river*, called *Wist Creek*, according to the courses thereof; a patent issued to *John Shelton*, bearing date the same day and year, containing nine hundred and forty acres, and lying on the middle fork of the *Indian river*, according to the courses thereof; a patent issued to *John Buchanan*, bearing date the twentieth day of *June*, one thousand seven hundred and fifty three, for one thousand two hundred and fifty acres, and lying on the *Indian river*, according to the courses thereof; and one other grant or patent issued to *William Campbell* and *William Preston*, executors of *John Buchanan*, who was assignee of *James Patton*, deceased, bearing date the twenty third day

day of *December*, one thousand seven hundred and seventy nine, containing one thousand nine hundred and forty six acres, and lying on *Woods River*, or *Shelton Creek*, a branch of the middle fork of *Indian river*, at a place called the *Sappling Grove*, according to the courses thereof. A. D. 1782.

III. *AND be it further enacted by the authority aforesaid*, That the confirmation of the said patents, as above enumerated, shall accrue and enure to the confirmation of the titles of any person claiming under either of the said patentees as purchasers, as much as if they had been the original patentees, and had been named in this act. And confirmed.

IV. *AND be it further enacted by the authority aforesaid*, That any person claiming a tract of land in virtue of this act, may apply to a magistrate, who shall issue his warrant to the sheriff to summon a jury of good and honest men, who are not interested in any of the lands herein mentioned, to meet on the premises in question, which jury being met, shall be sworn by the said magistrate to enquire what person or persons possess the best title to the said lands under this act, and having returned their verdict to such magistrate, he shall thereupon by his warrant require the sheriff (who shall attend for the purpose) to put the person who shall be so found to possess the best title under this act, his agent or attorney, into actual possession of the said premises. *Provided*, That such verdict shall only effect the bare possession of the said premises, and shall not be a bar to a suit or suits which any person or persons may think proper to commence for the recovery of the said lands, but such suit shall be tried and determined in like manner as if no jury had been impanelled thereon. *Provided nevertheless*, That no jury shall be summoned to meet on the premises before the first day of *December* next. How put in possession.

C H A P. XVII.

An act for appointing a place for the future meetings of the general assembly.

WHEREAS it is found by experience that great and manifest inconveniences have arisen to the public, and are daily increasing for want of having a proper place fixed on for holding the general assembly; Preamble.

II. *BE it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the present session of assembly, and until a proper place shall be fixed on for a seat of government by legislative authority, the future general assemblies of this state shall be held at the town of *Hillsborough*. Assembly where held.

III. *PROVIDED always*, That if at any time the general assembly shall have good cause to apprehend that their session is in danger of being interrupted by the enemy, they may adjourn to any other place of greater safety. May adjourn to any place.

IV. *PROVIDED also*, That in case the said town of *Hillsborough* should by chance of war fall into the hands of the enemy, or be in imminent danger of falling into their hands, or in case any contagious disease should prevail in such place at the time appointed for the meeting of the general assembly, the governor or commander in chief for the time being, by and with the advice of his council, shall have power at all times in the vacations of the general assembly, to convene them to such other place as he shall judge most proper and convenient. Governor may convene them

C H A P,

A.D. 1782.

CHAP. XVIII.

An act to amend an act intituled, An act to amend an act passed at Newbern in May, one thousand seven hundred and eighty, intituled, An act to enlarge the jurisdiction of justices of the peace, and for other purposes.

Preamble.

WHEREAS in the two before recited acts no provision is made for the recovery of small debts contracted in specie;

Justices jurisdiction.

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 debts and demands of five pounds specie or under, where the ballance due on any specialty, contract, note, account or agreement, or for goods, wares and merchandize, or for any thing else, are hereby declared to be cognizable and determinable by any one justice of the peace, and the said justice is hereby impowered to give judgment for the same in specie with costs, and award execution accordingly. *Provided,* That if the defendant shall give bond, with one or more sufficient securities, such justice shall stay execution two months, provided the sum exceed two pounds specie, and for all sums under, twenty days, any thing herein contained to the contrary notwithstanding.

CHAP. XIX.

An act to amend an act passed at Newbern the second day of May, one thousand seven hundred and seventy eight, intituled, An act to impower the county courts of pleas and quarter sessions in this state to order the laying off public roads, and establish and settle ferries, and other purposes therein mentioned.

Preamble.

WHEREAS the before recited act has been found insufficient to answer the purposes thereby intended, occasioned principally by the depreciation of the paper currency of this state; for remedy whereof,

Overseers continued.

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 overseers of roads who are, or shall be hereafter appointed, shall continue in office, and do his duty as directed by the before recited act, for and during the term of one year, under the penalty of forfeiting ten pounds specie, to be recovered and applied in the same manner as fines in the before recited act are recovered and applied.

Pen. for not working.

III. AND be it further enacted by the authority aforesaid, That all persons refusing when legally summoned by the overseers, to attend and do their duty, shall forfeit and pay the sum of five shillings specie per day for every day he or they shall neglect or refuse to attend and do their duty, to be recovered by a warrant from a justice of the peace, and applied towards maintaining and keeping in repair the roads and bridges they should have laboured on.

Repealing clause.

IV. AND be it further enacted by the authority aforesaid, That so much of the before recited act, and all others, as come within the per-view and meaning of this act, is hereby repealed, made void, and of none effect.

Commissioners appointed.

V. AND whereas by an act, intituled, *An act for dividing Bute county into two distinct counties, and other purposes therein mentioned,* John Farson, Julius Nichols, and William Duke, were appointed commissioners

ers to let the public buildings of Warren county, and John Norwood, Matthew Thomas, and Joseph Morris, commissioners to let those for Franklin county, which public buildings have not been finished, and at present the tax levied for the purpose of defraying the expence of erecting and finishing the same is found insufficient to answer that end from the rapid depreciation of the currency, and as the time for compleating and finishing the public buildings aforesaid has expired, and the money which was to defray the expence thereof still in the hands of the commissioners, which ought to be applied to other purposes; *BE it therefore enacted by the authority aforesaid*, That the commissioners herein before mentioned shall be, and they are hereby directed to pay the whole of the money by them received for the purposes aforesaid, into the hands of the county treasurer, which shall be applied towards defraying the contingencies of the respective counties of Warren and Franklin.

A. D. 1782.

CHAPTER XX.

An act to prolong the time of saving lots in the several towns in this state.

WHEREAS from the impossibility of procuring necessary materials for building, as well as from many other unavoidable hindrances occasioned by the present war with Great Britain, it hath been put entirely out of the power of the owners of lots in the said towns to compleat their buildings 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 no lots in the said towns, or any one of them, shall be forfeited for want of buildings or other improvements directed to be made therein by the several laws for establishing the same, until two years after the expiration of the present war with Great Britain, any law to the contrary notwithstanding.

Time of saving lots.

CHAPTER XXI.

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

WHEREAS the great extent of said county and the uncentrical situation of the court house, renders it very inconvenient for the militia of the west end of said county to attend court martials and other military duties at said court house; for remedy whereof,

Preamble

II. BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the companies of the following captains, to wit, captains Davidson, Cowan, Crawford, Caldwell, Purviance, Graham on Hunting Creek, Nichols and Sharpe, as they now stand, shall be a separate and distinct regiment known by the name of the Rowan Second Regiment of militia.

Regiment divided.

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

Its power.

IV. AND be it further enacted by the authority aforesaid, That the place for holding general musters for said regiment shall be at the plantation lately occupied by Christopher Irwin.

Place of musters.

V. AND be it further enacted by the authority aforesaid, That nothing contained in this act shall be considered or deemed descriptive of, or influence any determination respecting the boundaries of a new county, if at a future period such new county should be moved for.

Not to affect a new county.

CHAPTER XXII.

An act for dividing the district of Salisbury.

WHEREAS the great extent of the counties west of Salisbury makes it extremely inconvenient for the parties, witnesses and jurymen, to repair to, and attend the superior court of law at that place, and the said court, in the course of a term as the same is now limited by law, cannot decide the great number of causes, civil and criminal, that arise in the

Preamble.

A. D. 1782.

District di-
vided.

Judges power.

Jury.

Courts of oyer

Judges al-
lowance.

Jurymen.

extensive district of *Salisbury*; wherefore for the more speedy trial of causes civil and criminal, and to obtain a more full and compleat administration of justice in the several counties which compose the said district,

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 said district of Salisbury be divided in the manner following: The counties of Rowan, Anson, Mecklenburgh, Guilford, Surry, Montgomery, and Richmond, shall be and remain the district of Salisbury; and the counties of Burke, Wilkes, Rutherford, Washington, Sullivan and Lincoln, immediately after the passing this act, shall be, and are hereby declared to be a distinct and separate district by the name of Morgan, wherein the judges of the several superior courts of law for the state shall, twice every year, sit and hold a superior court of law, one session thereof beginning on the first day of March, and the other on the first day of September annually, and the said sessions respectively shall each be continued by adjournment for ten days, exclusive of Sundays, if the business depending in such court shall not be sooner finished.*

III. *AND be it further enacted, by the authority aforesaid, That the judges of the several superior courts of law in this state, shall possess and exercise as full and ample power and authority, in all causes, matters and business whatsoever, in the said district of Morgan, as they now do lawfully possess, or may exercise in any other district of this state, and that the judges, attorney general, or in his absence, such person as the court shall appoint to transact the business in his department, shall have the same allowance for attendance and services in the said district of Morgan, as they respectively are, or may be entitled to receive, for the same services in any other district.*

IV. *AND be it further enacted by the authority aforesaid, That the several county courts in the said district of Morgan, at their respective sessions next before the sitting of the superior court of law therein, shall appoint persons to serve at the same as grand and petit jurymen, as follows, viz. in Burke twenty, in Wilkes ten, in Rutherford nine, and in Lincoln nine, who shall receive the same pay, and be liable to the same penalties, as jurymen appointed to serve at the several superior courts of law in other districts.*

V. *AND whereas the extensive mountains that lie desolate between the inhabited parts of Washington, and the inhabited parts of Burke counties, make the transportation of criminals from the former to the latter difficult, and on the way may frequently find means to break custody and escape; wherefore that offenders in the said counties of Washington and Sullivan may be more easily and certainly brought to justice, BE it enacted by the authority aforesaid, That one of the judges of the superior court, and some other gentleman commissioned for that purpose, or one of them, twice in every year, at the court house in Washington county, sit and hold a court of Oyer and Terminer, and general goal delivery, for the trial of all criminal causes whatsoever within the limits of the counties of Washington and Sullivan, one session thereof beginning on the fifteenth day of February, and the other on the fifteenth day of August, and every session shall be continued by adjournments for five days, exclusive of Sundays, unless the business shall be sooner finished; and the said court shall possess and exercise as full and ample power and authority in all criminal matters within the limits aforesaid, as the judges of the several superior courts of law in this state possess and exercise in other districts, and shall also have power to receive and try appeals from the county courts of Washington and Sullivan.*

VI. *AND be it further enacted by the authority aforesaid, That the judges who shall hold the said court of Oyer and Terminer, attorney general, or in his absence the person appointed by the court to do the business in his department, shall have two thirds of the allowance for attendance and service, as the judges and attorney respectively are entitled to receive for the same service at the superior courts of law in other districts.*

VII. *AND be it further enacted by the authority aforesaid, That the county courts shall appoint jurymen as follows, viz. Washington thirty-two, and Sullivan sixteen, to serve as grand and petit jurors at the said court of Oyer and Terminer, and the said jurymen shall receive the same allowances, and be liable to the same penalties, as jurymen appointed to serve at the several superior courts of law in this state.*

VIII. *AND*

VIII. *AND be it further enacted by the authority aforesaid,* That the superior court of law for the district of *Morgan* shall be held at the court house in *Burke* county, until some other place shall be appointed by act of assembly.

A. D. 1782.

Superior court
where held.
Not held on
Sunday.

IX. *AND be it further enacted by the authority aforesaid,* That if the day of the month as above prescribed for the first day of any term of either of said courts shall happen to be Sunday, then such term shall begin on the day following.

X. *AND be it further enacted by the authority aforesaid,* That the jurors for the superior courts to be held at *Salisbury*, for the district of *Salisbury*, shall be furnished from the several counties of said district in the following proportion, to wit, *Anson* three, *Richmond* three, *Montgomery* three, *Guilford* eight, *Surry* seven, *Roxan* fifteen, and *Mecklenburgh* nine.

Superior court
juries.

C H A P. XXIII.

An act for regulating the town of Edenton.

WHEREAS it is the interest of every state to regulate the police of its sea-port towns, and encourage their trade, and whereas the laws hitherto passed for regulating the town of *Edenton* have proved very defective, and the method in use of appointing commissioners for the town is inconsistent with the spirit of our present constitution;

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 five commissioners for the town of *Edenton* shall be chosen annually on the first monday in *July* of every year, in the presence of the sheriff, or any two justices of the peace, for the county of *Curran*, and every freeholder who is resident in the said town, and every free man who has resided there for twelve months, and paid public taxes, shall be qualified to vote for such commissioners, which commissioners when chosen, shall have all the powers, and be possessed of all the rights and authorities, in respect to titles to public lots, or otherwise, which any former commissioners had, and were possessed of, so far as is consistent with the perview of this act, any former act, custom or law to the contrary, notwithstanding.

Commission-
ers appointed.

III. *AND be it further enacted by the authority aforesaid,* That the said commissioners may surround the town with a ditch or fence, erecting proper gates on the highways, they shall keep the public streets and bridges in good repair, they shall cause a public market house to be erected in some convenient place in the town, and a public wharf to be erected opposite to some street or public lot.

Their duty.

IV. *AND be it further enacted, by the authority aforesaid,* That the said commissioners may let out public lots on the bay that are not immediately wanted for public use, or buildings, on lease, for any term not exceeding fifteen years, the rents to be applied to the use of the town.

Lots rented.

V. *AND be it further enacted, by the authority aforesaid,* That the said commissioners shall enjoy and exercise all the powers that have been granted to former commissioners respecting the laying out of streets, and regulating of buildings, and in case they find that any building encroaches on the street they shall either cause the same to be withdrawn, or compromise with the owner for a certain annual rent to be paid for the use of the town.

Streets regu-
lated.

VI. *AND be it further enacted by the authority aforesaid,* That every person who is the owner of any lot in the town of *Edenton*, shall within six months after the passing of this act, cause the same to be cleared from woods and brush, and he shall keep it clear; that no inhabitant of the town, or other person, shall be permitted to keep hogs, goats or other stock, to graze at large in the commons, except horses and black cattle, and the number of these that may be kept by every free man inhabitant of the town, shall be regulated by the commissioners; no person shall strain a horse in any public street in the town so as to endanger the life of children, or other helpless inhabitants: every person offending contrary to these regulations, or any other laws for regulating the police of the town of *Edenton*, shall be fined by the trustees in any sum not exceeding twenty shillings, to be recovered before any justice of the peace, for the use of the town, and they may appoint a clerk, who shall keep a fair and

Lots cleared.

A. D. 1782. and compleat record of their proceedings, and be allowed for the same out of any public monies in the hands of the treasurer of said town, such sum as the commissioners shall deem adequate to his services.

Commissioners body politic.

VII. *AND be it further enacted, by the authority aforesaid,* That the commissioners for the town of Edenton for the time being, shall be, and in all things act, as a body corporate, that they may plead or be impleaded as such, and bring any action against any person whatsoever for any injury done to any public building or lots in the said town, in the same manner as any private person might do for any injury done to any private property, and the intervention of the annual election shall not be considered to dissolve the body corporate, so as to abate any action depending in any court wherein the said body corporate is a party, but the new commissioners shall in every respect, and to all intents and purposes, (except as to any responsibility for any abuse of office) be considered on the same footing, and standing in the place of their predecessors, and a majority of the commissioners shall be held sufficient to decide upon any business. *Provided,* That no meeting of the commissioners be held to decide upon any public business, unless notice of the intended meeting, signed by one of the commissioners, shall have been left at the dwelling house of each commissioner, at least twenty four hours before the said meeting.

Tax laid.

VIII. *AND be it further enacted by the authority aforesaid,* That the said commissioners may levy on every lot in the town of Edenton, a tax not exceeding ten shillings specie per ann. and they may lay a tax not exceeding ten shillings specie per annum, on every free man who has been resident in the said town for six months; and in case any person thus taxed shall refuse to pay the same during thirty days after notice of the same in writing, he shall be liable to an action of debt, to be brought by the said commissioners in any court of record, and if judgment shall go against him, the court may assess a fine on the said defendant not exceeding one half of the debt so recovered, over and above the said debt, to be also applied to the use of the town.

Court house repaired.

IX. *AND* whereas the court house in Edenton has been much injured, and is subject to repeated injuries, from the want of proper care; *BE it therefore enacted by the authority aforesaid,* That the commissioners aforesaid shall repair the said court house and keep it in order, for which repairs they shall be paid out of such money as has been collected, or may hereafter be collected, for the purpose of erecting a prison or court house in the town of Edenton, for the district of Edenton.

Treasurer.

X. *AND be it further enacted by the authority aforesaid,* That the commissioners shall appoint one of their body to act as a treasurer, to receive and account for all public monies, of which a regular entry must be made in a book to be kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his accounts with him, and pay any balance remaining in his hands. *Provided,* That before such treasurer enters upon his office, he shall give bond with good security, payable to the commissioners, and conditioned for the faithful discharge of his duty.

Commissioners oath.

XI. *AND be it further enacted by the authority aforesaid,* That each commissioner, before he enters on his office, shall take, and he is required in the presence of two justices of the peace, to take the following oath: *I A. B. do swear, that I will faithfully discharge the office and duty of a commissioner for the town of Edenton, agreeable to law, according to the best of my judgment.* SO HELP ME GOD.

Repeal. clause

XII. *AND be it further enacted by the authority aforesaid,* That all and every former act or acts passed for the regulation of the town of Edenton, so far as the same, or any part thereof, is or are inconsistent with this act, is and are hereby repealed and made void.

C H A P. XXIV.

Preamble.

An act for the promotion of learning in the district of Edenton.

WHEREAS the good education of youth has the most direct tendency to promote the virtue, increase the wealth, and extend the fame of any people, and as it is the indispensable

indispensable duty of every legislature to consult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life; and whereas it is represented that a public seminary of learning is much desired in the district of Edenton, and that some provision is already made for such an institution;

A. D. 1781.

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 Mr. Iredell, Mr. Gregory, Mr. Charlton, Mr. Samuel Johnston, Mr. Everadin, Mr. Lawrence Baker and doctor Hugh Williamsen, shall be, and they are hereby declared to be a body corporate, to be known and distinguished by the title of the trustees of Smith's academy, in the district of Edenton; and the said trustees shall appoint annually out of their own body a president, a treasurer, and a secretary of the corporation, and they the said trustees shall keep a public seal, and the same may alter or amend at pleasure; they shall be capable of suing or being sued at law; they may purchase lands and the same dispose of at pleasure; they may receive donations or legacies in money, lands and other property. *Provided,* The interest, rents, and nett profits of their capital, shall not at any time exceed three thousand Spanish milled dollars *per annum*: In general they shall or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

Body corporate.

III. *AND be it further enacted, by the authority aforesaid,* That the trustees having purchased or erected proper buildings for a public seminary in some convenient part of the district, shall employ one or more teachers in the same by the name of rector, professors, and tutors, whom they may remove or displace if they should find it necessary.

Teachers.

IV. *AND be it further enacted by the authority aforesaid,* That the trustees shall appoint their public visitations of the academy, once every six months, when they shall examine what progress is made by the several students, at which visitations they may, for the encouragement of learning, give certificates to any students concerning the progress they have made in any species of learning. *Provided always,* They shall not on any account grant degrees or titles, such as the degree of bachelor or master of arts, or doctor in any faculty.

Visitations.

V. *AND be it further enacted by the authority aforesaid,* That the trustees shall not in any case sell public lands, or dispose of public money, unless when a majority of the board is present, or during their stated half yearly visitations, nor then unless written notice had been given by the president or secretary to each member at least four weeks before the visitation, signifying the proposed disposition or sale.

Majority of the board.

VI. *AND be it further enacted by the authority aforesaid,* That on the death of any trustee, or in case any trustee should refuse to serve, or should so far neglect the duty he owes the public, as to absent himself from the stated or extraordinary meetings of the board for two full years, the remaining trustees considering the seat of such deceased, resigning, or absenting member as vacant, shall at their next meeting elect some fit person to serve in his place.

Trustees kept up.

VII. *AND be it further enacted by the authority aforesaid,* That no rector, professor or tutor, may at any time be chosen a trustee of the academy. That the governor of the state for the time being, though not a trustee, may at any of their visitations take a seat with them.

Trustees.

VIII. *AND be it further enacted by the authority aforesaid,* That the rector, professors and tutors in the academy, shall be exempted from military duty. *Provided,* No person shall claim this exemption unless he has been at least six months a stated teacher in the academy, and continues in that duty. *Provided also,* The number of teachers shall not exceed three.

Exemptions.

IX. *AND be it further enacted by the authority aforesaid,* That nothing contained in this act shall be considered as tending to prevent the trustees from distinguishing their public hall, their museum, or their library, by the names of such persons as may, within twelve months, give the most liberal donations to this seminary.

Name of the public hall.

CHAP. XXV.

An act for building a prison in the town of Edenton.

WHEREAS it is represented that from the want of a prison in the town of Edenton, for the district of Edenton, the civil administration of justice is nearly at a stand, and the military service of the state greatly retarded;

Preamble.

II. *BE*

A. D. 1782.

Commission-
ers appointed.

Tax laid.

Bond to be
given.

Monies to be
accounted for

Surplus ap-
propriated.

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 Josiah Collins, Michael Payne, Joseph Blount, Nathaniel Allen and Joseph Smith, be, and they are hereby appointed commissioners for building a good and sufficient prison for the use of the district of Edenton, in the town of Edenton, and for the purpose of contracting and agreeing with proper persons to compleat and finish the same, in such manner as they shall think sufficient.*

III. *AND be it further enacted by the authority aforesaid, That an assessment of eight pence in every hundred pounds be laid on all taxable property in the county of Chewan, and an assessment of four pence in every hundred pounds value be laid on all taxable property in the counties of Currituck, Camden, Pasquotank, Perquimans, Gates, Hertford, Bertie and Tyrrell, for two years, to be collected for the present and the succeeding year by the respective sheriffs or collectors of the said counties, and accounted for and paid to the said commissioners at the same time, and in the same manner, and under the like penalties and restrictions, as is or may be directed for collecting, accounting for, and paying other public taxes.*

IV. *AND be it further enacted by the authority aforesaid, That before the said commissioners shall enter upon their trust, or take into their hands any of the monies to be collected by this act, they shall enter into bond in the sum of two thousand Spanish milled dollars, payable to the governor and commander in chief for the time being of this state, and his successors, conditioned for the faithful discharge of the trust reposed in them.*

V. *AND whereas by an act of the general assembly of this state, in the second year of our independence, intituled, An act for erecting a prison in the town of Edenton, for the use of the district of Edenton, a tax was laid for raising money towards building a prison in the town aforesaid, and as it is alleged that the sheriff or collectors in the several counties in the district aforesaid have refused or neglected to pay the greatest part of the monies by them collected, into the hands of the trustees and directors mentioned in the aforesaid act, under pretence of its small value from the great progress of depreciation; BE it therefore enacted by the authority aforesaid, That every person who may have collected or received any monies in consequence of the act recited, and for the purposes therein mentioned, shall pay, and they are hereby required to pay to the commissioners herein mentioned, the several sums by them received, with depreciation from the time it was their duty to have paid or accounted for the same; and on their refusal thus to pay, the commissioners aforesaid shall proceed against them by an action on the case, which monies thus received or recovered shall be applied to the uses mentioned in this law.*

VI. *AND be it further enacted by the authority aforesaid, That if the different sums that may be collected in consequence of the assessments directed to be made, or referred to in this act, shall be more than sufficient for building a prison, the ballance shall be paid to the chairman of the county court of Chewan, for the time being, who shall cause it to be applied towards repairing the court house in the town of Edenton, or to be returned to the county courts of the several counties in which it was collected, and in such proportions as it was paid by those counties respectively.*

CHAP. XXVI.

An act for appointing commissioners to examine the claims of Thomas Clark, and others, against the estate of James Murray, and other purposes therein mentioned.

Preamble.

WHEREAS it has been represented to the general assembly of the state North-Carolina by memorial from Thomas Clark, colonel of the first regiment of North-Carolina continental troops, John Innis Clark, brother to the said Thomas, and Anne, sister of said Thomas, now wife of William Hester, by her said husband, that James Murray, formerly of the state of North-Carolina, but who from the beginning of this war has attached himself to the enemies of the united states, and has incurred the forfeiture of his estate, real and personal, under the regulations of certain acts of assembly now in force against persons within the said description, after the payment of all just debts out of such estate which may be due and owing

to the good inhabitants of any of the united states; and whereas the memorialists have set forth that the said James is greatly indebted to them, and as it is highly reasonable that the said memorialists should, from the estate of the said James, have and receive what in equity and good conscience is due and owing to them;

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 Samuel Ashe, Alfred Moore, Thomas Craike, John Lillington, Caleb Grainger, John Moore and James Gillispie, be, and they, or a majority of them, are hereby appointed commissioners to hear all such matters and things as the said memorialists have set forth, or may hereafter urge, for and in support of their claims against the said James Murray, and to receive all such proof as may be offered by the memorialists, or others in their behalf, which proof would be admissible in a court of equity, under the circumstances set forth at large in the memorial referred to; and the said commissioners shall also hear all such testimony as shall be offered against the claim or demand of the said memorialists, and for that purpose shall summon witnesses to appear and give evidence, or produce books or papers respecting the same, and all persons summoned and failing to attend and give evidence, or produce papers or books accordingly, shall for such offence forfeit and pay one hundred pounds specie, to be recovered by action of debt, in the name of the governor for the time being, for the use of the state.*

III. *AND be it further enacted by the authority aforesaid, That the said commissions shall themselves, if one of them be a justice of the peace in the county where they shall meet for the purposes aforesaid, administer an oath to all such as shall appear as witnesses, and if no one of the said commissioners be a justice of the peace in the said county, some other justice of the peace may administer the said oath in the presence of the said commissioners, and the said commissioners are further empowered to admit such written testimony as may be adduced under the restrictions aforesaid.*

IV. *AND be it further enacted by the authority aforesaid, That the said commissioners before entering on the duties of their appointment, shall take the following oath: I A. B. do swear that I will faithfully inquire into, and according to equity and good conscience a true return make, on the claim of Thomas Clark, John Innis Clark, and Anne Hooper, by her husband William Hooper, against the estate of James Murray. SO HELP ME GOD.*

V. *AND be it further enacted by the authority aforesaid, That after the said commissioners shall have fully heard and considered the claims of the said memorialists, if it shall appear to their satisfaction that the said James Murray is in equity and good conscience indebted to the said memorialists, they shall certify the same to the next general assembly that further proceedings may be had thereon, to the end that justice may be done in the premises.*

C H A P. XXVII.

An act for establishing a town on the lands formerly belonging to Colonel James Bonner, at the forks of Tar-River, in the county of Beaufort.

WHEREAS it hath been represented to this general assembly, that in the year of our Lord one thousand seven hundred and seventy six, thirty acres of land was purchased by a number of persons for a town from col. James Bonner, at a place generally known by the name of the *Forks of Tar-River*, bounded on the east by land lately belonging to Daniel Maxwell, deceased, on the north by land belonging to the said James Bonner, on the west by William Boyd, and Thomas Simmon's land, and on the south by the river Pamlico, which said land hath been laid out into half acre lots, with streets, &c. and whereas several habitable houses are already erected thereon, and the same might be improved if it was erected into a town by lawful authority;

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the said thirty acres of land be, and the same is hereby constituted, erected, and established a town, and shall be called by the name of Washington.*

III. *AND*

Preamble.

Washington

(being a freeholder of said town) in the place of him so dying, refusing to act, or removing away, which new commissioner so nominated and appointed, shall from thenceforth have the like power and authority in all things in the matter herein contained, as if he had been expressly named and appointed in and by this act.

C H A P. —XXVIII.

An act to alleviate in some degree the distressed inhabitants of the several counties in the district of Wilmington.

W H R R E A S the invasion of *Wilmington* by the *British* troops, and their long possession of that town, hath ruined many of the inhabitants of that district, and distressed all; and as the payment of taxes for property of which they have been deprived, (particularly provisions) by reason of their attachment to the cause of freedom, would be unjust and oppressive;

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 as many of the good citizens of said district as have, from their steady attachment to the common cause, by being constantly employed in arms against the enemy when in this state, and been prevented from making provisions for the support of their families, shall, upon producing a certificate from their respective county courts to the commissioner of the county, be, and are hereby exempt from the payment of their specific tax for the year one thousand seven hundred and eighty one.*

Preamble.

Tax remitted.

C H A P. XXIX.

An act to amend an act, intituled, An act to prevent burning the woods.

W H E R E A S the penalties in the said act are not sufficient to answer the good purposes therein mentioned;

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 offending against the said act, shall forfeit and pay for every offence the sum of twenty five pounds specie, to be recovered by action of debt, bill, plaint, or information, to the use of the person who shall sue or prosecute for the same, and shall also be further liable to the party injured by such unlawful firing of the woods for all damages that may accrue therefrom.*

Preamble.

Penalty.

C H A P. XXX.

An act to amend the several acts passed within this state, to prevent the stoppage of the passage of fish up the several rivers therein mentioned.

W H E R E A S the good purposes intended by the abovementioned acts have not been answered by reason of the depreciated state of our currency, the penalty becoming inconsiderable, and the person offending against any of the said laws may procure some friend to bring suit, and thereby extricate himself from payment thereof;

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That any person or persons offending against any of the said acts, he or she so offending shall forfeit and pay the sum of fifty pounds specie, for every twenty four hours he or she shall or may offend against the said act or acts, to be sued for in a separate suit for each day he or she may so offend, to be recovered before any jurisdiction having cognizance thereof, by any person who shall sue for the same, one half to the use of the person who may sue for the same, the other half to the use of the poor of the county where the plaintiff is a resident.*

Preamble.

Penalty.

III. *AND be it further enacted by the authority aforesaid, That Neuse river shall be kept open*

Riv. kept open

A. D. 1782. open in like manner as the other rivers mentioned in the several above recited acts, and any person or persons offending herein, shall be liable to suffer the same penalties, and to be recovered in the same manner as other fines and penalties by this act are directed.

C H A P. XXXII.

An act to alter the time of holding several county courts of pleas and quarter sessions within the district of Morgan.

Preamble.

WHEREAS the days heretofore appointed for holding the said courts in the counties of Lincoln, Burke, Rutherford, Wilkes and Washington, are found inconvenient;

Court days.

II. BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the said county courts of pleas and quarter sessions, after the passing this act, shall be held on the following days, to wit: For Lincoln county the first Mondays in July, October, January and April; for Burke county, the third Mondays in July, October, January and April; for Rutherford county, the second Mondays in July, October, January and April; for Wilkes county, the fourth Mondays in July, October, January and April; for Washington county, the first Mondays in May, August, November and February.

Proviso.

III. PROVIDED nevertheless, That where the court day directed by a former act of assembly shall happen in any county before the first day of July next, the justices of such county may hold such court according to the day as heretofore prescribed by law, any thing in this act to the contrary notwithstanding.

Returns.

IV. AND be it further enacted by the authority aforesaid, That every process and recognizance returnable to said courts, shall be returned on the court days by this act appointed; and all causes depending in the said courts shall stand continued to the same days, any law, usage, or custom to the contrary, notwithstanding.

C H A P. XXXIII.

An act to empower the commissioners therein mentioned to repair the public buildings in the town of Hillsborough, and other purposes.

Preamble.

WHEREAS the buildings in the town of Hillsborough are very much out of repair, and it is found necessary for the conveniency of transacting public business that they be immediately repaired;

Tax laid.

II. BE it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That a tax of four pence specie be laid on each and every hundred pounds worth of taxable property within the county of Orange, and a tax of two pence specie on each and every hundred pounds worth of taxable property within the counties of Caswell, Granville, Wake, Chatham, and Randolph, to be collected by the same person or persons in each of the said counties who are, or shall be appointed to collect the public taxes therein, and to be accounted for in the same manner, and under the same restrictions as other public taxes are, which said tax when collected, shall be paid into the hands of the commissioners hereafter mentioned, for the purpose of making such repairs as may be found necessary on the court house, prison and stocks, in the town of Hillsborough.

Commissioners.

III. AND be it further enacted by the authority aforesaid, That James Williams, William M'Cawley, Thomas Farmer, William Moore, John Butler, and Alexander Mebane, shall, and they are nominated and appointed commissioners, and they, or a majority of them, are hereby fully empowered and authorized to contract or agree with workmen for the repairing of the said public buildings in the town of Hillsborough aforesaid.

To give bond

IV. AND be it further enacted by the authority aforesaid, That the said commissioners before entering on their said trust, or receiving any monies by virtue thereof, shall give bond, with good and sufficient security, to the justices of the inferior court of the county of Orange,

in the sum of two hundred pounds specie, for duly performing the trust by this act reposed in them. A. D. 1782.

V. *AND be it further enacted by the authority aforesaid,* That in case there shall remain in the hands of the commissioners aforesaid any money so collected for the above purposes, that the same shall be paid into the hands of the justices of the county of *Orange*, by them to be accounted for and paid to the justices of the several courts from whom the same was collected, in proportion to the sum collected out of each county respectively, by them to be applied to the discharge of the contingent charges of their respective counties. Surplus appropriated.

VI. *AND be it further enacted by the authority aforesaid,* That every freeholder of the town of *Hillsborough*, residing in this state, shall within the term of five months after the passing of this act, pave six feet wide of the street in full front of his lot with good brick or stone, and inclose the same with strong posts and rails; and in case any freeholder of said town of *Hillsborough* shall refuse or neglect to pave and inclose with posts and rails the street in front of his lot as above directed, shall pay the sum of twenty pounds specie, to be recovered by warrant under the hands and seals of the commissioners, or a majority of them, that shall be hereafter nominated and appointed by this act, directed to any person they shall appoint to collect the same, which collector is hereby empowered to collect, and make distress in like manner as other collectors of public or county taxes are empowered by law, and the money arising therefrom, after deducting five per cent. commissions, shall be by him paid into the hands of the commissioners of said town, and to be by them applied to keeping the streets in good repair. Streets paved.

VII. *AND be it further enacted, by the authority aforesaid,* That *William Hooper, James Hogg, John Estis, William Courtney, John Shields, Benjamin Leonard, and John Taylor*, are hereby nominated and appointed commissioners for the town of *Hillsborough*, and shall have full power and authority to act and do every thing that former commissioners for said town lawfully might do, or have done, and keep the streets in good repair and order, and to appoint an overseer of the streets, who shall have full power to summons the inhabitants of the said town to work on the streets at any time when it may be necessary, and in case the said overseer shall neglect to keep the streets in good repair, or in case any inhabitant of said town, who after being summoned by the overseer, shall refuse or neglect to work on the said streets, he or they shall forfeit and pay the sum of twenty shillings specie, to be recovered as before mentioned in this act, and paid into the hands of the commissioners of said town, to be applied towards keeping the said streets in order, or in case any of the said commissioners should die, neglect, or refuse to act, or remove away, it shall and may be lawful for the freeholders of said town to assemble and elect another or others, and he or they so elected shall be invested with the same power and authority as those nominated and appointed by this act. Commissioners.

C H A P. XXXIV.

An act to encourage Caleb Grainger to build a bridge over Smith's Creek, at the place where the late bridge stood in New-Hanover county.

WHEREAS a bridge over *Smith's creek* at the place where the late bridge stood would be convenient for travellers, and productive of much public good, and *Caleb Grainger* being desirous of building one there at his own expence, on condition of having the benefit thereof for the space of twenty five years; Preamble.

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said *Caleb Grainger*, his heirs, executors, administrators or assigns, to erect and build a good substantial bridge over *Smith's creek* at the place aforesaid, and after building a bridge as aforesaid, it shall and may be lawful for the said *Caleb Grainger*, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same the following rates, that is to say, for every footman two pence, for every man and horse Bridge to be built.

A. D. 1782.

No ferry with-
in two miles.

Bridge kept
in repair.

Free for the
public.

horse four pence, for every horse and chair one shilling, for every four wheeled riding carriage including the horses drawing the same two shillings, for every cart eight pence, for every waggon one shilling and four pence, for every led horse or work ox two pence, for every head of neat cattle one penny, for every head of hogs or sheep one half penny.

III. *AND* be it further enacted by the authority aforesaid, That after the said bridge is built and compleated as aforesaid (provided the said bridge shall be so done within two years after the passing this act) it shall not be lawful, during the time the said bridge is kept in repair and fit for travellers and carriages to pass and repass over the same, for any person or persons whatsoever to keep any ferry, build any bridge, or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said creek for fee or reward, within two miles of the same, during the term aforesaid, under the penalty of twenty shillings specie for each and every offence, to be recovered by warrant by the said Caleb Grainger, his heirs, executors, administrators or assigns, before any justice of the peace for the county of New-Hanover, to be applied to the use of the proprietor of the bridge built by the said Caleb Grainger, and during the said time the right and property of the said bridge is hereby vested in the said Caleb Grainger, his heirs, executors, administrators and assigns.

IV. *AND* be it further enacted by the authority aforesaid, That when the aforesaid bridge shall be built, the aforesaid Caleb Grainger, his heirs, executors, administrators or assigns, shall keep the same in good order and fit for passing over, during the time aforesaid.

V. *PROVIDED* nevertheless, That no toll shall be demanded or received for public waggons carrying public stores or supplies for the use of the army, or any detachment thereof, or for any troops, and all persons having occasion to attend general or private musters, or the annual or other elections for members of the general assembly.

C H A P. XXXIV.

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

Preamble.

WHEREAS two of the commissioners appointed by an act of assembly passed at Halifax, one thousand seven hundred and seventy nine, are removed away from said county, and three of them are under suspension; and whereas the inhabitants of the eastern part of said county are dissatisfied with the place appointed for the public buildings of said county, the center of said county not being certainly found;

Commis-
sioners.

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 Edmund Lelley, John Dejernet, Stephen Tomkins, Theodorick Webb, and John Rea, be appointed commissioners in the room and stead of the commissioners appointed by the before recited act, and the said commissioners, or a majority of them, are hereby required and directed to employ a surveyor to find the center of said county as near as may be, at the expence of said county, and if the land purchased by the former commissioners for the uses aforesaid, should appear not the nearest or suitablest place to the center of the said county that can be found, then and in that case, the said commissioners, or a majority of them, shall sell the land purchased by the former commissioners for the use of the county, and purchase fifty acres of land suitable to fix the public buildings of said county, or as near to the center of said county as such convenient place can be found.

Tax laid.

III. *AND* be it further enacted by the authority aforesaid, That a tax of four pence specie be laid on each hundred pounds value of taxable property in said county, and also a tax of four pence specie on each person liable to pay taxes, who is not possessed of taxable property to the value of one hundred pounds in said county, for two years, in addition to the tax already laid for building a court house, prison and stocks, in said county; and the commissioners hereby appointed are empowered to call on the sheriffs, or former commissioners, for any money that may be in their hands, and the commissioners hereby appointed are directed to agree and contract with workmen to build a court house, prison and stocks, for the use of the county of Anson, at such place agreed on by a majority of said commissioners.

IV. *AND*

IV. *AND be it further enacted by the authority aforesaid,* That every part of the aforesaid, recited act that comes within the meaning of this act, be hereby repealed. *A. D. 1781.*

V. *AND* whereas the keeping up companies of light horse in many of the counties of this state is found to be burthenome to the good people thereof, and of no public utility; *BE it therefore enacted by the authority aforesaid,* That from and after the passing of this act, it shall not be lawful for the colonel or commanding officer of any county within this state to permit any company of light horse to be raised or kept in such county, unless by the express order and direction of the brigadiers general of such district, who are hereby enjoined not to permit the raising any such companies, unless it shall appear to them absolute'y necessary. *Light horse.*

VI. *AND be it further enacted by the authority aforesaid,* That the several county courts in this state be, and are hereby impowered to lay annually a further tax on the inhabitants of their respective counties, not exceeding one shilling specie on every hundred pounds value of their taxable property, and a poll tax not exceeding one shilling, on all such as are liable to pay a poll tax for defraying the contingent charges of the said respective counties, the erecting or repairing public buildings excepted. *Tax laid.*

C H A P. XXXV.

An act for appointing commissioners to fix on a place to build a court house, prison and stocks, in the county of Wayne, and for other purposes.

WHEREAS the commissioners heretofore appointed by act of assembly for fixing on a place to build a court house, prison and stocks, in the county of *Wayne*, have failed to discharge the trust reposed in them; *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 *Stephen Cobb, Needham Whitfield, and Joseph Pipkin*, be, and they are hereby appointed commissioners for the purposes aforesaid, and that they, or a majority of them be, and they are impowered and required to agree and contract for three acres of land in said county, as near the center of said county as they shall think convenient, and also to contract with workmen to build a court house, prison and stocks, on the same. *Commissioners.*

IV. *AND be it further enacted by the authority aforesaid,* That the said commissioners herein named shall have, and they are declared to have full power and authority to demand, sue for, recover and receive of and from the present sheriff of said county, or any other person in whose hands the same may be lodged, all and every sum or sums of money which have been laid as a tax on the inhabitants of said county for the purposes aforesaid, for which the sheriff or other person, or any of them, are liable; and in case of failure or neglect in paying the said monies to the commissioners as aforesaid, the said sheriff, or other person, or any of them, he or they so failing or neglecting, shall be liable to the same penalties, and the same mode of recovery shall be had against him or them, as by law shall or may be had against sheriffs who neglect or refuse to account for and pay public taxes. *To mon.*

IV. *AND be it further enacted by the authority aforesaid,* That a further tax of one shilling on every hundred pounds value of taxable property, and a proportionable poll tax be laid on the inhabitants of the said county for the years one thousand seven hundred and eighty two, and one thousand seven hundred and eighty three, for the purpose of purchasing the said land and erecting the public buildings aforementioned thereon, which tax, laid as aforesaid by virtue of this act, shall be collected and accounted for by the collectors and sheriffs of said county, and on neglect of the collector or sheriff of the said county to account for and pay the same to the commissioners herein before named, or their successors, he or they shall be liable to the same pains and penalties, and the same mode of recovery shall be had against him or them, as by law may be had against taxgatherers or sheriffs who neglect or refuse to account for and pay public taxes. *Tax laid.*

V. *AND be it further enacted by the authority aforesaid,* That that part of an act of the general assembly passed for appointing commissioners to fix on the place for public buildings for said county of *Wayne*, be, and is hereby repealed and made null and void. *Repeal. clause*

VI. *AND*

A. D. 1782.

Tax laid.

Surplus appropriated.

VI. AND whereas the tax laid on the inhabitants of *Dobbs* county, for building a court house, prison and stocks, in the said county, is insufficient to answer those purposes; *BE it therefore enacted by the authority aforesaid,* That a further tax of one shilling in the hundred pounds of taxable property, and a proportionable poll tax, be laid on the inhabitants of the said county of *Dobbs* for the year one thousand seven hundred and eighty two, and one thousand seven hundred and eighty three, for the purposes of compleating and finishing the said public buildings of the said county, which taxes shall be collected and accounted for in the same manner as the taxes heretofore laid for erecting the said buildings, and the collectors and sheriff of the said county subject to the same penalties, forfeiture and recovery, for neglect of their respective duties in this particular, as directed by law for not collecting and accounting for the said former taxes.

VII. *AND be it further enacted by the authority aforesaid,* That if there shall be more money collected and paid into the hands of the said commissioners respectively of said counties, or either of them, by virtue of this act, than may be sufficient for the purposes aforesaid, the said commissioners shall pay such surplus money to their respective county courts, which money shall be applied towards defraying the contingent charges of such counties.

C H A P. XXXVI.

An act to vest in Frederick William Marshall, esquire, of Salem, in Surry county, the lands of the Unitas Fratrum, in this state, for the use of the said united brethren, and other purposes.

Preamble.

WHEREAS *Frederick William Marshall, esquire, of Salem in Surry county, hath made it appear to this general assembly, that all the tracts of land in this state belonging to the lord advocate, the chancellor and the agent of the Unitas Fratrum, or united brethren, have been transferred to him from the former possessors, in-trust for the Unitas Fratrum, or united brethren; and whereas doubts have arisen whether the said tracts do not come within the description of the confiscation act; and to quiet the minds of those to whom conveyances have been, or are to be made, of any part or parts thereof;*

Acts con-

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 certain deed of lease and release, dated the twenty seventh and twenty eighth of *October*, one thousand seven hundred and seventy eight, from *James Hutton*, conveying the tract of *Wachovia*, in *Surry* county, to said *Frederick William Marshall*, be hereby declared valid in law, and to be admitted to probate in the county of *Surry*, and registered in the registers office thereof, agreeable to the testimonials thereunto appertaining; and that all lands which by a deed of bargain and sale of the twentieth of *April*, one thousand seven hundred and sixty four, between *William Churton* and *Charles Medcalf*, registered in the county of *Orange*, in book number one, page one hundred and six, and in *Rowan* county, in book E, number five, page four hundred and fifty two, &c. were then conveyed to said *Charles Medcalf*, be hereby vested in the said *Frederick William Marshall* in trust as aforesaid: and all conveyances of the above mentioned lands, or any of them, made, or which shall be made by the said *Frederick William Marshall*, shall be as good and valid to all intents and purposes as if the confiscation act had never passed.

Power of attorney good.

III. AND be it further enacted by the authority aforesaid, That the power of attorney of *Christian Frederick Cessart*, dated the third of *November*, one thousand seven hundred and seventy two, empowering said *Frederick William Marshall* to sell his lands, be admitted to probate and registry in the county of *Wilkes*, and be as good and valid in law as it could or might have been, had the act of confiscation never passed.

C H A P. XXXVII.

An act to vest the title of a certain tract of land in Robert Cummins.

Preamble.

WHEREAS it hath been made appear to the satisfaction of the general assembly, that *Robert Cummins*, of *Guilford* county, did purchase of a certain *Archibald and John Hamiken*

off
The American Law

Hamilton, a certain tract of land in the county aforesaid, on the waters of *Reedy Fork*, containing two hundred and twelve acres, and bounded as follows, *viz.* beginning at a white oak, corner to the land of *Edward Gilbert*, running thence on his line west twelve chains and seventy five links to a white oak sapling, thence north fourteen chains and a half to a post oak, thence east, crossing *Buffalow*, sixty nine chains to a white oak, thence south thirty four chains and a half to a white oak, thence west fifty six chains and twenty five links to a white oak sapling, thence north crossing the *Buffalow* to the beginning, twenty chains; and the said *Robert Cummins* having paid part of the purchase money, and taken bond of the said *Archibald* and *John Hamilton*, conditioned for the making to the said *Cummins* a good title in fee simple in and to the said land; and whereas the said *Archibald* and *John Hamilton* afterwards and before any legal title could be obtained from them for the land aforesaid, did withdraw themselves from this state and did attach themselves to the enemies of the united states, whereby all their lands and tenements, goods and chattels, are become forfeited to this state, and it being reasonable that the said land as aforesaid, purchased of them by the said *Robert Cummins*, be protected from confiscation and secured unto him;

A. D. 1782.

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 *James Martin*, *John Peasly* and *John Gillispie*, commissioners of confiscated property in the said county of *Gaileford*, they or any two of them receive whatever part of the purchase money is due by the said *Cummins* in specie, provided the same be tendered within six months, and that thereupon the said commissioners, or any two of them, be authorised and empowered to make and execute unto the said *Robert Cummins* a good and sufficient deed of conveyance, to him, his heirs and assigns, for the said land, all which proceedings, at the proper cost and charges of the said *Robert Cummins*, when had and done, shall be deemed sufficient in law to vest in him all the right and title which this state hath, or may have acquired, in and to the same, by confiscation, forfeiture or otherwise, any law to the contrary notwithstanding.

Title to lands

C H A P. XXXVIII.

An act to confirm a certain patent therein mentioned.

WHEREAS it appears that a patent was obtained from government by *John Ward*, for six hundred and forty acres of land in *Beaufort* county, now *Dobbs* and *Pitt* counties, on both sides of *Little Contentney* creek, on the eighteenth day of *November*, in the year of our lord one thousand seven hundred and forty four, which tract of land hath been ever since quietly and peaceably possessed by the said *John Ward*, and others claiming under him by purchase or devise, and although the said patent hath been recorded, and enrolled in the proper offices, yet it does not appear to have been signed by the governor, from which circumstance some doubts have arisen respecting the validity thereof;

II. BE it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the said patent for six hundred and forty acres of land, granted to the said *John Ward* deceased, as aforesaid, lying in the counties of *Dobbs* and *Pitt*, situate on both sides of *Little Contentney*, beginning at a pine on the south side of *Little Contentney*, running east three hundred and twenty pole through the swamp to a pine, thence north three hundred and twenty pole to an oak, thence west three hundred and twenty pole to a pine, thence south three hundred and twenty pole to the first station, be hereby confirmed, ratified, and made valid in law, and the said six hundred and forty acres of land vested in the devisees and assignees of the said *John Ward*, their heirs and assigns for ever, regard being had to their respective proportion.

Patent confirmed.

C H A P. XXXIX.

An act for establishing the copy of a deed therein mentioned.

WHEREAS it hath been made appear to the general assembly that *William Heritage*, late of *Craven* county, esquire, did sell certain lands lying in *Craven* county, in this state,

Preamble.

A. D. 1782. state, to *William Lister*, late of the said county deceased, and that the said *William Heritage* did, in due form convey the said lands by deed of bargain and sale under his hand and seal, dated the twenty eighth day of *March*, in the year of our lord one thousand seven hundred and forty eight, to *Phæbe Lister* and *Mary Lister*, the surviving and only heirs of the said *William Lister*, and that the said deed from unavoidable casualties has not yet been registered, although it hath been duly proved agreeable to law, and since lost; and as *Richard Nassau Stephens*, husband to *Mary Stephens*, now sole surviving heir of the said *William Lister*, hath obtained and produced to the general assembly a paper purporting to be a true copy of the aforesaid deed from *William Heritage*, to *Phæbe* and *Mary Lister*, for the following lands, to wit. all that messuage or tenement, lot or half acre of ground, situate lying and being in the town of *Newbern*, in *Craven* county, in this state, which is known and distinguished by the number fifty one, lying on the south side of the lot commonly known by the name of the church lot, together with the said church lot, with all the houses, edifices and buildings, whatsoever thereon standing; and also two tracts of land lying in *Craven* county on the north side of *Trent* river, the one tract bounded as followeth, viz. upon *Lawson's* branch beginning at two red oaks, the upper corner trees of *Richard Elliott's* land, and running thence north forty five degrees east eighty four pole, thence north twenty nine west twenty pole, thence west one hundred pole, thence south sixty west fifty six pole to a pine, thence south seventy eight west one hundred and sixteen pole to a pine, thence north sixty west one hundred and forty six pole to a pine, thence south forty three west thirty three pole to a pine, thence south thirty three east ninety two pole, thence south sixty east two hundred and seventy one pole to a pine, thence north forty two east seventy one pole, thence north sixty eight east ninety four pole to a red oak by the side of a branch, branching from *Lawson's* branch, commonly called the *School-house* branch, thence with a straight line to the beginning, containing three hundred and twenty six acres: And one other tract of land on the same side of *Trent* river, a mile above *Newbern*, beginning at a white oak, a corner tree of *Cullen Pollock's* lands, thence south fifty degrees west one hundred and sixty pole to a red oak, thence south forty east two hundred pole to a pine, thence north fifty east one hundred and sixty pole to a cypress, thence to the first station, containing two hundred acres of land; and the said copy of a deed for the before recited lands, signed with the name of *William Heritage*, and attested by *John Wright*, *John Rice*, and *Richard Lovick*; bearing date the twenty eighth day of *March*, in the year of our lord one thousand seven hundred and forty eight, and the probate thereof as attested by *E. Hall*, the then chief justice, having been made appear to the satisfaction of the general assembly to be the true, absolute, and exact copy of the beforementioned original deed of sale;

II. BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the register of the county of *Craven*, and he is hereby required, on application of the said *Richard Nassau Stephens*, or any other person on behalf of the said *Mary Stephens*, to cause the before recited copy of a deed to be registered in the register's office of said county, and the said copy is hereby declared to be good and valid in law and equity, and shall for ever hereafter be deemed and considered as an original deed of bargain and sale, for all and every the lands therein mentioned, any law, usage or custom, to the contrary notwithstanding.

CHAP. XL.

Preamble.

An act to vest in John Hay the property of certain lands in Duplin county.
WHEREAS it was resolved by an assembly held at *Newbern*, in the month of *April*, one thousand seven hundred and eighty, that a law, vesting in *John Hay*, his heirs and assigns, two thousand eighty three and one third acres, part of a survey of land patented by the late governor *Debbs*, containing six thousand acres, more or less, in *Duplin* county, and bounded to the southward and eastward by the six runs, and *Alexander Stewart's* survey, &c. to the northward and westward by *John Sampson's* and *Smith's* lands, should pass. To carry which resolve into effect,

II. 22

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That William Dixon, James Kenan and James Moore;* be, and are hereby appointed commissioners, who shall cause to be surveyed and laid off unto said John Hay, in as small a number of surveys as is practicable, two thousand and eighty three acres and one third of an acre of said land, in such manner as to them, or any two of them, may appear just.

A. D. 1782

Commissioners.

III. *AND be it further enacted by the authority aforesaid, That the surveyor shall make two sets of plots of his surveys, one copy of which he is to deliver to the said John Hay, and the other into the registers office of Duplin county, there to be recorded by the proper officer, which record shall be expressed to be made pursuant to this act.*

Two plots to be made.

IV. *AND be it further enacted by the authority aforesaid, That the sheriff and commissioners of confiscated property for Duplin county, or either of them, shall, and they are hereby directed to give to John Hay aforesaid, entry and possession of all and every part of the aforesaid two thousand eighty three and one third acres, to have and to hold the same by himself, his heirs and assigns for ever, against all persons whatsoever claiming otherwise than under Arthur Dobbs aforesaid.*

Commissioners to give possession.

C H A P. XLI.

An act for erecting a prison in the county of Bertie, and finishing the court house.

WHEREAS the prison of the county of Bertie hath been burnt, and it is necessary that a new one should be built for the use of said county;

Preamble.

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 William Gray, David Stanly, Richard Dawson, and David Turner, or any three of them be, and are hereby nominated and appointed commissioners, trustees or directors, and in case of the death, incapacity, refusal to act, or removal of any of the said commissioners, trustees or directors, the court of the said county is hereby directed to appoint others to act in their stead, for building and erecting a good and sufficient prison for the use of the county aforesaid, and for that purpose to contract and agree with proper persons for compleating and finishing the said prison in such manner as they shall think convenient.*

Commissioners.

III. *AND be it further enacted by the authority aforesaid, That a tax of eight pence specie be levied on each hundred pounds value of taxable property, including poll taxes, within the county of Bertie aforesaid, for the year one thousand seven hundred and eighty two, to be collected by the same person or persons, and in the same manner as other taxes are collected within said county, and accounted for and paid to the said commissioners, trustees and directors, at the same time, and in the same manner, and under the like penalties and restrictions as by law is directed for collecting, accounting for and paying public taxes.*

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

Commissioners to give bond.

V. *AND be it further enacted by the authority aforesaid, That if the monies arising by virtue of this act be more than sufficient to compleat the building hereby directed, the surplus thereof shall be paid by the said commissioners, directors or trustees, to the county court of the said county, by them to be applied towards finishing the court house thereof.*

Surplus appropriated.

VI. *AND whereas the court house of the said county remains unfinished; BE it therefore enacted by the authority aforesaid, That a tax of six pence specie on each hundred pounds value of said county be levied for two years, and be collected by the county collector or collectors in the same manner as other taxes are collected and paid the commissioners appointed by law for building the said court house to be applied towards finishing the same; and the commissioners are hereby fully empowered and authorized to settle with the person by them former-*

Tax laid.

A. D. 1782.

ly contracted with to build said court house, and pay him so much as may appear on such settlement due to him, with the current depreciation thereof, and may either continue him on his former contract or discharge him from the same and agree with some other person or persons as they shall think proper to finish the said court house, and in case any of the said commissioners should die, refuse or neglect to act, it shall and may be lawful for the justices of the inferior court of said county to appoint other commissioner or commissioners in their room, who shall be invested with the same powers and authorities that the others were by law invested with, and shall give bond as is by the said law directed; and if the above tax when collected shall amount to more than will be sufficient to finish the said court house, the surplus shall be paid into the hands of the justices of said county, and applied towards defraying the contingent charges of the said county.

C H A P. LXII.

An act to amend an act, intituled, An act for dividing Edgcomb county, and for other purposes therein mentioned.

Preamble.

WHEREAS the provision made by the aforesaid act for reimbursing the commissioners the money they shall expend in erecting the public buildings in Nash county is found inadequate thereto: For remedy whereof,

Tax laid.

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That there shall be a tax of one shilling on the hundred pounds levied on all the taxable property of the inhabitants of the said county, and a tax of one shilling on all persons of full age not having property to the value of one hundred pounds, for two years, and that the same shall be collected in the same manner, and under the same rules and penalties, as other taxes in this state are, and shall be paid into the hands of the commissioners already appointed for building the said court house, prison and stocks.

Surplus appropriated.

III. *AND be it further enacted by the authority aforesaid,* That the said commissioners shall account with their county court for all monies received by them in virtue of this act, and if any surplus shall remain after the public buildings are finished, the same shall be applied by the said county court towards defraying the contingent charges of the said county.

C H A P. XLIII.

An act for levying a further tax of one shilling on every hundred pounds value of taxable property in the county of Jones, for defraying the expence of completing the public buildings thereof.

Preamble.

WHEREAS by an act of the general assembly passed at Halifax, in the year of our lord one thousand seven hundred and seventy nine, intituled, *An act for dividing Craven county into two distinct counties, and for other purposes therein mentioned,* it was enacted, that all that part of the county of Craven which lies above, or westward of a certain line mentioned in the said act, should be established a new and distinct county by the name of Jones; and whereas by the before recited act a tax of three shillings in every hundred pounds value of taxable property in the said county of Jones, and a poll tax of three shillings on all persons in the said county who have not taxable property to the value of one hundred pounds, was levied for the purpose of purchasing five acres of land in the said county, and for building thereon a court house, prison and stocks, for the use of the said county, which tax from the rapid depreciation of paper currency, has been found insufficient to answer that purpose;

Tax laid.

II. *BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That a further tax of one shilling specie be levied on every hundred pounds value of taxable property in said county, and a poll tax of one shilling specie upon all free men of said county who have not taxable property to the value of one hundred pounds, for one year, for the purpose of enabling the commissioners named in the before recited act to complete the said buildings, and that the said tax shall be collected and accounted for with the said commissioners in the same manner as all other public taxes in this

this state are collected and accounted for; and in case the before recited tax shall be more than sufficient to compleat the said buildings, the commissioners shall settle for and pay the same to the justices of the said county of Jones, which shall be applied towards defraying the contingent charges of the said county. A. D. 1782.

C H A P. XLIV.

An act for levying a further tax of one shilling on every hundred pounds value of taxable property in the county of Cambden, for defraying the expences of compleating the public buildings thereof.

WHEREAS by an act of the general assembly passed at Newbern in April, one thousand seven hundred and seventy seven, intituled, *An act for dividing the county of Pasquotank, and establishing that part thereof on the northeast side of Pasquotank river a county by the name of Cambden*, it is enacted, that a tax of two shillings and eight pence be laid on each taxable person in the said county for three years, to enable the commissioners of said county to build a court house, prison and stocks therein, which tax from the rapid depreciation of our present currency hath been found far inadequate to the completion of said buildings.

II. BE it therefore enacted by the general assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That a further tax of one shilling specie be laid on every hundred pounds value of taxable property in the said county of *Cambden*, for five years, for finishing a court house, prison, and stocks therein, which tax shall be collected and accounted for in the same manner as is directed by the before recited act.

Preamble

Tax laid

C H A P. XLV.

An act for adding part of Burke county to Lincoln, for appointing commissioners for the purpose therein mentioned, and for laying a tax to compleat the public buildings therein.

WHEREAS it hath been represented to the assembly by the inhabitants living in the southeast part of *Burke* county, that they labour under great hardship in attending on courts and other public meetings in the said county, from their remote situation from the court house, and have prayed to be added to the county of *Lincoln*;

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 line shall be run as follows, viz. beginning at *Sparrel's* ford, running with the road leading towards *Henry Whitners*, as far as *Matthew Wilson's*, thence a direct course to *Simon Horse's*, on the waters of *Clark's* creek, thence a direct course to the *Fift-Dam* ford of the south fork of the *Catawba* river, between *James Wilson* and *David Robinson*, and from thence a southwest course to *earl Granville's* old line, and that all that part of *Burke* county lying southeast of the line above described shall henceforth be taken off from *Burke*, and shall be added and remain to *Lincoln* county.

III. AND be it further enacted by the authority aforesaid, That *David Vance* and *John Karath* be, and are hereby appointed commissioners for running the said dividing lines, and that *Daniel M^r Riffick*, *Henry Thomson*, *James Lytle*, *John Dickson*, *John Wilson*, *John Karath*, *Frederick Hamright* and *Nicholas Friday*, be appointed commissioners for affixing a place for the court house and other public buildings in the said county of *Lincoln* as nearly central as may be, and purchasing lands whereon to erect said buildings, and for contracting with workmen to build and compleat the same.

IV. AND be it further enacted by the authority aforesaid, That a tax of six pence specie on every hundred pounds value of taxable property in the said county of *Lincoln* shall be, and is hereby laid, and the same shall be collected and accounted for by the several collectors of the public taxes for the year one thousand seven hundred and eighty two, and the same sum for the year one thousand seven hundred and eighty three, and the said taxes shall be paid by the said collectors into the hands of the commissioners in this act appointed to erect the public buildings.

Preamble

S. vided.

Line run

Tax laid

C H A P.

A. D. 1782.

C H A P. XLVI.

Preamble.

An act to amend an act, intituled, An act for dividing Tryon county, and other purposes.
WHEREAS the commissioners appointed by an act of the general assembly in the year one thousand seven hundred and seventy eight, intituled, An act for dividing the county of Tryon, and to lay out and settle the place where to erect the court house, prison and stocks, for the county of Rutherford, have not complied with said act; and whereas a resolve of the general assembly of Wake county in June, one thousand seven hundred and eighty one, *John Earl, Robert Porter, William Whiteside, James Miller* of Rutherford county, and *William Morrison, esq;* of Burke county, were appointed commissioners to lay out and fix the place for the court house, prison and stocks, in said county, and the said commissioners having settled and agreed that the public buildings be erected on the land of *John Holland*, in the fork of *Sheppard's creek*;

Commissioners.

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 *John Earl, Robert Porter, William Whiteside, James Miller* and *Andrew Hamilton*, are hereby appointed commissioners, and that they, a majority of them, are hereby invested with full power and absolute authority to purchase fifty acres of land from *James Holland*, for the purpose of building a court house, prison and stocks, which at some future day may be laid off into a town, and they, or a majority of them, are hereby impowered and directed to employ workmen to build the court house, prison and stocks, in said county, for the use thereof.

Tax laid.

III. AND be it further enacted by the authority aforesaid, That a tax not exceeding one shilling specie shall, for the years one thousand seven hundred and eighty two, and one thousand seven hundred and eighty three, be levied on every hundred pounds value of taxable property in said county, and a poll tax not exceeding one shilling specie on every free man whose property does not exceed eighty pounds value, for the purpose of building said court house, prison and stocks, which tax shall be collected at the same time, and in the same manner that other public taxes are collected, and shall be paid to the persons who shall be impowered and appointed to receive the same; and if any surplus should arise from said tax it shall be paid by said commissioners to the county court of said county, to be by them applied towards defraying the contingent charges of said county.

IV. AND be it further enacted by the authority aforesaid, That the commissioners by this act appointed are hereby invested with all the other powers and authorities with which the commissioners were invested by the before recited act.

C H A P. XLVII.

Preamble.

An act to oblige the inhabitants of Bladen county to attend public meetings with their arms.
WHEREAS it is represented to this general assembly that from the large number of distressed persons living in said county, and joined by a considerable number of the distressed persons in South Carolina, it is dangerous for the good citizens of said county to attend meetings without their arms, &c.

Armed at public meetings.

II. BE it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act all persons attending the county courts, elections, and all other public meetings in the said county, be, and they are hereby required to bring their guns, and at least six rounds of ammunition to repel the enemy in case they should attempt to surprise the good citizens of said county when in discharge of the injunctions of the laws of the state.

Pen. for neglect.

III. AND be it further enacted by the authority aforesaid, That each and every person liable to attend public duties in said county as aforesaid, neglecting or refusing to bring their guns and at least six rounds of ammunition as aforesaid, shall forfeit and pay for each and every offence ten shillings specie, to be recovered by warrant from under the hand and seal of the commanding officer of said county, by any person who shall sue for the same, and applied to his own use.

READ three times, and ratified in general assembly, the twelfth day of May, anno domini 1782.

RICHARD CASWELL, S. C.
 THOMAS BENBURY, S. C.