

General Assembly
Superior Court

Under THE Office

L A W S

Superior OF Court

N O R T H - C A R O L I N A .

At a General Assembly, begun and held at Fayetteville on the eighteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-six, and in the Eleventh Year of the Independence of the said State, being the first Session of the said Assembly.

C H A P T E R I .

1786

W *An Act for raising Troops for the protection of the inhabitants of Davidson county.*
HEREAS the frequent acts of hostility committed by the Indians on the inhabitants of Davidson county for a considerable time past, renders it necessary that some measures should be taken for their protection: Preamble.

I. *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 two hundred and one men shall be enlisted and formed into a military body, for the protection of the inhabitants of Davidson county, in such manner and form, and under such regulations and rules as are herein after mentioned; whose time of service shall continue for two years, commencing from the day of their first general rendezvous at the lower end of Clinch mountain, unless sooner disbanded by the General Assembly. 201 men to be raised for two years.

II. *And be it further enacted,* That the said troops, when raised and embodied, shall be formed into three companies, each company consisting of sixty-seven men, and officered by one Captain, one Lieutenant, one Ensign and four Serjeants; the whole to be under the immediate command of one Major: The Major, Captains, Lieutenants and Ensigns to be elected by joint ballot of both Houses of the General Assembly, and commissioned by his Excellency the Governor for the time being: The Serjeants to be chosen and appointed by the commissioned officers, or the majority of them, being assembled for that purpose by the commanding officer. How officered.

III. *And be it further enacted,* That each Captain, Lieutenant and Ensign to be commissioned by virtue of this act, shall upon the receipt of his commission, without delay, repair to such place as shall be directed by his commanding officer for the purpose of enlisting troops, and use his utmost diligence in so doing; and shall from time to time, and as often as possible, give information to his said commanding officer of the progress he shall have made in that business; and the said commanding officer, so soon as he shall discover that a sufficient number of troops have been raised, shall give intelligence thereof to his Excellency the Governor for the time being, who with the advice of the Council of State, shall give orders for the marching the said troops from time to time, into the Cumberland settlements; and the present field officers of Davidson county are hereby authorized and required to give directions for the disposition of the said troops, into such proportions and at such places, as may be deemed most likely to intimidate the Indians, and prevent their incursions into the Cumberland settlements: But nevertheless, the commanding officer of the said troops in cases of emergency, or when the situation of affairs or alteration of circumstances shall make it immediately necessary, may take such other measures, and make such other disposition of the said troops, although not directed thereto as aforesaid, as may be deemed most conducive to the safety of the inhabitants aforesaid. Recruiting. Disposition of the troops.

IV. *And be it further enacted,* That the said troops, when raised and entered upon service, shall be trained and disciplined according to such modes as the commanding officer shall judge most proper, to enable them to oppose the Indians in their manner of fighting with success; but shall be subject to the same rules with respect to their government, as were established in the time of the late war by the Congress of the United States, for the government of the continental army. Discipline and government.

V. *And*

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Cloathing.

V. *And be it further enacted*, That every able bodied man who shall be enlisted into the said service, and shall furnish himself with one good rifled or smooth bored gun fit for service, one good picker, mor-bag and powder-horn, twelve good flints, one pound of good powder, and two pounds of good leaden bullets or buck-shot, suitable to his gun, shall be entitled to receive from this state on the first day of October, in each year of his service, one blanket, two pair of stockings, two pair of shoes, two shirts, two leather stocks, one good hunting shirt, one good woollen or fur hat of a middle size, one pair of buckskin breeches, and one waistcoat lined, to be provided and furnished by a clothier to be appointed by his Excellency the Governor for the time being; who shall be furnished in convenient time by the commanding officer of the said troops, with a certificate sworn to before some three or more Justices of some county within this state, with the amount of the number of troops under his command, entitled to draw clothes according to this act; which the said clothier shall present to the Governor for the time being, together with the whole amount of each article wanted for the troops, and thereupon his Excellency shall grant him a warrant on the treasury for a sum sufficient to purchase the said articles at a moderate rate, and to defray the expence of making them into suits, and removing them to the troops: And the said clothier shall purchase the said articles, and cause them to be made up into suits, and delivered to the troops at the times aforesaid, taking a receipt from each foldier, attested by the Captain of the company to which he may belong; for all which services, the said clothier shall be allowed by the General Assembly, on the settlement of his accounts, a sum not less than the amount of the yearly pay hereby appointed for a Captain in the said troops.

Provisions.

VI. *And be it further enacted by the authority aforesaid*, That the Justices of the Peace for the county of Davidson, or the major part of them, for that purpose assembled, shall be, and they are hereby authorized and required from time to time, so long as the said troops shall continue in service, to impose a tax on the inhabitants of Davidson, leviable in corn, pork, beef or other species of provision for the support of the said troops, to be collected at such times and places, by such ways and means, under such regulations, by such persons, and in such proportion as the said Justices, or the major part of them, shall appoint and direct: And also, the said Justices, or the major part of them, shall be empowered to appropriate the public money tax, leviable on the inhabitants aforesaid, (if need should be) to the purpose of defraying the expence of removing the provisions from the place or places of collection to the several stations of the troops; and the said Justices, or the major part of them, shall appoint an officer to superintend the collection and removal of the provisions to the troops, who shall be entirely subject to the directions of the commanding officer, with respect to the place, time and quantity of provisions to be delivered, but to be accountable for his receipts to, and to be paid by the said Justices, or the majority of them, out of the money tax aforesaid, and to be removable by them at pleasure. And the collector or collectors of the several species of provision before mentioned, shall give receipts to the several persons of whom they shall receive any of the before mentioned provisions, which receipts shall be received by the Collectors of the public taxes, at such rates as shall be settled by the Justices of the said county of Davidson or a majority of them, and they shall be proper vouchers for the said Collector in the settlement of his accounts with the county Treasurer, and also for the said county Treasurer in the settlement of his accounts with the public Treasurer, any law to the contrary notwithstanding.

Cloathing for officers.

VII. *And be it further enacted*, That the officers of the said troops shall be allowed the same cloathing herein before allowed to the soldiery, to be furnished by the clothier of the troops, for which he shall be entitled to a warrant on the treasury.

Pay & rations.

VIII. *And be it further enacted*, That the officers and privates of the said troops shall be allowed the same pay and rations (spiritous liquors excepted) as are allowed to the militia officers and privates (regard being had to the ranks of officers) when in the actual service of this state: The payments to be made on the last day of each year's service, or within sixty days after their being disbanded.

Paymaster's duty.

IX. *And be it further enacted*, That the same person who shall be appointed Clothier to the said troops, shall also act as Paymaster to them, and shall at a convenient distance before each day of payment exhibit to his Excellency the Governor, a list signed by the commanding officer, counterigned by the Captain or commanding officer of each company, and sworn to before some Justice of the Peace, specifying the number of troops then in service entitled to draw pay, and the day from which each man's pay commenced, and all such as shall have died in the service, with the amount of the sums due at their death, and the total sum due the troops. And the said Paymaster shall thereupon obtain a draft on the treasury for such total sum, and shall proceed to the distribution thereof, taking a receipt from each man of the sum paid attested by the Captain of the company.

Pay-rolls to be sent Treasurer

X. *And be it further enacted*, That the Captain or commanding officer of each company shall monthly make out a pay-roll of his company, which he shall swear to and sign, and the same be counterigned by the commanding officer of the troops, which shall be transmitted to the Treasurer of this state in order to make settlement with the Paymaster of the said troops.

Cloathier and Paymaster to give security.

XI. *And be it further enacted*, That the said Clothier and Paymaster, before entering on the exercise of his office, shall give bond with sufficient security, in such sum as his Excellency the Governor for the time being shall direct, for the due application of all monies to be received by him according to the directions of this act, and for the faithfully accounting for the same before each General Assembly that shall happen in this state during the continuance of the said troops in service, and also before the General Assembly that shall happen next after the determination of the said service, unless his accounts should be then fully settled and balanced.

Lead & powder

XII. *And be it further enacted*, That the person to be appointed Clothier and Paymaster by virtue of this act, shall provide and furnish the said troops from time to time with such quantities

ties of lead and gun-powder, as shall be required by the commanding officer of the troops; and to that end shall be enabled to draw on the Sheriff of Davidson county for all such sums of money belonging to the public that shall happen to be in his hands, as shall be necessary for that purpose.

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XIII. *And be it further enacted*, That every private to be raised by virtue of this act, shall be allowed four hundred acres of land to be laid off and allotted in some part of this state west of the Cumberland Mountain, in full satisfaction of the half of the first year's pay that shall be due; and in the same proportion for the time that he shall serve over and above one year, in full satisfaction of one half of the pay that shall be due him for such further service. And also the commanding officer of the troops shall be allowed two thousand acres of land, to be allotted as aforesaid, in full satisfaction of half the pay that shall be due him for the first year's service, and in the same proportion for any service over and above the term of one year that he shall perform; and the other officers belonging to the said troops, in like manner shall receive satisfaction for the one half of the pay that shall be due them, in lands in proportion to the quantum of pay that each officer shall be entitled to for the first half year's pay, whenever a proper board shall be appointed for the adjustment of their accounts.

Allowance of land.

XIV. *And be it further enacted*, That if any twenty-five of the said troops shall furnish themselves, each man with a good horse fit for service, four feet eight inches high at the least, and not exceeding nine years of age, with a good saddle and bridle, and one good rifled or smooth bored gun, they shall be formed into a company of cavalry, to be commanded by such officers as a majority of the commissioned officers belonging to the said troops assembled for that purpose shall direct and appoint, and be allowed the same pay and rations (spiritous liquors excepted) as other militia light-horse when in actual service.

Cavalry.

XV. *And be it further enacted*, That the said troops, when assembled at the lower end of Clinch mountain as aforesaid, shall cut and clear a road from thence the nearest, most direct and convenient way to the town of Nashville on Cumberland river, making the same ten feet wide at the least, and fit for the passage of waggons and carts.

Road to be cut.

XVI. *And be it further enacted*, That his Excellency the Governor shall appoint a Commissary or Contractor, whose duty it shall be to furnish the troops with the necessary rations on their march to the Cumberland settlement, and with fifteen axes for each company, and grant him a warrant on the treasury for such a sum of money as will enable him to comply with the same; who before he enters on the execution of his appointment shall enter into bond with sufficient security to the Governor for the time being, for the faithful accounting for all such money as he may have received.

Commissary's duty.

XVII. *And be it further enacted by the authority aforesaid*, That the monies arising from the tax on the lands lying west of the Apalachian Mountains, be and they are hereby appropriated to the purpose of discharging the expence of raising, cloathing, arming and supporting the troops embodied in pursuance of this act. *Provided nevertheless*, That the surplus of such monies if any, shall be carried to the contingent fund.

Expence how defrayed.

XVIII. *And be it further enacted*, That in all returns of taxable property made by the receivers of lists and Clerks of courts, they shall particularly specify the lands situate west of the Apalachian mountains, that the neat produce of the revenue arising therefrom may be ascertained.

Revenue of western counties to be ascertained.

[Passed Jan. 6, 1787.]

CHAPTER II.

An Act to bring to condign punishment and to secure their estates so as to be answerable to the public the persons therein described, accused of certain crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance to certain resolutions of this Assembly from vexatious suits and prosecutions, and to establish a Board for the detection and further discovery of the said fraudulent practices and for settling and liquidating the accounts of the officers and soldiers of the continental line.

WHEREAS divers persons have contrived and carried on many notorious fraudulent and indirect practices, under divers pretences, and under the colour of an act passed at Newbern, in the year 1785, entitled, "An act to empower commissioners to liquidate the accounts of the officers and soldiers of the continental line of this state, and to revive the late Board of Auditors for a limited time;" and also of one other act, entitled, "An act for emitting one hundred thousand pounds paper currency, for the purpose therein expressed," to the great detriment of the public, to the manifest wrong of great numbers of the citizens of this state, and contrary to the intention of the said act, to the great loss of the state, in breach of the great trusts in them reposed, and with a view to their own exorbitant profit, have confederated and combined together in pernicious practices, and have been guilty of the most dangerous and infamous corruptions, to the ruin of public credit: Now to the end of rendering all such persons as aforesaid, for their many frauds, deceits and corruptions, amenable to law, and their estates liable to justice:

Preamble.

I. *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 Judges of law, or any of them, are hereby empowered and required to hold a court of sessions of the peace, oyer and terminer and general gaol delivery, for the trial of all such persons who shall be charged with the having been concerned in the frauds aforesaid or any of them; which court shall be held at Warrenton, in the district of Halifax, on the last Monday in January, and shall continue to set for the term of twenty days, Sundays excluded, unless the business shall be sooner finished; and such court so constituted, shall have the same powers and authorities, and the jurors summoned thereunto, shall

Court where when to be held.

Its powers.

be

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Jurors how summoned.

Justices to meet for that purpose.

Judge may adjourn proceedings, &c.

Bond to be given by those charged, &c. to the Judges.

Prosecutions not to abate.

Not giving security to be imprisoned, &c.

Felony for breaking gaol, &c.

Inventory of estate to be given.

Penalty for not complying.

Property not alienable.

Preamble.

Indemnity to certain persons

Board instituted to detect frauds, &c.

be under the same rules, regulations and restrictions as if the said court had been called in the town of Halifax; and shall be paid out of the public treasury upon producing their certificates to the Treasurer; and the said Judges shall have and exercise the same powers, jurisdiction and authority, as the Judges of the superior court have heretofore done when acting under a commission of oyer and terminer and general gaol delivery to them duly and legally issued.

II. *And be it further enacted by the authority aforesaid,* That the Sheriffs of the several counties of the district of Halifax, do forthwith and without delay summon jurors to attend the said court of oyer and terminer, *that is to say,* the same number of jurors for the several counties respectively as by law are directed to be summoned to attend the superior court of the district of Halifax, to be nominated by the Justices to be summoned by the Sheriff of each county within the said district, which nomination shall not be by a smaller number than five of the said Justices in each county.

III. *And be it further enacted,* That the Sheriff of each of the said counties, shall and are hereby respectively required to summon the said Justices to meet for the purpose aforesaid, on the third Tuesday of January.

IV. *And be it further enacted,* That the Judge or Judges who shall hold the said court, may if the same should be thought proper and necessary, adjourn all proceedings before him or them, to the next succeeding court of the district or county, as the case may be, where such offences may be cognizable; and bind all persons accused before them and not tried before the expiration of the said term, and all witnesses necessary to be produced in behalf of the state, to appear before such court at the said next meeting.

V. *And be it further enacted,* That the several persons charged before the said court of oyer and terminer, by presentment or indictment, or theretofore convicted, shall enter into bond with good and sufficient sureties before the Judge or Judges of the said court, in double the amount of the due-bills drawn by such persons respectively out of the office of the Commissioners of army accounts, that they will not transport their property out of this state, or leave this state for the space of twelve months and till the end of the next session of Assembly.

VI. *And be it further enacted,* That no prosecution which shall be begun in consequence of and by virtue of this act shall abate or be discontinued, for or by reason of the offences charged having been committed in any other district, than that in which such court of oyer and terminer shall be held.

VII. *And be it further enacted by the authority aforesaid,* That any person or persons failing or neglecting to enter into recognizance as aforesaid, may be committed to any gaol of the state without bail or mainprize, and their property sequestered as a security to the public.

VIII. *And be it further enacted by the authority aforesaid,* That if any such person or persons shall depart the state, or having been committed to prison shall escape therefrom, he or they, together with any person or persons aiding and assisting such departure or escape, shall be held and deemed guilty of felony, and his or their estate forfeited to the use of the public, and shall suffer death without benefit of clergy.

IX. *And be it further enacted by the authority aforesaid,* That each and every of the persons aforesaid, shall on or before the last day of the court of oyer and terminer by this act appointed, deliver upon oath to the Judge or Judges of the said court, an inventory of all their estate real and personal, of which they were possessed on the first day of November, in the year one thousand seven hundred and eighty-five, or at any time since, as also an account of such estate as they have aliened or disposed of since that day; and any person or persons aforesaid failing to render the said inventories and accounts, or shall knowingly make a false return of his or their property as aforesaid, in order to conceal the same, he or they on conviction thereof shall be held and deemed guilty of felony, and his or their estate forfeited to the use of the public.

X. *And be it further enacted by the authority aforesaid,* That each and every of the persons aforesaid shall, until the end of the next General Assembly, be held and deemed incapable in law of alienating or disposing of any of their estates real or personal in any manner whatever.

And whereas the enormity of the fraudulent and corrupt practices of the persons aforesaid, and the security of the state, have rendered proceedings in order to bring them and others suspected of the same offences to justice, and to prevent the concealment of their estates and alienation thereof, which although they may not have been strictly legal, were yet absolutely necessary for the public safety:

XI. *Be it therefore enacted by the authority aforesaid,* That all persons who have acted pursuant to any resolve of this General Assembly, or order of the Governor of this state, in order to apprehend any person or persons suspected of the fraudulent and corrupt practices aforesaid, and to sequester the real and personal estates of any person or persons so suspected to be rendered liable to justice, they and each of them are hereby fully indemnified against all suits and prosecutions of whatever nature for any act or acts so by them committed.

And for the better discovering and more effectually detecting the frauds which have been committed in the settlement of the said army accounts:

XII. *Be it further enacted by the authority aforesaid,* That three persons to be appointed by joint ballot of both Houses of the General Assembly, be and they are hereby constituted a board, who, or any two of them, shall examine the books, vouchers and proceedings of the board for settling and liquidating the remainder of the accounts of the officers and soldiers of the continental line belonging to this state, as far as such books, papers, accounts and vouchers, relate to the proceedings of the said board, in the year one thousand seven hundred and eighty-six, appointed by an act as before recited: And the said board or any two of them are hereby declared to possess full power and authority to investigate the said frauds, examine the said books and accounts, and determine what accounts were unjustly and unlawfully settled, and what monies and certificates were procured from the state on such settlements by fraud and imposition.

And

And the better to enable the said board to investigate and discover the frauds and impositions which have taken place:

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XIII. *Be it further enacted by the authority aforesaid,* That the Governor be and he is hereby required to direct the delegates from this state to make application to the United States in Congress, for all the muster-rolls of the continental line of this state returned to the War-office or the Paymaster-General, and the faith of this state is hereby solemnly pledged for the security and safe return of the same.

Muster-rolls to be obtained.

XIV. *And be it further enacted by the authority aforesaid,* That the commissioners appointed by this act, shall as soon as they have examined the said books, vouchers and accounts, make return to the Comptroller of this state of such accounts as shall appear on such investigation to have been justly settled, and the claimant rightfully entitled thereto, and where a claimant may have procured a certificate or due-bill for a larger sum than he was justly and legally entitled to, the said board are hereby invested with full powers, to settle the account or claim of such officer or soldier, and return the true balance that may be due in the same manner to the Comptroller, who is hereby required to issue a certificate for the same agreeable to the said returns, which returns shall relate to the certificate part of such pay due to such officer and soldier, and shall be delivered by the Comptroller to such officer or soldier, or their agents, attorney, executors, administrators or assigns, who may be authorized to receive the same, and all the certificates issued by the said board for settling and liquidating the remainder of the accounts due officers and soldiers of the continental line of this state under the said act, entitled, "An act to empower Commissioners to liquidate the accounts of the officers and soldiers of the continental line of this state, and to revive the late boards of Auditors for a limited time," passed at Newbern, in the year one thousand seven hundred and eighty-five, are hereby declared null and void, and shall not be received in payment of taxes or any other public demand whatever. And that justice may be done as speedily as possible, the Commissioners appointed by this act are hereby required to make return to the Attorney-General of all such persons as have by fraud, imposition or otherwise wrongfully and unjustly procured due-bills, or drawn or procured to be drawn monies out of the treasury of this state, in consequence of the settlements made by the Commissioners appointed in the said act, passed at Newbern, in the year one thousand seven hundred and eighty-five, as soon as such frauds shall be by them discovered and ascertained, and the certificate of the said board relative to such frauds, is hereby declared legal testimony in any court of law or equity in this state, and the Attorney-General is hereby required to bring suit without delay, for the recovery of such monies, in any court of record having cognizance thereof, which suits shall be tried the first court the same is set for trial, without regard to any other suit or suits that may have been docketed before it.

Return to be made Comptroller.

This Board to settle remaining accounts.

To make return of frauds &c. to Attorney-General.

XV. *And be it further enacted,* That no suit shall abate for or by reason of the cause of action having arisen in any other district, or by reason of one or more of the parties being residents of any other districts, but such suits shall be had and maintained as if the cause of action had originated in the said district, and the party or parties against whom suit was brought had been resident within the said district, any law, usage or custom to the contrary notwithstanding.

Suits not to abate.

XVI. *And be it further enacted by the authority aforesaid,* That the books of accounts of the Treasurer, as well as of the Auditors for liquidating army accounts, the continental muster-rolls and authenticated copies thereof, shall be held and deemed legal evidence in any prosecution or suit which may be had in consequence of this act.

Testimony.

XVII. *Be it enacted by the General Assembly, and by the authority of the same,* That the Treasurer of this state and the Comptrollers attend, and they are hereby required to attend the said court of oyer and terminer, and to carry with them, ready to be produced in evidence when the Attorney-General shall require the same, all books of accounts, certificates, vouchers, claims, accounts, due-bills, orders, and all and singular other writings which relate to the conduct of the treasury office, or the office of Commissioners for the settlement of army accounts, so far as they relate to the conduct of the late Treasurer; and the said Commissioners and all others on the passing or payment of the said claims, and all other matters relating to the frauds heretofore set forth.

Treasurer & Comptroller to attend.

XVIII. *Be it enacted also,* That the Attorney-General shall be allowed five pounds per day, for attending the said court, and forty shillings for every day he shall be going to or returning from the same. That each and every Judge who shall attend the said court be allowed five pounds per day for his attendance on the said court, and forty shillings for every day he shall be going to or returning from the same.

Allowance to Judges, &c.

XIX. *And be it further enacted,* That each of the Commissioners hereby directed to be appointed, shall be allowed thirty-two shillings for every day they shall be attending on the board on the public business.

To Commissioners.

XX. *And be it further enacted,* That each of the said Commissioners before entering on the duties of his office, shall enter into bond before some county court, with good and sufficient security, in the sum of ten thousand pounds, payable to the Governor for the time being for the use of the state, for the faithful and honest discharge of the duties of his said office; which bond shall be entered of record and transmitted to the Governor by the Clerk of such court; and shall also take the following oath before the Judge or Judges who shall hold the said court of oyer and terminer, *to wit,* "I do solemnly swear, that in all things pertaining to my office as a Commissioner of the board for examining the proceedings of the late Commissioners of army accounts, as directed by the act which constitutes the said first mentioned board, I will truly, honestly and impartially do and execute my duty."

Their surety and oath.

[Passed Jan. 4, 1787.]

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CHAPTER III.

An Act for appointing Deputies from this state, to a convention proposed to be held in the city of Philadelphia in May next, for the purpose of revising the federal constitution.

Preamble.

WHEREAS in the formation of the federal compact which frames the bond of union of the American states, it was not possible in the infant state of our republics to devise a system which in the course of time and experience would not manifest imperfections that it would be necessary to reform. And whereas the limited powers which by the articles of confederation are vested in the Congress of the United States, have been found far inadequate to the enlarged purposes which they were intended to produce. And whereas Congress hath by repeated and most urgent representations, endeavoured to awaken this and the other states of the union, to a sense of the truly critical and alarming situation into which they must be unavoidably cast, unless measures are forthwith taken to enlarge the powers of Congress, that they may thereby be enabled to avert the dangers which threaten our existence as a free and independent people. And whereas this state hath been ever desirous to act upon the enlarged system of the general good of the United States, without bounding its views to the narrow and selfish object of partial convenience, and has been at all times ready to make every concession to the safety and happiness of the whole, which justice and sound policy could vindicate :

Commissioners to be appointed

Powers, &c.

Governor to supply vacancies, &c.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and by the authority of the same,* That five Commissioners be appointed by joint ballot of both Houses of Assembly, who, or any three of them, are hereby authorized as Deputies from this state, to meet at Philadelphia on the first day of May next, then and there to meet and confer with such Deputies as may be appointed by the other states for similar purposes, and with them to discuss and decide upon the most effectual means to remove the defects of our federal union, and to procure the enlarged purposes which it was intended to effect, and that they report such an act to the General Assembly of this state, as when agreed to by them, will effectually provide for the same.

II. *And be it further enacted,* That in case of the death or resignation of any of the said Deputies, or of their declining their appointments, his Excellency the Governor for the time being, is hereby authorized to supply such vacancies, and the Governor is required to transmit forthwith a copy of this act to the United States in Congress assembled, and to the executives of each of the states in the union. [Passed Jan. 6, 1787.]

CHAPTER IV.

An Act to make the Securities therein named negotiable.

Preamble.

WHEREAS it would contribute to the convenience of merchants, traders and other inhabitants, in the interchange of property which traffick makes necessary, that bills, bonds and notes, as well those with as those without seal, should be made negotiable :

Securities negotiable, &c.

I. *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 bills, bonds or notes for money, as well those with seal as those without seal, those which are not expressed to be payable to order or for value received, as those which are expressed to be payable to order and for value received, shall after the passing of this act be held and deemed to be negotiable, and all interest and property therein shall be transferable by endorsement, in the same manner, and under the same rules, regulations and restrictions, as notes called promissory or negotiable notes have heretofore been : And the indorsee or assignee may have and maintain his action of the case for the recovery of the monies due him upon such bill, bond or note, notwithstanding any seal thereunto annexed, in his the said indorsee's or assignee's own proper name, as suits have been heretofore had and maintained by indorsees or assignees of notes called promissory or negotiable.

Executors, &c. in settlements, how to act.

II. *And be it further enacted by the authority aforesaid,* That executors and administrators, in the payment of the debts of their testators and intestates, shall hereafter hold and consider debts due upon bills, bonds and promissory notes, whether with or without seal, and all settled and liquidated accounts signed by the debtor, as of equal dignity, and shall pay the same accordingly : *Provided always,* That executors and administrators shall in all other respects, except as aforesaid, have the same right of preference in the payment of creditors, which they have heretofore had and held under the laws then in force.

Interest.

III. *And be it further enacted by the authority aforesaid,* That all bonds, bills, notes, bills of exchange, liquidated and settled accounts, shall bear interest from the time they become due, provided that such liquidated and settled accounts shall be signed by the debtor, unless it shall be specially expressed that interest is not to accrue until a time specially mentioned in the said writings or securities : *Provided also,* That this act shall not extend to, or have any operation with respect to any bonds, bills, notes, bills of exchange, liquidated or settled accounts heretofore given or made.

Those on demand.

IV. *And be it further enacted by the authority aforesaid,* That all bills, bonds and notes made payable on demand, shall be held and deemed to be due on demand made by the creditor, his agent or attorney, by suit or request, and shall bear interest accordingly.

Specific contracts.

V. *And be it further enacted,* That all securities for the payment or delivery of tobacco, and all other specific articles, shall bear interest as monied contracts, *that is to say,* the articles shall be rated by a jury at the time they become due, and interest be paid by the debtors accordingly.

Provisoes.

Provided always, The act of limitation of this state shall apply to all bonds, bills and other securities hereafter executed, made transferable by this act after the assignment or indorsement thereof, in the same manner as it operates by law against promissory notes : *And provided also,* That this act shall not be in force until the first day of May next.

[Passed Jan. 6, 1787.]

CHAPTER

CHAPTER V.

1786.

An Act to impose a duty on all Slaves brought into this state by land or water.

WHEREAS the importation of slaves into this state is productive of evil consequences, and highly impolitic: Preamble.

I. *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, a duty of fifty shillings per head on all slaves under seven and over forty years of age; and a duty of five pounds per head on all slaves between the age of seven and twelve years, and between the age of thirty and forty years, and a duty of ten pounds per head on all slaves of twelve years and upwards to the age of thirty years, shall be collected by the Collectors of the different ports in this state, on all slaves brought into any of the said ports; which duty shall be collected and accounted for in the same manner, and under the same regulations as are prescribed for collecting and accounting for the duties on goods, wares and merchandize, &c. imported into this state. Duty on slaves imported by water.

II. *And be it further enacted by the authority aforesaid,* That if any slave or slaves shall be brought into this state by land; except as herein after excepted, the person or persons who shall have the care of the same or claim thereto, shall within ten days after his or their arrival within the state, make faithful return of the number of slaves so brought into the state, to the Clerk of the court of the county where he may be, and shall swear to and subscribe the said return or list, as just and true; and shall pay into the hands of the Clerk the aforesaid duties for each and every slave, for the use of the state, or give bond and sufficient security for the payment of the said sum in three months after such return is made; and upon failing to perform the condition of the said bond, the Clerk is hereby directed at the first court which may be held after the said bond is due, to enter up final judgment thereon, and the court is hereby directed to award execution. Those brought by land.

III. *And be it further enacted,* That the Clerks of each court respectively, shall annually account with the Treasurer on oath, for all the duties they may receive in virtue of this act, under the same pains and penalties as they are liable to for failing to account for other public monies. Clerks to render account.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons who may bring slaves hereafter into this state by land, shall fail or neglect to comply with the directions of this act, in making return of the same on oath as is by this act directed, he shall forfeit and pay the sum of one hundred pounds for each slave so brought in and not accounted for, to be recovered in any court of record within this state, one half to the person who shall sue for the same, and the other half to the use of the state; and shall be moreover liable to pay the aforementioned duty on each slave, in manner as is before prescribed: *Provided nevertheless,* That nothing in this act shall be construed to compel any person or persons who may remove to this state with their families and property, in order to become citizens thereof, to pay the aforesaid duty on any slave or slaves belonging to them; but in such case the person or persons bringing such slave or slaves into this state, shall, before some Justice of the Peace of the county in which he or she may be, take the following oath: "I A. B. do swear, that the slaves brought by me into this state are for my own service, and that I have not brought them into the state with intention to sell or dispose of them, or to evade the payment of the duties imposed on slaves brought into this state by land or water. So help me God." *And provided also,* That this duty shall not be imposed or collected on any slaves which may become the property of any of the citizens of this state by gift, devise, marriage, or descent, or any which are now the property of any of the said citizens, and taken by the British in the late war, and which may be within any of the United States or elsewhere. Penalty for not complying

V. *Be it enacted,* That a tax of five pounds per head shall be levied and collected by the Collectors of the different ports within this state, upon all slaves imported therein from the coast of Africa, and which have not been more than one month in any other port or place after leaving the said coast; *provided,* That no slave born on the passage shall be subject to this tax. Tax on slaves from Africa.

VI. *And be it further enacted,* That every person who shall introduce into this state any slave or slaves after the passing hereof, from any of the United States which have passed laws for the liberation of slaves, shall on complaint thereof before any Justice of the Peace, be compelled by such Justice to enter into bond with sufficient surety in the sum of fifty pounds current money for each slave, for the removing of such slave or slaves to the state from whence such slave or slaves were brought, within three months thereafter, the penalty whereof shall be recovered, one half for the use of the state, the other for the use of the prosecutor, on failure of a compliance therewith; and the person introducing such slaves shall also in case of such failure, forfeit and pay the sum of one hundred pounds, to be recovered by any person suing for the same, and applied to his own use. Proviso.

VII. *And be it enacted by the authority aforesaid,* That all slaves brought into this state, unless in vessels which enter with the Collectors of duties in some of the ports in this state, shall be considered as having been brought in by land, and liable to the same fines, penalties and duties, as is directed by this act; *provided,* That nothing herein contained shall be construed so as to impose the aforesaid duty or forfeiture on any slave or slaves who may pass through this state to any other state, under the direction of their owners. Penalty, &c. on bringing slaves from certain states.

VIII. *And be it further enacted by the authority aforesaid,* That this act shall not be in force or take effect, before the first day of February next. Unless entered with Collector as if brought by land.

IX. *And be it further enacted,* That all laws and clauses of laws which come within the meaning of this act, as far forth as they respect a duty or imposition on slaves imported or brought into this state by land or water, are hereby repealed and made void. Proviso.

[Passed Jan. 6, 1787.]

CHAPTER

1786.

CHAPTER VI.

An Act to amend an act, entitled, "An act to secure and quiet in their possessions all such persons, their heirs and assigns, who have purchased or may hereafter purchase lands and tenements, goods and chattels, which have been sold or may hereafter be sold by the Commissioners of forfeited estates legally appointed for that purpose."

Preamble.

WHEREAS doubts have arisen whether the citizens of this state, claiming property by any title whatsoever, which had been seized and sold by the Commissioners appointed to sell the confiscated property, were enabled to claim, or commence and prosecute a suit or suits in any of the courts of law in this state for the aforesaid property, by reason of the aforementioned act:

Citizens may prosecute suits.

I. 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 citizens of this state are hereby declared to possess and enjoy the right and privilege to commence, prosecute and maintain any suit or suits in any of the courts of law or equity within this state, for any real or personal estate sold by any of the Commissioners of forfeited estates: Provided the said citizens do not hold or derive their titles, by, from or under any person or persons named or described by some one of the laws commonly called the Confiscation Laws.

Proviso.

Commissioner to prosecute for estates claimed.

II. And be it further enacted by the authority aforesaid, That in case any real estate should be deemed by a Commissioner of confiscated property to be forfeited, and should be claimed by any citizen or citizens as not liable to confiscation, such Commissioner shall not proceed to the sale thereof, but shall commence a suit for the recovery of such estate in the same manner as by law directed for the recovery of personal property withheld from him: And such suit shall be instituted in his name as Commissioner of his own particular district for and on behalf of the state, and the same proceedings shall be had thereon as in other suits of the like nature.

[Passed Jan. 6, 1787.]

CHAPTER VII.

An Act to alter the mode of punishing Horse stealing; also to repeal an act, entitled, "An act to prevent Horse stealing."

Preamble.

WHEREAS it is inconsistent with the policy of a well regulated government, that the crime of Horse stealing should be subjected to a punishment as severe as that which is inflicted for the most atrocious offence of which human nature is capable: And whereas from the punishment in its nature and gradation bearing no proportion to the guilt, the persons injured, from compassion forbear to prosecute, juries from the same motive too often acquit, and if convictions are had, pardons are extended to the guilty, whereby the present mode of punishing is found inadequate to the evil:

Punishment for horse stealing.

I. 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 if any person or persons from and after the first day of February next, shall feloniously steal or take any horse, mare or gelding of the property of any other person or persons, or of this state, or of the United States of America, and shall be thereof convicted, every such person or persons so offending, for the first offence shall stand in the pillory one hour, and shall be publicly whipped on his, her or their bare backs with thirty-nine lashes well laid on, and at the same time shall have both of his, her or their ears nailed to the pillory and cut off, and shall be branded on the right cheek with the letter H. of the length of three-quarters of an inch and of the breadth of half an inch, and on the left cheek with the letter T. of the same dimensions as the letter H. in a plain and visible manner; and for the second offence shall suffer death without benefit of clergy.

Not admitted to bail.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, no person charged with stealing any horse, mare or gelding on the direct testimony of one witness or more, shall be admitted to bail.

All former laws repealed.

III. And be it further enacted, That all acts and laws which are contradictory to or inconsistent with this act, are hereby repealed and made void.

IV. And be it further enacted, That the above recited act, entitled, "An act to prevent Horse stealing," passed at Newbern, in October in the year 1784, shall be and the same is hereby repealed.

[Passed Jan. 6, 1787.]

CHAPTER VIII.

An Act for the Support of Government, and for appropriating the Revenues of the state.

Preamble.

WHEREAS it is proper that those who dedicate their time and abilities to the service of the public ought to be recompensed for the same:

Annual salary to officers of government.

I. 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 following annual salaries to be discharged in half yearly payments, and the following daily allowances, shall be the recompences of the several officers of this state hereafter named, that is to say,

No. 1. To his Excellency the Governor seven hundred and fifty pounds.

No. 2. To the Secretary of State one hundred pounds, in full consideration of all services and expences incidental to his office, except such for which he is expressly allowed fees by law.

No. 3. To the Private Secretary one hundred pounds, as a full recompence for all the duties which the said Secretary by law or custom is obliged to perform.

No. 4. To each Judge of the Superior Court of Law and Equity in this state, fifty pounds for each court he shall attend.

- No. 5. To the Attorney-General of this state forty pounds for each court he shall attend.
- No. 6. To the Comptroller five hundred pounds for all services incidental to his office.
- No. 7. To the Treasurer five hundred pounds.
- No. 8. To the public Printer six hundred pounds.

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II. *And be it further enacted by the authority aforesaid,* That the following monthly and daily allowances shall be paid to the persons hereinafter mentioned, *to wit,*

Monthly and daily allowances.

- 1. To each of the Delegates of this state in the honourable the Congress of the United States of America, the sum of sixty-four pounds for every month he shall be attending the duty of his office, or travelling to and from Congress.
- 2. To each of the Members of the Council of State for each day's attendance twenty shillings.
- 3. To the Clerk of the Council for each day he is employed the sum of twenty shillings.
- 4. To the Door-keeper of the Council of State for each day he is employed eight shillings.

And the said annual salaries shall be paid as aforesaid in half yearly instalments, on warrants drawn by the Governor, bearing date the last day of June for the first payment, and the last day of December for the second, unless otherwise specially provided in this act.

And whereas it is necessary to provide an adequate fund for the payment and punctual discharge of the said salaries and allowances :

III. *Be it enacted by the authority aforesaid,* That all and singular the monies which shall arise and be received from the tax on polls, levied by virtue of an act, entitled, " An act for levying a tax for the support of government and for the redemption of old paper currency, specie and other certificates," passed at Newbern, in November, in the year 1785, and all and singular the monies which shall hereafter be levied and collected annually on a poll-tax in pursuance of a general law for that purpose, shall and the same is hereby appropriated as a fund for the regular payment of the said salaries, wages and allowances, and for the payment and recompence of all such officers of government as shall or may hereafter be put on the civil list of this state, and so shall remain, continue and be applied, and to no other use or purpose whatsoever ; any law, usage or custom to the contrary notwithstanding : *Provided nevertheless,* That the surplus of such monies arising from the said tax which may remain in the treasury after the payment of the civil list charges of the current year, shall and may be placed to the contingent fund, and applied accordingly.

Appropriation of taxes for payment of civil list.

Proviso.

And whereas the United States in Congress assembled have recommended to the several states to establish substantial revenues adequate to the punctual and honourable discharge of their respective quotas of the interest and principal of the foreign loans :

Preamble.

IV. *Be it therefore enacted by the authority aforesaid,* That all and singular the monies which shall hereafter arise from and be collected by virtue of an act made and passed at Hillsborough, anno Domini 1784, entitled, " An act for levying certain duties therein mentioned on all foreign merchandize imported into this state, in aid of the public finances, and directing the mode of collecting the same," and also one other act passed at Newbern in the same year, entitled, " An act to amend the said act," and also by virtue and in pursuance of an act passed at Newbern, anno Domini 1785, entitled, " An act for the regulation of commerce," and all the monies arising from the duties imposed on goods imported by merchants into this state by land, and collected in pursuance of an act, entitled, " An act for raising a public revenue for the support of government, and to repeal an act entitled, An act to suppress excessive gaming," and all the monies which may become due for duties on goods or merchandize of any kind hereafter imported into this state by land or water, and all the tonnage on foreign bottoms as far as the same shall or may be considered as a duty or duties imposed for the purpose of revenue, and all the monies which shall arise and be collected from the tax laid on lands and collected in pursuance of an act, entitled, " An act for levying a tax for the support of government, and for the redemption of continental money, old paper currency, specie and other certificates," passed at Newbern, anno Domini 1785, and all the monies which shall hereafter be received and collected from the tax usually called the land tax in this state, laid and levied in pursuance of any general law for the purpose of public revenue, be, and the said revenues and sources of revenue are hereby severally and respectively appropriated for and towards a fund for the punctual and regular discharge of this state's estimated quota of the principal and interest of the foreign loans, and so shall remain and continue to be paid and applied yearly and every year, until the final extinction of the said debts, in the manner directed by an act passed this session, entitled, " An act for amending an act, entitled, An act for emitting one hundred thousand pounds for the purposes therein mentioned, and for appropriating the tobacco lately purchased by the Commissioners, to discharge the interest of this state's quota of the foreign debt, and for making effectual provision for the future discharge of this state's quota of the principal and interest of the foreign debt," and as the General Assembly shall hereafter direct, and to no other use, intent or purpose whatsoever ; any former or other appropriation thereof, or of any part thereof, or any law, usage or custom to the contrary notwithstanding.

Appropriation of taxes for payment of foreign debt, &c.

V. *And be it further enacted by the authority aforesaid,* That the remaining revenues and sources of revenue shall be considered as the contingent fund, to be applied to the incidental charges and exigencies of government.

Contingent fund.

VI. *And be it further enacted,* That eight month's allowance according to the rates herein before established, shall be paid to each Delegate, at least two months before his setting out for Congress.

Advance to Delegates.

[Passed Jan. 6, 1787.]

CHAPTER IX.

An Act to amend an act for dividing Guilford county.

WHEREAS the place fixed on by the Commissioners for erecting the public buildings in the county of Rockingham, is not near the centre, as appears by an accurate survey thereof, by which means many of the inhabitants are put to an unnecessary expence and trouble in attending general musters, elections and other public meetings therein ;

Prca able

and

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and it having been represented to this Assembly, that erecting the said buildings in the centre of the said county, would give general satisfaction to the said inhabitants, and the proprietor of such land so lying in the centre, having assented thereto.

Commissioners
to build court-
house, &c.

Their power.

I. *Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same,* That the court-house, prison and stocks for the said county of Rockingham, shall be erected and built on the lands of Charles Mitchell, on the east side of Big-Rock House Creek; and that Samuel Henderson, John Reagan, Richard Marr, Peter O'Neal and Thomas Massey, Esquires, be and they are hereby appointed commissioners for erecting the said buildings in lieu of those appointed by the aforesaid act; which said commissioners, appointed by this act, are hereby vested with the same powers and authorities, and subject to the same pains and penalties as those heretofore appointed, and the said commissioners are hereby authorized and empowered to contract for one or more acres of land for the purpose of erecting the public buildings on, and they are hereby authorized and required to receive a deed or deeds conveying the said lands so purchased by them, to the Justices of the said county of Rockingham, and their successors in trust for the said county.

[Passed Jan. 1, 1787.]

CHAPTER X.

An Act to amend an act, entitled, "An act for the more regular collecting, payment of, and accounting for the public taxes," and for laying certain duties therein mentioned.

Preamble.

WHEREAS in some of the counties Collectors have not been appointed, and in others when appointed have failed to perform the duties required of them by law, by which means the taxes in such counties remain unpaid, and the intentions of the General Assembly respecting revenue are in a great measure defeated: For remedy whereof,

In case of default
of Sheriffs to
collect the tax.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, whatever county court Sheriffs of such counties to collect the public taxes and be accountable for the same, and for such services shall have the same allowance as is allowed by law to the Collectors for the same service.

Refusal of col-
lector, &c.

II. *And be it enacted by the authority aforesaid,* That from and after the passing of this act it shall be the duty of the Sheriffs to serve the Collectors appointed by the county courts with a copy of their appointments, and in case of the refusal or neglect of them or any of them to act, they shall immediately signify their refusal under their hands on the back of the order in writing; which order the Sheriff shall return to the Clerk, in which case it shall be the duty of the Sheriffs to collect the taxes in such district or districts for which the Collector or Collectors so refusing or neglecting to act were appointed, and for such services they shall have the same allowance as is allowed to the Collectors by law.

Clerks to make
return to the
Comptroller.

III. *And be it further enacted by the authority aforesaid,* That the Clerk of each and every county court within this state, shall and they and every of them are hereby required to transmit to the Comptroller at his office, on or before the first day of June in each and every year, attested copies of the amount of taxable property and polls subject to pay a public tax for the preceding year, setting forth in such return the quantity of each species of property subject to be taxed as aforesaid, and the number of polls within his county.

Fines, &c.

IV. *And be it further enacted,* That the Clerk of each and every of the superior and county courts, shall and they are hereby required, at the time for making returns of the amount of taxable property aforesaid, to render unto the Comptroller an account of the fines, forfeitures and amercements that are due and payable for the use of the state, and if no such fines and forfeitures have been recovered in any of the said courts, the Judge or three of the Justices (as the case may be) of such court shall certify the same: And at the same time the said Clerks shall and they are hereby required to transmit to the said Comptroller, copies of the settlements of the Commissioners of confiscated property for their respective counties; and for each and every of the aforesaid returns made and transmitted by such Clerk, he shall be allowed the sum of eight shillings, to be paid out of the county tax, on his producing the Comptroller's receipt therefor.

Clerks to give
bond.

V. *And be it enacted by the authority aforesaid,* That the Clerk of each and every county court within this state, shall enter into bond with sufficient securities for the due and faithful discharge of the aforesaid duties, in the sum of one thousand pounds; which bond shall be transmitted to the Comptroller by the Chairman of the court, under the penalty of one hundred pounds, to be sued for and recovered by the Comptrollers of the state, by action on the case in any court of record having cognizance of the same, for the use of the state; and the Comptroller shall and may enter judgment on the said bond in case of failure or neglect after notice given in the manner of entering up judgment against county Treasurers.

Comptroller to
account with
Treasurer.

VI. *And be it enacted by the authority aforesaid,* That it shall be the duty of the Comptroller to open an account against the public Treasurer agreeable to the returns he shall receive, distinguishing the money from the certificate tax; and it shall be the duty of the public Treasurer to settle with the Comptroller on or before the second Monday in November in each year, and the Treasurer and Comptroller shall each lay before the General Assembly that may meet subsequent to their settlement their accounts for the inspection of the Assembly.

Preamble.

And whereas the tax, called the continental tax, which was ordered to be collected for the year 1785, hath not been collected in many of the counties within this state owing to the misapprehension or mistake of the Sheriffs and inhabitants of said counties:

Former taxes
to be collected.

VII. *Be it further enacted by the General Assembly,* That the Sheriffs or Collectors of such counties who have neglected to make collection of the said tax, be and they are hereby directed to make collection of the same in current money, as well from those who have heretofore collected and not accounted as those individuals who have never yet paid, and that the Sheriffs or Collectors of such counties shall at their next annual settlement with the Treasurer, account for
and

and pay into the treasury the aforesaid tax, under the penalties inflicted by law for neglect in accounting for any other tax.

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And whereas it is necessary that the duties on certain imported articles should be altered or encreased in aid of the public finance :

VIII. *Be it therefore enacted by the authority aforesaid,* That from and after the first day of April next, the following duties shall be paid on the following goods, wares and merchandize imported in this state, in lieu of the duties heretofore laid, on the goods and articles herein enumerated and particularised, *that is to say,* Upon all rum of Jamaica proof, six pence per gallon; upon all other spiritous liquors five pence per gallon; upon molasses two pence per gallon. *Provided nevertheless,* That all molasses which shall be distilled in this state, on the person who distills the same producing a certificate on oath within six months to the Collector, shall receive a draw-back of the said duty of two-pence on every gallon so distilled. Upon salt six pence per bushel, on every dozen packs of playing cards twelve shillings, upon all woollens, linens, plantation and workmans tools, bar-iron, steel and castings, a duty of two and an half per cent. ad valorem; upon all other goods and merchandize not herein enumerated which heretofore was subject to a duty of two per cent. ad valorem, an impost of five per cent. ad valorem, shall be levied, collected and paid to the use of the state in the same manner and under the same regulations, and subject to the same seizure, forfeiture and other penalties as are provided by an act, entitled, "An act for laying certain duties therein mentioned on all foreign merchandize imported into this state, in aid of the public finance, and directing the mode of collecting the same," and also one other act passed at Newbern, in October, one thousand seven hundred and eighty-four, entitled, An act to amend the said act, and one other act made at Newbern, one thousand seven hundred and eighty-five, entitled, "An act for the regulation of commerce," and also one other act passed at Newbern, October, one thousand seven hundred and eighty-four, entitled, "An act for receiving a revenue for the support of government, and to repeal an act, entitled, An act to suppress excessive gaming."

Duty on enumerated articles.

Draw-back of Molasses.

Whereas there is no provision by law to empower the Collectors of the tonnage on foreign bottoms, or others, to take bond for the payment thereof, and the oath to be taken in such cases is to be made before the naval officer, where it cannot answer any purpose without a certificate from him to the Collector : And whereas it is injurious to commerce, to oblige merchants and others to pay large sums of money without giving themselves time to prepare for such payment, and it would be equally injurious for the Collectors to indulge them at the risk of such Collectors :

Preamble.

IX. *Be it therefore enacted by the authority aforesaid,* That every Collector within this state, shall take bond with security for the payment of any foreign or other tonnage, when the amount thereof shall be more than ten pounds, in the same manner as he is directed to take bond for the duties on goods imported, and may be sued for and recovered in the same manner as bonds given for the payment of other duties, but shall be applied and appropriated as by law directed; and for receiving and paying the said duties on tonnage, the Collectors are hereby authorized and directed to deduct a commission of two and a half per cent.

Tonnage.

X. *And be it enacted by the authority aforesaid,* That all invoices of goods imported by water, shall be shewn to the Collector of the port when oath shall be made before him as by law directed, and an abstract thereof shall at the same time be delivered to him, which shall be included in the said oath, as containing a just and true account of the original cost of such goods (inclusive of the cost of the packages and other charges) which shall be added separately and be signed by the person making the entry, and all foreign monies shall be rated at the par of exchange between such monies and the money of Great-Britain, and in the same manner shall the sterling money of South-Carolina and Georgia be rated according to their respective value at par; and when goods shall have been purchased in any other state on a certain advance upon the foreign cost, the duty shall be paid on the foreign value only, in the same manner as goods imported directly from foreign ports.

Duties how ascertained.

XI. *And be it further enacted by the authority aforesaid,* That goods may be entered for exportation, and may be shipped in any vessel within the time limited by law for any port or place whatsoever, as well as to the United States, bond being given, conditioned to produce within twelve months a certificate, that such goods have been landed at the port or place for which the same shall be entered as aforesaid; other than the ports or places within the United States; and in all other respects under the regulations and restrictions prescribed by law for entering goods for exportation to any ports in the United States, and the Collector shall be entitled for the services imposed upon him by this act, to demand and have the same fees to which by law he may be entitled for similar services.

Exportation.

And whereas matters of foreign vessels have complained that the naval officer for the port of Brunswick hath detained the registers of foreign vessels, and hath taken upon him to indorse foreign registers, and refused to deliver them without such indorsement, contrary to the practice in all commercial nations, and to the manifest injury of foreigners, who must necessarily take out new registers when they return to their respective states or nations : For remedy whereof,

Preamble.

XII. *Be it enacted by the authority aforesaid,* That no register shall be detained by any naval officer when the same shall be demanded, and a certificate produced that the duties are paid on the goods imported in said vessel, as it is the only evidence of the property of his vessel, nor shall any indorsement be made by any naval officer on any register, foreign or American, unless he shall be requested so to do upon the change of a master, and every such interference shall be deemed a misdemeanor in office.

Registers.

XIII. *And*

1786. XIII. *And be it further enacted*, That small vessels, American property, not exceeding twenty tons, and used as coasting vessels, shall not be subject to the payment of tonnage nor any extraordinary fees, but shall be permitted to go from port to port by virtue of a permit to be taken from the naval officer once in every three months.
- No tonnage on certain vessels.
- Preamble. And whereas merchants, masters of vessels and others, do often apply to the Collectors for certificates to shew that goods by them imported have been entered, and the duties thereon paid in some of the ports in this state, in order to cancel bonds in some of the United States, or to prevent such goods being liable to a second duty on being removed from one port to another port within this state, for which service there is not any particular fee or allowance by law :
- Certificate 55. XIV. *Be it therefore enacted by the authority aforesaid*, That from and after the passing of this act, the respective Collectors shall have and receive for each certificate required and issued as aforesaid, the sum of five shillings currency and no more.
- Preamble. And whereas it is directed by law that naval officers shall not clear out any vessel, unless the master produces a certificate from the Collector that the duties on goods imported and the tonnage duties have been paid, or secured to be paid agreeable to law, wherein the amount of such duties are not ordered to be expressed, which in order to check the accounts of such Collectors is absolutely necessary :
- Collector and naval-officers duty, &c. XV. *Be it therefore enacted by the authority aforesaid*, That from and after the passing this act, the Collectors respectively shall in all such certificates express in words the amount of all duties on goods, and for tonnage, as they shall receive, and for which they are accountable with the Treasurer of this state; and such Collector shall once in every six months make returns to the Comptroller, in lieu of the returns by law directed to be made to the Governor; and the several naval officers shall in place and stead of the returns by them to be made to the Governor, and once in every six months, make such returns as aforesaid to the Comptroller of this state, together with the Collector's certificates of the amounts of tonnage and other duties, to enable such Comptroller to state accounts against the Treasurer and Collectors of duties as aforesaid. *Provided nevertheless*, That ammunition and arms shall not be liable to any duty whatsoever; and that nothing in this act shall extend to any articles the growth and produce of any of the United States.
- [Passed Jan. 6, 1787.]

CHAPTER XI.

An Act for levying a Tax for the support of government, and for the redemption of the old paper currency, continental money, and specie and other certificates.

1. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand seven hundred and eighty-seven, a tax of three shillings on every hundred acres of land, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this state, shall be levied and paid in state currency, or in gold or silver at the rates established by law. *Provided*, That all the lands west of the Cumberland mountain shall pay a tax of one shilling on every hundred acres of land and no more, and a tax in continental or state dollar bills, or soldiers bounty or specie certificates, in proportion for every hundred acres of land aforesaid: And the lands between the Apalachian and Cumberland mountains shall pay a tax of two shillings on every hundred acres of land, and a tax in continental or state dollar bills, soldiers bounty certificates, or specie certificates at their nominal value, in proportion for every hundred acres of land and no more, in lieu of the tax herein laid on other lands.
- Provisoes.
- II. *And be it further enacted by the authority aforesaid*, That for the said year one thousand seven hundred and eighty-seven, a tax of three shillings on every hundred acres of land, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this state, shall be levied and paid in continental or state dollar bills, or soldiers bounty certificates at the rate of eight hundred for one, in specie certificates of any kind at their nominal value with the interest due thereon, such as have been issued by the Board of Commissioners for settling army accounts since the first day of January last excepted, in currency certificates as rated by the act for the sale of confiscated property, or in final settlement certificates at their nominal value including the interest due thereon.
- Tax in certificates, &c.
- III. *And be it further enacted by the authority aforesaid*, That the above mentioned tax shall be collected, paid and accounted for as directed by an act, entitled, "An act for ascertaining what property in this state shall be deemed taxable property, the method of assessing the same and collecting the public taxes," and also one act, entitled, "An act for the more regular collecting, payment of and accounting for the public taxes."
- Collection, &c.
- [Passed Jan. 6, 1787.]

CHAPTER XII.

An Act directing the Commissioners of confiscated property to receive Certificates agreeable to a resolution of the last General Assembly, at Newbern, in December, 1785.

- Preamble. **W**HEREAS it is represented to this General Assembly that some of the Commissioners of confiscated property have refused to receive certificates agreeable to a resolution of the last General Assembly, while others have received them agreeable to the same, whereby one part of our citizens are deprived of that benefit that was intended to be general :
1. *Be it therefore enacted, by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That each of the Commissioners of confiscated property within

within this state are hereby respectively directed to receive in payment for all confiscated property they have sold since the last General Assembly, certificates agreeable to the above recited resolution, *that is to say*, the currency of this state, certificates granted to the officers and soldiers, final settlement certificates and currency certificates, at the rate established by law.

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Confiscations how paid for. Former acts repealed. &c.

II. *And be it further enacted by the authority aforesaid*, That all acts coming within the meaning and purview of this act, are hereby repealed and made void.

Provided nevertheless, That certificates issued by the late Board of Commissioners, and declared not negotiable by this Assembly, shall not be received. [Passed Jan. 6, 1787.]

CHAPTER XIII.

An Act to direct the method to appoint Jurors and Surveyors to run out disputed Lands.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That in all suits in the Superior and Inferior Courts of this state wherein the bounds of land shall come in question, if it shall appear to the court necessary, such court may order two Surveyors, one to be named by each party, to attend and run out and survey the lands in dispute, agreeable to the bounds and lines expressed in each party's title, and make three accurate plans of such surveys, and return the same to such court; which order such Surveyors are hereby required to obey, and shall be allowed twenty shillings each, for every day they shall be travelling to and from attending the surveys, and performing the duty by this act required.

Surveyors to survey litigated lands.

Their pay.

II. *And be it further enacted by the authority aforesaid*, That twelve Jurors, six of which shall be chosen by each party, shall go upon the lands, the bounds of which shall so come in question, and shall attend the Surveyors while they are making such survey, and shall subscribe their names upon the plat or plats so to be returned by the said Surveyors, and such Jurors shall at the court where such disputed bounds is to be tried, constitute a petty jury for the trial of the same; and if one or more of the said jury shall fail to attend when such bounds is to be tried, his or their places shall be supplied by Jurors drawn from the venire facias returned to the Inferior or Superior Court where such cause shall stand for trial; and such Jurors for their services in attending such survey, shall have and receive eight shillings per day each, and such allowances shall be taxed in the bill of costs and paid by the party cast: *Provided nevertheless*, That if the parties shall agree to have but one Surveyor or a smaller number of Jurors to go upon the land, the court shall order one Surveyor to go upon the land, and perform the duties enjoined by this act, and shall return three plans in manner as aforesaid, and the whole number of Jurors so agreed upon by the parties shall attend the said court, and constitute part of the jury for the trial of the said disputed bounds, and the residue of the said jury shall be drawn from the venire facias returned to the said court; and the said jury so going upon the land shall be styled the Jury of View, and for attendance at the said court shall be entitled to receive the same allowances as petit jurors, to be paid by the party cast.

Jurors to attend surveyors

Proviso.

III. *And be it further enacted*, That all laws and parts or clauses of laws heretofore made, that come within the purview of this act, shall be, and the same are hereby repealed.

Former laws repealed.

[Passed Jan. 6, 1787.]

CHAPTER XIV.

An Act to amend an act passed at Newbern, in December, one thousand seven hundred and eighty-five, entitled, "An act for encreasing the jurisdiction of the county courts of Pleas and Quarter-Sessions, and of the Justices of the Peace out of court, and directing the time of holding courts in this state."

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That in future it shall and may be lawful for the heirs, executors, administrators or guardians, to carry on every suit or action in courts after the death of either plaintiff or defendant, and may be proceeded on by application in the same manner as appeals are carried on, under an act passed the last session of Assembly, entitled, "An act for encreasing the jurisdiction of the county courts of Pleas and Quarter-Sessions, and of the Justices of the Peace out of court, and directing the time of holding the several courts of this state."

Suits may be carried on in case of death.

And whereas the frequent abuses of attornies have occasioned distresses to many of the good people of this state:

Preamble.

II. *Be it therefore enacted*, That it shall not be lawful for either plaintiff or defendant to employ in any matter or suit whatever more than one attorney to speak to any suit in court; and the courts in this state are hereby directed not to suffer more than one attorney as aforesaid in any matter whatever to plead for either plaintiff or defendant to any suit, under the penalty of a violation of this act.

One attorney to speak, &c.

III. *And be it enacted*, That in any matter or suit depending in court, it shall and may be lawful for either plaintiff or defendant to enter his own plea and defend his own cause, and that no instrument of writing which contains the substance, shall be lost or destroyed for want of form, any other law to the contrary notwithstanding.

Plaintiff or defendant may enter his plea, &c.

IV. *And be it further enacted by the authority aforesaid*, That all fees to be taken by attornies in future, in any suits in any of the several courts of Law and Equity established in this state, shall be as follows, *to wit*, In any suit in Equity the sum of ten pounds; in any suit in any of the Superior Courts where the title of lands shall come in question, the sum of five pounds; in all other suits originally commenced in any of the said courts on the law side, the sum of five pounds; in all appeals from any other court to the said Superior Courts, the sum of five

Attorney's fees.

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pounds; in all suits in the county courts of Pleas and Quarter-Sessions where the title of lands shall come in question, the sum of five pounds; in all other suits originally commenced in the said county courts, the sum of two pounds; in every appeal from the judgment of a Justice of the Peace to the said county courts, the sum of twenty shillings.

Attornies liable to prosecution for taking greater fees

V. *And be it further enacted by the authority aforesaid,* That if any attorney or attornies shall presume to ask, take or receive, directly or indirectly, any other or greater fees than are by this act directed in all civil cases, it shall be deemed in such attorney or attornies a misdemeanor in his office or profession of an attorney, and such mal-practices being made known to any of the courts within this state, such court is hereby required to direct the Attorney-General or the Solicitor, on behalf of the state, to carry on a prosecution by indictment for such mal-practice aforesaid; and if any such attorney or attornies shall be thereupon convicted by the verdict of a jury, of taking any other or greater fees than by this act are allowed, he or they shall by the same court in which such conviction shall be had, be thenceforth dismissed from his practice as an attorney, for one year in every court of Law and Equity within this state.

Attornies to file declaration

VI. *And be it further enacted by the authority aforesaid,* That every attorney when employed in any suit in any of the courts of this state, shall file his declaration in the Clerk's office, any time within the first three days of the term to which the writ is made returnable, and on failure thereof such suit shall be dismissed by the court at the cost of the plaintiff, which cost being paid by said plaintiff to the Clerk of the said court, he or they paying such costs in consequence of a declaration not being filed in due time as aforesaid, may warrant such attorney for all such costs by him paid as aforesaid; and the receipt of the Clerk shall and may be given in evidence in support of such claim; and the Justice before whom such warrant shall be tried, may give judgment and issue execution thereon; and such attorney shall be further liable to the action of such plaintiff, for such damages as he or they may have sustained in consequence of such declaration not having been filed as aforesaid.

Penalty for neglect.

Jurisdiction of Justices 20l.

VII. *And be it further enacted by the authority aforesaid,* That single Justices of the Peace shall from and after the passing of this act, have jurisdiction of all debts and demands of twenty pounds and under, where the balance due on any specialty, contract, note or agreement, or for goods, wares and merchandize sold and delivered, or work or labour done, all which matters and things are hereby declared to be cognizable and returnable before any one Justice of the Peace out of court, and execution thereon may be awarded as directed by an act, entitled, "An act for establishing courts of law and regulating the proceedings therein," subject nevertheless to the appeal of either party; which said appeal shall be tried and determined by a jury of good and lawful men as in court has heretofore been used, the first court, and the determination thereon shall be decisive. *Provided always,* That judgments given by any one Justice of the Peace, execution thereon shall be stayed in the following manner, *to wit,* For all sums not exceeding forty shillings, twenty days; and for all sums above forty shillings and not exceeding five pounds, sixty days; for all sums above five and not exceeding ten pounds, one hundred and twenty days; and for all sums above ten and not exceeding twenty pounds, six months; for the full and truly payment of which, with costs and interest until paid, the party requiring such stay of execution, shall give sufficient security if required, and if the said judgment shall not be discharged at the time to which the execution thereon may have been stayed, then it shall and may be lawful for any Justice to issue execution in the usual form for the same against the principal and his securities. *Provided also,* That no suit shall be commenced in the first instance, returnable to any court for any sum under twenty pounds.

Stay of execution, &c.

Constable to give security.

VIII. *And be it further enacted,* That the Constables of this state shall be appointed as usual, who shall enter into bond payable to the Governor, with sufficient securities with the court, in the sum of two hundred and fifty pounds, for the faithful discharge of his duty, and shall be entitled to the following and no other or greater fees for his services, *to wit,* for serving every warrant four shillings, for every execution four shillings, for summoning every witness two shillings, for every attachment levied five shillings, for every bail bond one shilling.

His fees.

Constable to take security.

IX. *And be it enacted,* That in all cases where any Constable shall serve a warrant on any person for a demand of five pounds or upwards, he shall take bond with sufficient security for his appearance before some magistrate to have the same tried, and for a compliance with the judgment of such magistrate, to be given thereon in double the amount at least of the sum laid in the warrant; and in case any such person so bound, shall fail to comply with such judgment when given, the Constable shall make an assignment of such bond to the party injured, who shall proceed thereon as in cases of bail bonds given on suits commenced in the courts of law.

Executions leviable on real estates.

X. *And be it further enacted by the authority aforesaid,* That when it shall so happen, that an execution in the hands of any Constable in consequence of a judgment from any Justice of the Peace, and there shall be no personal property in his county whereon to levy such execution, then and in all such cases it shall be the duty of the Constable to levy such execution on the real estate of the person against whom it issued, and make return of such his proceedings to the next ensuing county court, that an order of such court may direct the Sheriff of the county to dispose of such real estate, or so much thereof as the court may direct according to law.

Preamble.

And whereas it is just and reasonable that those who employ the principal officers in law department in deciding their private litigations, should contribute somewhat more amply than the rest of the community, towards their support:

Taxes on suits

XI. *Be it therefore enacted by the General Assembly,* That for the future the following taxes shall be assessed on the proceedings in law and equity hereinafter particularized, *that is to say,* for every subpoena or writ to answer to any bill in equity or in the courts of law twenty shillings; for every writ for the removal of the entire record of any cause from any of the courts of law in this state into any other court of law or equity, twenty shillings; for every leading process returnable

returnable to any Superior Court of law and equity in this state ten shillings; for every appeal from the judgment or determination of any Inferior Court of law in this state ten shillings; for every writ of mandamus certiorari, or for the removal of the body of any person, or other writ to be granted on motion where the same is the original of any proceedings in court, fifteen shillings; for every leading process returnable to any Court of Pleas and Quarter Sessions in this state, five shillings; for every appeal from the judgment or decree of any Court of Pleas and Quarter Sessions, or motion allowed instead of a writ of error, eight shillings.

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XII. *And be it further enacted*, That the Clerks of the respective courts from whence the aforesaid writs may issue, or whereon such appeals or motions may be granted or allowed, shall at the same time of such allowance, or at the time of such writ shall be prayed before the issuing thereof, receive the taxes hereby imposed on the same, and if it shall be at any time discovered that any writ has issued, or the record of any cause transmitted upon any appeal or writ of error before the receipt of the tax thereon imposed by this act, the Clerk so issuing or transmitting shall be deemed guilty of misbehaviour in office; and the said Clerks respectively shall annually on or before the thirty-first day of December in every year, under the pain aforesaid, account with upon oath and pay to the public Treasurer of this state for the time being, all monies which he ought to collect by virtue of this act, and cause a copy of his account passed with the Treasurer, specifying each particular tax, from whom received and for what purpose, and signed by the Treasurer in his own proper hand writing, to be posted against the wall of his court-house in the most public part thereof twenty days thereafter, and the same so posted to continue for three months, in order that it may be the more easily discovered whether he has neglected to receive any tax which he ought to have collected, or has failed to account for any tax which he did receive.

Clerk's duty in collecting & accounting for taxes.

XIII. *And be it further enacted*, That the Clerk of each and every court of law and equity in this state, at the first court that shall be held after the first day of May next, or in case of any unavoidable hindrance the next court afterwards, shall give bond with approved security to the court whereof he is Clerk, in the sum of two thousand pounds, conditioned for the due performance of the duties hereby enjoined him, which bond shall be transmitted to the Treasurer, or otherwise the said Clerk shall be liable and bound to pay a sum equal to treble the tax imposed by this act.

Clerks to give security.

XIV. *And be it further enacted by the authority aforesaid*, That all and every act or acts heretofore made, so far as they come within the purview or meaning of this act, are hereby repealed and made void; provided that this act shall not be in force until after the first day of May next.

Former laws repealed, &c.

[Passed Jan. 7, 1787.]

CHAPTER XV.

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

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That all land held by deed or entry, where there is no caveat, or by lease, or in right of dower, all town lots with certain improvements, all free males and servants between the ages of twenty-one and sixty years, all slaves male and female between the ages of twelve and sixty years within this state, shall be subject to the payment of public taxes; and the public taxes on such property and persons shall be assessed and proportioned in the manner directed by this act, *that is to say*, all lands shall be taxed by the hundred acres, and so in proportion for a greater or less quantity.

Taxable property, &c.

II. *And be it further enacted by the authority aforesaid*, That the public tax on each and every poll shall be equal to the public tax on three hundred acres of land; and town lots with certain improvements shall be valued as herein after directed.

Tax on polls.

III. *Be it further enacted by the authority aforesaid*, That the list of taxes shall be taken and returned in the same manner, and under the same penalties as by an act, entitled, "An act for ascertaining what property in this state shall be deemed taxable property, the method of assessing the same, and collecting the public taxes," passed at Hillsborough, in April, 1784.

List of taxes.

[Passed Jan. 6, 1787.]

CHAPTER XVI.

An Act to compel certain Officers therein mentioned to publish the application of the public monies and allowances for insolvents.

WHEREAS it is just and right that the body of the people on whom taxes are laid, should know to what purposes the monies arising therefrom are applied and appropriated: And whereas, no adequate means have been adopted to draw into view the annual state of the treasury, and the application of the public monies:

Preamble.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the Treasurer or Treasurers shall form an accurate state of the treasury, which shall be laid before the General Assembly of that year, and published and bound up with the laws of that session, in which statement shall be specified the neat produce of the several branches of revenue, the several allowances for insolventcies, and the arrears of any of the Sheriffs or county Treasurers, all allowances or drafts made by the General Assembly, and warrants issued by the Governor, shall be severally enumerated, briefly setting forth in whose favour they were made or drawn, and on what account.

Treasury accounts to be stated & published.

And

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And whereas it is found necessary to form some check against fraudulent and deficient returns of taxable property, and to prevent improper allowances for insolvents :

II. *Be it enacted by the authority aforesaid,* That the Clerk of each county shall at the next court after the returns of the taxable property are directed to be made, set up in some conspicuous part of the Court-house an alphabetical list of the taxables and taxable property delivered or reported by the persons appointed to take the lists of taxable property, and when any Collector shall return his list of insolvents to be allowed by the court, he shall make oath that he hath been at the dwelling-house or usual place of residence of the person or persons therein named, and that he could not find property of such person or persons sufficient to discharge their respective taxes, or any part thereof, which list shall also be advertised by the Clerk in the Court-house, specifying each Collector's district and return, and any Clerk neglecting or refusing to perform the duties required by this act, shall for every such neglect or refusal, forfeit and pay the sum of fifty pounds, to any person who shall sue for the same within six months.

Preamble.

And whereas the poor have of late years considerably increased, and large sums have been annually levied for the charitable purpose of their support, of the due application of which the people have no account or knowledge :

Poor, &c.

III. *Be it further enacted by the authority aforesaid,* That the Wardens of the poor shall hereafter every year, at the next court of their respective counties after the first day of June, publish and set up in the Court-house, an account of the monies by them received by taxes or otherwise for the purposes aforesaid, with the use and application they have made of the same, particularly specifying the expence of each pauper, with an account of the claims or such debts unpaid, if any, and to whom due, under the penalty of one hundred pounds, to be sued for and recovered by action of debt, in the name of the Chairman of the court of the county where such neglect shall happen, and applied to the use of the county.

Preamble.

And whereas large sums are frequently levied for county purposes, which are within the management of the court or Justices of each county : And whereas no money ought or can be levied as a tax, of which the people have not a right to know the application :

Taxes to be published, &c.

IV. *Be it enacted by the authority aforesaid,* That the court of each county shall at the first session after the first day of June in every year, cause the proper officer to publish and set up in some part of the Court-house, an account of the monies received the preceding year by taxes or otherwise, stating also what application hath been made of the same, to whom paid, and what claims, if any against the county remain undischarged.

Commissioners of towns to publish list of taxes, &c.

V. *And be it further enacted by the authority aforesaid,* That the Commissioners of the respective towns in this state, shall annually publish an accurate list of the taxes levied and collected in such town, together with a list of each sum expended by said Commissioners and to whom paid, and for what purpose ; and any board of Commissioners failing to comply with the directions and intention of this act, shall forfeit and pay the sum of fifty pounds, to be recovered and applied in manner by this act directed for the recovery and application of other fines, which sum shall be levied of the proper goods and chattels of the said Commissioners, or either of them.

Former acts repealed.

VI. *And be it further enacted,* That all acts and parts of acts which come within the purview of this act, shall be, and they are hereby repealed and made void, [Passed Jan. 2, 1787.]

CHAPTER XVII.

An Act to repeal the several acts of Assembly respecting Slaves within this state, as far as the same relates to making an allowance to the owner or owners for any executed or outlawed slave or slaves.

Preamble.

WHEREAS many persons by cruel treatment to their slaves, cause them to commit crimes for which many of said slaves are executed, whereby a very burdensome debt is unjustly imposed on the good citizens of this state : For remedy whereof,

Laws allowing for slaves, &c. repealed.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is enacted by the authority of the same,* That from and after the passing of this act, the several acts of Assembly of this state, as far as relates to making an allowance for any outlawed or executed slave or slaves, shall be, and the same is hereby repealed and made utterly void.

[Passed Jan. 6, 1787.]

CHAPTER XVIII.

An Act to amend an act, entitled, "An act to empower the county courts of Pleas and Quarter-Sessions of the several counties in this state, to order the laying out public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear inland rivers and creeks."

Preamble.

WHEREAS by the before recited act the overseers of the roads are compelled to make small bridges, caufeways, &c. where the county courts do not think proper to have the same built at the expence of their counties, and the said overseers are not authorized by said recited act to cut any timber to enable him or them to comply with the requisitions of said act: For remedy whereof,

Power of overseers.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is enacted by the authority of the same,* That the overseers of the several roads within this state are hereby authorized to cut pole and other necessary timber to enable him or them to comply with the duties enjoined them in repairing and making bridges and caufeways, without incurring any penalty thereby.

Those who work roads.

II *And be it further enacted by the authority aforesaid,* That all white males between the ages of eighteen and fifty years (except such persons as are excepted in the before recited act) shall be liable to work on roads.

III. *And*

III. *And be it further enacted by the authority aforesaid,* That so much of the before recited act as comes within the purview of this act is hereby repealed and made void. 1786.

IV. *And be it further enacted,* That all offences committed or done against the purview of the aforesaid recited act, shall hereafter be prosecuted by indictment in any court having cognizance thereof; and all forfeitures shall be recovered by action of debt, bill, plaint or information; one half to the use of the prosecutor, the other half to the use of the state, unless the same have been otherwise provided for by the said act. Prosecution.

V. *And be it further enacted by the authority aforesaid,* That when any person appointed as an overseer of the roads in any county in this state, he shall be deemed and held liable for any neglect in working on the roads until he shall have made return to the court of his county, and shall make it appear to their satisfaction he has done the duties of an overseer by law directed. Overseers liable for neglect
[Passed Jan. 6, 1787.]

CHAPTER XIX.

An Act to empower the several County Courts therein mentioned to lay a Tax annually, not exceeding three years, for the purpose of erecting or repairing the Court-house, Prison and Stocks in each county when necessary, and for defraying the contingent charges of the county.

WHEREAS the taxes heretofore levied in the counties of Sampson, Richmond, Johnston, Randolph, Hyde, Anson, Wayne, Martin, Cambden, Guilford, Cumberland, Moore, Bladen, Davidson, Surry, Sullivan and Greene, for the purposes above mentioned, have been found insufficient for the same: For remedy whereof, Preamble.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the courts of the several counties herein before named, shall, and they are hereby authorized and empowered from and after the passing of this act, to lay a tax annually, not exceeding the sum of three shillings current money on every poll, and one shilling on every hundred acres of land, and on each hundred pounds value of town lots with their improvements in their counties respectively, for the purpose of erecting, finishing or repairing such court-house, prison or stocks, in any of the counties aforesaid, when the same may be found by the said court to be absolutely necessary, and for the purpose of defraying the contingent charges; which said tax shall be collected and accounted for in the same manner, at the same time, and by the same persons who are appointed to collect the public tax in each county, and the same so collected, shall be paid into the hands of such person or persons for the purposes aforesaid, as the several county courts shall from time to time direct; which person or persons so nominated and appointed, shall be accountable to the courts of their respective counties for all such monies as he or they may receive in virtue of this act. Certain courts empowered to lay a tax, &c.

II. *And be it further enacted by the authority aforesaid,* That all and every act and acts, so far as they come within the purview or meaning of this act, be, and they are hereby repealed and made void. Former acts repealed.

CHAPTER XX.

An Act to prevent the obtaining of Grants for Lands lying in the western parts of this state to the prejudice of the first enterers, and entered in the office lately established for receiving entries of claims of such lands, by an act, entitled, "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army."

WHEREAS it is the intent and meaning of the said act and of the act hereby revived and put in force, that the first enterers of the vacant and unappropriated lands, if specially located, therein described, shall have preference to all others in surveying and obtaining grants for the same, when such entries have been made: And whereas divers persons have repaired to the lands lying out of the inhabited part of this state, and have caused the same to be surveyed in virtue of entries made subsequent to the entries for the same lands and plats of such surveys to be returned to the Secretary's-office, have or are about to obtain grants for the same, to the prejudice of the first enterers: For remedy whereof, Preamble.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That every first enterer of any tract of land specially located, lying in the western parts of this state, out of the inhabited parts thereof, shall be allowed the term of two years from the last day of the present session of Assembly to cause the same to be surveyed, and to obtain grants thereon; and that all grants and surveys of land lying in the parts aforesaid heretofore or hereafter to be made or obtained within the said two years by any person upon lands previously or first entered by any other person, shall be, and the same are hereby declared to be void and utterly of no effect. And whereas it hath been found impracticable for the surveyors in the different districts and counties west of the Appalachian Mountain, to make their surveys within the time limited by law: Further time allowed for the survey, &c. of lands.

II. *Be it enacted, and it is enacted by the authority of the same,* That a further time of two years from and after the expiration of the limitation by law now existing be allowed, in order that the Surveyors may complete the surveys as by warrant to them directed.

III. *And be it further enacted,* That it shall not be lawful for the Secretary of State, and he is hereby directed, not to issue any grants for lands lying west of the Cumberland Mountain until the end of the next session of Assembly, grants allowed for military services, pre-emption and guard rights excepted. No grants to be issued for certain lands.

IV. *And be it further enacted by the authority aforesaid,* That the farther time of twelve months shall be allowed to the officers and soldiers of the late continental line of this state, to locate and survey the lands allowed them by law. Further time for army locations, &c.

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Farther time
for probate &
regitration.

V. *And be it further enacted by the authority aforesaid,* That the further time of two years shall be given for the registering military grants in this state.

VI. *And be it further enacted,* That all deeds, grants and mesne conveyances not issued from the late Lord Granville's office, shall be allowed a further time of two years for probate and registration; all which deeds, grants and mesne conveyances not issued from the Lord Granville's office, although the time in which they ought to have been proved and registered may have elapsed, shall be as valid when proved and registered in pursuance hereof, as if the same had been done in due time according to any former law.

Removed war-
rants.

VII. *And be it further enacted,* That all surveys already made for removed warrants for lands actually entered in the land-office at Hillsborough, and removed on account of the lands entered being previously entered as the law directs, shall be good in law, provided such lands were at the time of such survey actually vacant, and that such survey on removed warrants shall not effect or injure the right of any lands entered and specially located in the office aforesaid, previous to such survey.

CHAPTER XXI.

An Act to amend an act, entitled, "An act for emitting one hundred thousand Pounds paper currency for the purposes therein mentioned," for appropriating the Tobacco lately purchased by virtue of said act towards discharging the interest of the foreign debt due by the United States, and for making provision for the future discharge of the principal and interest of the said debt.

Preamble.

WHEREAS the provision made by the act, entitled, "An act for emitting one hundred thousand pounds paper currency for the purposes therein mentioned," was intended to discharge the proportion of this state of the interest of the foreign debt due by the United States, but the said act is expressed in terms altogether uncertain and insufficient to answer the purpose thereby intended: For remedy whereof,

Tobacco to be
sold.Proceeds how
applied.

Delivery, &c.

Commissioners
to purchase
tobacco, &c.

Price, &c.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the Delegates from this state in Congress, be and they are hereby authorized to sell and dispose of the said tobacco purchased by the state under the said act, for the highest price that can be had for the same, and the proceeds of such sales shall be subject to the orders of the Board of Treasury of the United States, and shall be carried to the credit of this state in account with the United States, in discharge of so much of the interest of the foreign debt due by the United States for which this state is or may be liable; and on such sale being made as aforesaid, they shall without delay advise the Governor thereof, who shall be and is hereby directed and authorized to give the necessary orders to the several Commissioners to have the said tobacco respectively by them purchased, carefully reviewed and put in good order and readiness to be delivered, at the usual place of lading at or near Edenton, Washington or Wilmington, to such person or persons to whom the same may have been sold as aforesaid.

II. *And be it further enacted,* That proper persons shall be chosen by joint ballot of both Houses of the General Assembly, for the purpose of purchasing tobacco deliverable at the towns of Halifax, Tarborough and Fayetteville, to whom the Treasurer shall pay the monies arising from the revenues and sources of revenues appropriated to the discharge of this state's estimated quota of the interest and principal of the foreign loans, by an act, entitled, "An act for the support of government, and for appropriating the revenues of the state;" whereof the monies arising and collected from such revenues in the district of Edenton, Halifax and Newbern, shall be paid as aforesaid to the Commissioners of Halifax and Tarborough, *that is say,* the one half to each Commissioner; and the monies arising from such revenues in the remaining districts in the state, shall be paid to the Commissioner purchasing at Fayetteville for the purposes aforesaid; and the Commissioners so appointed shall be entitled to the same commissions for such service, take the same oath and give the same security for the faithful performance of the trust reposed in them, which was required of the Commissioners appointed for similar purposes under an act passed at Newbern in 1785, entitled, "An act for emitting one hundred thousand pounds paper currency for the purposes therein expressed."

III. *And be it further enacted,* That the said Commissioners shall not on any pretence give more than the current cash price of the day for each hundred weight of merchantable tobacco, which tobacco shall be disposed of for the purposes aforesaid, as the next General Assembly shall direct, and the said Commissioners shall settle their accounts with the Comptroller of this state on or before the first day of March, 1788. [Passed Jan. 6, 1787.]

CHAPTER XXII.

An Act for establishing a Militia in this state.

Preamble.

Militia of
whom compos-
ed.

Exempts.

WHEREAS in all republican governments a well regulated militia is highly necessary for the defence and safety thereof:

I. *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 freemen and indentured servants within this state, from eighteen to fifty years of age, shall compose the militia thereof; Judges of the superior court of law, Delegates, Secretary, Councillor of State, Treasurer, Attorney-General, Ministers of the gospel of every denomination having the cure of souls, Ferry-men, Branch-Pilots, Inspectors of public warehouses, Justices of the Peace, and Continental Officers who have served with reputation three years or to the end of the war, unless sooner deranged by a reform of the army, excepted. *Provided,* That nothing herein contained shall be construed so as to exempt any person from performing duty in case of insurrection or invasion in this

this state: organized in the following manner, *to wit*, The militia of each district shall compose a brigade, the infantry of each county shall form a regiment consisting of one or more battalions, with eight regiments of cavalry and two battalions of artillery, formed as hereinafter directed. *Provided*, That no person shall be enrolled in any troop of horse until approved of by the field officers of the regiment of his county, but shall until then do his duty in the infantry.

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Organized.

II. *And be it further enacted by the authority aforesaid*, That each and every company of infantry shall consist of one Captain, one Lieutenant, one Ensign, three Serjeants, three Corporals, one Drummer, one Fifer and not less than fifty privates; all of whom shall reside in the district: And one troop of horse shall be formed in each county, consisting of one Captain, one Lieutenant, one Cornet, three Serjeants, three Corporals, one Trumpeter and thirty-two privates, and the cavalry in each district shall compose one regiment: And there shall also be one company of artillery in each borough town in this state, consisting of one Captain, one Captain-Lieutenant, and one Lieutenant, three Serjeants, three Corporals, two Drummers, two Fifers and fifty two privates, which shall be formed into two battalions, composing one regiment.

Officers of Companies of Infantry.

Cavalry.

Artillery.

III. *And be it further enacted by the authority aforesaid*, That each brigade shall be commanded by a Brigadier-General, each regiment of infantry by a Lieutenant-Colonel Commandant, a Lieutenant-Colonel and two Majors, except where there may be two or more battalions in one county, then in that case by a Lieutenant-Colonel Commandant of the regiment, and one Lieutenant-Colonel and one Major to each battalion; and each regiment of cavalry by one Lieutenant-Colonel Commandant and two Majors; and the regiment of artillery by a Lieutenant-Colonel Commandant and two Majors, one to each battalion; who shall be chosen by a joint ballot of both Houses of the General Assembly in all cases of vacancy: And the Brigadier-General of each district is hereby authorized to appoint the Brigade-Major, Aid-de-Camp and Inspector to the brigade; the Adjutant, the Surgeon, and Drum and Fife-Major shall be appointed by the commanding officer of each regiment; and the non-commissioned officers, Drummers, Fifers and Trumpeters shall depend on the appointment of the Captain of each company or troop, who are hereby empowered to make the same. The commissioned officers of companies shall rise to the grade of Captain by seniority, and be commissioned accordingly, on the return or certificate of the commanding officer of the regiment; and in case of vacancy in the inferior grades where this rule will not apply, the field officers of the regiment shall recommend proper persons to his Excellency the Governor, who shall issue commissions accordingly.

Brigade.

regiments of Infantry.

Cavalry.

Artillery.

Staff and other officers how appointed.

Promotion.

IV. *And be it further enacted by the authority aforesaid*, That the commanding officer of each and every regiment or battalion, shall in every year cause two regimental or battalion musters to be made of their respective regiments, at the court-house of their county, except as herein after excepted, and every Captain or commanding officer of a company shall once within two months, at such place as he shall think most convenient, muster, train and exercise his company, at which musters as well regimental or battalion as company musters, the officers and privates shall appear armed in the following manner, *that is to say*, all commissioned officers of the infantry with side arms or a spatoon, and each private and non-commissioned officer shall be provided either with a musket and cartouch-box, or a rifle, powder-horn and shot-pouch in good condition, with nine charges of powder made into cartridges with fizable balls or swan shot, one spare flint, one worm and picker: That every officer and private belonging to the troop or regiment of horse, shall appear at such musters, with a strong serviceable horse, at least fourteen hands high, with a good saddle, bridle, holsters, one pistol, horseman's sword and cap, a pair of shoe boots and spurs, with a proper cartouch-box and cartridges all in good order; and at all musters the officers and privates of the artillery shall be armed and accoutred with small arms in the same manner of the infantry, except the non-commissioned officers, who shall have swords instead of fire arms.

Musters of Regiments.

Companies.

Arms, &c.

V. *And be it further enacted by the authority aforesaid*, That if any officer shall fail to appear at such muster as aforesaid, or neglect to appear properly armed, such officer shall on conviction before a court-martial forfeit and pay, if a Colonel, Lieutenant-Colonel Commandant, Lieutenant-Colonel or Major, the sum of four pounds; if a Captain, Captain-Lieutenant, Lieutenant, Ensign or Cornet, the sum of two pounds, unless he or they shall make such excuse as the said court shall judge sufficient: And every non-commissioned officer and private who shall fail to appear at the said musters, or who shall not be armed and provided in manner directed by this act, shall, for every such failure or neglect, forfeit and pay if at a general muster twenty shillings, and if at a private ten shillings; which fines shall be recovered before any Justice or Justices of the Peace having cognizance thereof; and in all cases of fines inflicted at regimental or battalion musters, the certificate of the Adjutant, countersigned by the commanding officer of the regiment or battalion, and in all cases of fines imposed at private musters, the certificate of the first Serjeant, countersigned by the Captain, shall be sufficient authority for any magistrate to issue his warrant upon, but on trial shall be proved by the oath of such Adjutant or Serjeant: *Provided always*, That every absentee shall be allowed until the next succeeding muster, to make his excuse before the Captain or commanding officer of the company.

Fines for neglect.

How recovered.

VI. *And be it further enacted by the authority aforesaid*, That the several Captains shall enroll the names of all such free men and indentured servants of which their several companies consist, and shall at their respective general musters, return a copy thereof to the Colonel or commanding officer of their respective regiments, under the penalty of ten pounds, to be levied by warrant or distress from the Colonel of the regiment, directed to the Sheriff of the county to which the said regiment belongs, which Sheriff shall be paid out of the said penalty the sum of eight shillings: and in case any Sheriff shall neglect or refuse to execute such warrant, he shall

Captain to enroll his comp. & make return

Penalty for neglect how recovered.

shall

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shall forfeit and pay the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, and applied as hereinafter directed; which copy so returned, shall by every Colonel or commanding officer of the regiment be returned to the Brigadier-General of the district within one month after such muster, under the penalty of twenty-five pounds, who is hereby required within three months, to transmit the same to the Governor, under the penalty of fifty pounds, to be recovered and applied as other fines by this act imposed: And his Excellency the Governor is hereby required once in every year to report to the General Assembly the number of effective men in each county, the general state and condition of the militia, magazines and military stores.

Returns how to be made.

Courts martial

General.

Regimental.

Power, &c.

VII. *And be it further enacted by the authority aforesaid,* That when any Brigadier-General shall be charged with mal-practice or neglect of duty in office, the Governor or Commander in Chief for the time being, shall order him to be arrested and furnished with a copy of his charge, and shall order a general court-martial, composed of one Brigadier-General and twelve field officers, six of whom shall be drawn from some other brigade: And in like manner the Brigadier-General or commanding officer of each brigade, shall arrest and appoint courts-martial for the trial of the field officers of the same, against whom charges may be exhibited; which courts shall be composed of thirteen officers, none of whom to be under the rank of Captain, and a field officer to preside: The Colonel or commanding officer of each regiment or battalion shall order a court-martial to be held at the place appointed for the muster of the same, on the day following their respective regimental or battalion musters; which court shall consist of thirteen members, the eldest of which shall be President, and be of the grade of field officer; the court shall be warned to that duty by the Adjutant of the regiment or battalion by a roster to be by him kept; and the said court when convened, shall have power to enquire into the age and abilities of all persons brought before them, and exempt such as may be adjudged incapable of service; and also all neglects or omissions as well by officers as privates, and to hear and determine all appeals which shall be made by non-commissioned officers or privates who may think themselves aggrieved by the officers of the company; and to order and dispose of all fines, in the first place for buying drums and fifes and other implements of war for the use of the company whence the same shall arise, and afterwards with supplying the militia with arms and accoutrements.

Judge-Advocate.

Oath taken by members.

By Judge-Adv. &c.

VIII. *And be it further enacted,* That whenever a court-martial is ordered, the officer directing the same shall appoint a Judge-Advocate to attend, who shall be allowed a reasonable salary out of the fines arising from the neglects of duty for his services; whose duty shall be to write at length the proceedings of the said court; and no sentence of a court-martial shall be put in execution until the same is returned to the officer ordering such court; and when the judgment or sentence shall be to cashier or suspend any officer whose appointment is in the General Assembly, the proceedings shall be transmitted to the Governor or Commander in Chief for the time being, to be by him laid before the next General Assembly after such sentence. The President and members of every court before they proceed to business shall take the oath herein after directed to be taken by the members of courts-martial in actual service; and regimental or battalion courts-martial shall also take the following oath, *to wit,* "You shall swear well and truly to appropriate all fines and forfeitures, according to the true intent and meaning of the act for establishing a militia in this state, without favour, affection or partiality. So help you God." Which said oaths shall be administered by the Judge-Advocate, who shall himself in presence of the said court, take the following oath, *to wit,* "I, A. B. do swear that I will well and truly perform the duties of Judge-Advocate of this court, according to the best of my skill and abilities. So help me God." And the said courts when formed and sworn, shall observe due order and decorum, and should any member be guilty of any misbehaviour while on the said court, he shall for the first offence be reprimanded by the President, and for the second and every other shall be fined by the rest of the members any sum not exceeding ten pounds, to be recovered and applied as other fines by this act directed.

Penalty for disobeying officers.

Paupers to be provided with arms.

IX. *And be it further enacted by the authority aforesaid,* That if any non-commissioned officer or private shall during the time of muster, resist his commanding officer or refuse his lawful commands, if a non-commissioned officer he shall be fined forty shillings, reduced to the ranks and kept under guard during the time of such muster; and if a private shall be fined twenty shillings and be kept under guard during such muster; which fine shall be levied in the manner herein before directed. And if the Captain, Lieutenant and Ensign, or any two of them, shall adjudge any person or persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with arms, ammunition and accoutrements required by this act, they shall make report thereof to the next regimental or battalion court-martial as the case may be, who may if it should appear necessary, exempt such persons from the fines and forfeitures by this act imposed, until such arms and accoutrements shall be provided and delivered him by the court-martial, to be paid out of the fines already collected and that may hereafter be collected, such court-martial first taking security for the safe keeping of such arms and accoutrements, and to be returned when required.

Gov. to call out militia if an invasion, &c.

X. *And be it further enacted by the authority aforesaid,* That in case of an insurrection within this state, or invasion, it shall and may be lawful for the Governor and Commander in Chief for the time, or any officer by him directed, to raise so many of the militia as shall be thought necessary for opposing such insurrection or invasion, and the militia so raised shall perform such duty or service as they shall be required to do by their commanding officer; and it is hereby required and directed that the said militia shall appear furnished with arms, ammunition and accoutrements as aforesaid.

XI. *And be it further enacted by the authority aforesaid,* That every person who shall neglect or refuse on call or alarm given, to appear at such times and places as shall be appointed by his
Captain

Captain or other officer, shall on due conviction before a court-martial, forfeit and pay ten pounds, to be levied by warrant from the Colonel or commanding officer for that service, directed to the Sheriff of the county where the offender resides; and such Sheriff, who is hereby required and directed to execute the same, shall for every neglect or refusal forfeit and pay the sum of ten pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof: And any person who shall refuse to march against the enemy when commanded, or refuse or neglect to do his duty or perform the service he is put upon by his officer, or shall quit his post, desert or mutiny, it shall and may be lawful for the commanding officer of the regiment or corps to order a court-martial for the trial of such offender, first taking the following oath, *to wit*, " You shall swear well and truly to try and determine according to your evidence in the matter now before you, between the state and the prisoner to be tried. So help you God;" and on trial and conviction, to punish the offender according to the articles of war established for the regulation of the continental army, and the nature of the offence: *Provided nevertheless*, such punishment shall not extend to sentence of death, except in cases of desertion to an enemy or mutiny.

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10l. fine for not turning out on alarm. Recovery, &c.
Court-martial for offences.

XII. *And be it further enacted by the authority aforesaid*; That the respective officers, non-commissioned officers and privates, when in actual service, shall from the day they are ordered on duty, be paid according to the following rates, *viz.*

Pay, &c.

A Brigadier-General per day,	1l. 4s.	Lieutenant-Colonel Commandant of Cavalry,	20s.
A Colonel or Lieutenant-Colonel Commandant of infantry,	16s.	Major of ditto,	15s.
Lieutenant-Colonel of ditto,	12s.	Captain of ditto,	12s. 6d.
Major of ditto,	8s.	Lieutenant of ditto,	10s.
Captain of ditto,	6s.	Cornet of ditto,	7s. 6d.
Lieutenant of ditto,	5s.	Surgeon of ditto,	10s.
Ensign of ditto,	7s. 6d.	Serjeant of ditto,	5s. 6d.
Surgeon of ditto,	4s.	Corporal of ditto,	5s. 6d.
Serjeant-Major of ditto,	4s.	Trumpeter of ditto,	5s. 6d.
Drum-Major of ditto,	4s.	Private of ditto,	4s. 6d.
Fife-Major of ditto,	3s.	Lieut. Col. Commandant of artillery,	20s.
Serjeant of ditto,	3s.	Major of ditto,	12s. 6d.
Drummer of ditto,	3s.	Captain of ditto,	10s.
Fifer of ditto,	3s.	Captain-Lieutenant of ditto,	7s. 6d.
Corporal of ditto,	3s.	Lieutenant of ditto,	7s. 6d.
Private of ditto,	2s. 6d.	Surgeon of ditto,	1cs.

Non-commissioned officers and privates to have the same pay as in the cavalry:

XIII. *And be it further enacted by the authority aforesaid*; That when any commissioned officer shall be convicted before a court-martial of having violated this act, he shall not only be subject to the fines imposed by this act but shall be cashiered; and all the field officers of the militia shall be resident in the district or county for which they are appointed; and they shall possess a freehold of one hundred and fifty acres of land or a freehold in some town; and the persons enrolled in any troop of horse or company of artillery, shall be and are exempt from their service in the infantry, but shall not be afterwards transferred to the infantry except in case of removal, or by the consent of the commanding officer of the company.

Punishment of officers.
Qualifications of field officers
Cavalry & artill. exempt in the infantry, &c.

XIV. *And be it further enacted by the authority aforesaid*; That no officer or soldier ordered or directed by this act to appear at muster as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatsoever on the day such person or persons is or are directed to appear, or in any reasonable time either going to, continuing at, or returning home from the place appointed to muster, but every such arrest is hereby declared to be void; and every person required by this act to attend musters, going to or returning from any musters, shall be suffered to pass over any bridge and shall be put over any ferry without delay, free from any charge whatsoever; and if any ferryman shall demand pay for, delay or refuse to put such person or persons over, he shall forfeit and pay for every such offence the sum of twenty shillings, to be recovered by a warrant from a Justice of the Peace, one half to the informer, and the other half to the use of the county wherein the offence was committed: And no non-commissioned officer or private shall be deprived of the arms and accoutrements required by this act, by execution issuing on an action of debt, or any civil process whatsoever. And the Brigadier-General of each district shall at least once in two years review the several regiments or battalions in his brigade, and if any Captain or commanding officer of a company shall fail or neglect to muster his company as by this act required, he shall forfeit and pay the sum of ten pounds, to be recovered before a Justice of the Peace, or in any court having cognizance thereof, at the suit of the commanding officer of the regiment; which fines shall be applied to the use of the regiment in which they are levied, and the purposes to which other fines are appropriated.

Privileges on attending musters.
Arms not liable to execution.
Brig. to review
Capt. fine for neglect.

XV. *And be it further enacted*; That the Major of each battalion of artillery, shall once in every year review the companies of the same, under the penalty of twenty-five pounds; and the commanding officer of the regiment shall once in two years review the said regiment by companies, under the penalty of twenty-five pounds, and shall once in every year transmit a return of said regiment to the Governor. The commanding officer of each regiment of cavalry shall once in two years muster the same, at some convenient place of the district where the same shall be formed, under the penalty of twenty-five pounds, and shall also once in every year review every troop in his regiment, by calling one or two of them together at some convenient place, and shall also once in every year make a just return of his regiment to the Brigadier-General of the district, under the penalty of twenty-five pounds: *Provided always*, That

Reviews of Artillery
Cavalry

1786. That the companies of artillery shall attend the general musters of the regiments or battalions of infantry which may be most convenient to them.

XVI. And be it further enacted, That all fines and forfeitures by this act directed, and not particularly appropriated, shall be applied to the purposes of supplying arms, ammunition and accoutrements, and colours for the use of the corps from whence the same may arise, and those paid by the Brigadier-General to be divided among the different regiment and battalions of his brigade for the same purposes.

XVII. And be it further enacted, That the militia in the county of Rowan shall be divided into three battalions, *to wit,* Those companies that muster at Salisbury shall be the first battalion, the second battalion shall remain as heretofore, and the companies on the east side of the Yadkin River shall form a third battalion, and shall muster at Willson's old Field. The militia of the county of Mecklenburgh shall be divided into two battalions, and muster as heretofore. *Provided,* That nothing in this act contained, shall be construed so as to oblige any of the people called Quakers, Moravians, Dunkards or Minonists, to attend any private or general muster of infantry.

XVIII. And be it further enacted, That the companies of each regiment or battalion shall take post in the same according to the age of the commissions of the several Captains, and if two or more officers of the same grade shall have commissions of equal date, the priority shall be decided by drawing lots in presence of a majority of the field officers of the regiment or battalion, which lot shall be marked on the several commissions and forever conclude the parties.

XIX. And be it further enacted, That all former laws for regulating the militia of this state, and every part thereof, be and they are hereby repealed and made void. *Provided,* That this act shall not take effect or be in force until the first day of June next.

XX. And be it further enacted, That it shall be considered part of the public printer's duty to furnish three pamphlets of the Baron Stuben's Military Guide to each county within this state for the use and instruction of the field and other officers of the militia in the line of their duty; and shall be sent with the acts of Assembly to the different districts: *And provided also,*

That the General muster for the county of New-Hanover shall hereafter be held at Beaufort Bridge; any law to the contrary notwithstanding.

XXI. And be it further enacted, That if any regiment or battalion is at this time officered different from the directions of this act, the same shall remain so until by vacancies happening in the same, it shall be practicable to arrange the appointment as by this act before directed.

XXII. And be it further enacted, That the Brigade-Inspector shall have the rank of Lieutenant-Colonel of infantry, and be allowed the same pay when in actual service; whose duty it shall be to attend the general musters of each battalion, in the district of which he is appointed, once in every year: And the Brigade-Major and Aid-de-Camp shall severally have the rank of Major of infantry, and be allowed the same pay when in actual service.

[Passed Jan. 6, 1787.]

CHAPTER XXIII.

An Act to pardon and consign to oblivion the offences and misconduct of certain persons in the counties of Washington, Sullivan, Greene and Hawkins.

Preamble.

WHEREAS divers persons within the counties of Washington, Sullivan, Greene and Hawkins, who had withdrawn themselves from their allegiance to the state, have returned thereunto, and expressed a disposition to continue peaceful subjects of the same.

Former offences pardoned.

I. 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 treasons, misprison of treasons, offences and misdemeanors of every kind soever, done or committed by any of the said persons against the sovereignty and government of this state in and over the said counties as heretofore acknowledged, held and exercised, be and are hereby pardoned and buried in total oblivion; and the said persons be and are hereby restored to all the privileges of the other citizens of the state as if the said offences and misconduct had never existed; any law to the contrary notwithstanding. *Provided,* That where any decisions have been had respecting property, which are incompatible with justice, the person or persons injured shall have his or their remedy at common law.

Appointment of officers.

II. And be it further enacted by the authority aforesaid, That all persons who held and enjoyed civil and military offices within the said counties, on the first day of April one thousand seven hundred and eighty-four, be and are hereby continued and confirmed in the said offices; and such as have accepted and exercised other offices and appointments, the acceptance and exercise of which are considered to be a resignation of their former offices held under this government; and the same are hereby declared vacant; which said vacant offices, both civil and military, shall be filled up with proper persons to be appointed by the General Assembly and commissioned by his Excellency the Governor, or otherwise as by law directed.

Arrearages of taxes, &c.

III. Be it enacted by the authority aforesaid, That all arrearages of taxes due from the citizens of the said counties up to the end of the year one thousand seven hundred and eighty-four, shall be collected and accounted for according to the revenue laws of the state; and that all taxes due from the said citizens from the end of the year one thousand seven hundred and eighty-four up to this present time, shall be and the same are hereby relinquished and given to the citizens aforesaid; any law to the contrary notwithstanding. [Passed Jan. 6, 1787.]

CHAPTER XXIV.

An Act for the relief of George Laine Moore and William Jones.

Preamble.

WHEREAS it is made known to the General Assembly, that George Miller purchased of John Campbell and Alexander McCulloch, as agents for Henry McCulloch, three hundred

hundred and twenty acres of land, on the twenty-ninth of December, one thousand seven hundred and fifty-seven, for the consideration of twenty-five pounds; and that the deed of conveyance for the same is torn and great part thereof lost without being registered; and also that the aforesaid George Miller, after being possessed thereof near twenty years, hath sold the said lands, viz. Two hundred and seventy acres to Michael Redwill, and fifty acres to Nathan Oakey: And that the said lands hath been so sold, viz. Fifty acres by the said Oakey to William Jones, and the remainder two hundred and seventy acres by the said Redwill to George Laine Moore. And whereas the estates of fair and honest purchasers may be drawn in question the original deed not having been proved and registered: For remedy whereof,

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I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That upon registration of the fragment of the said original deed, and of the deeds to Michael Redwill and Nathan Oakey, the same shall be good and valid to all intents and purposes as the original would have been, had the same been registered entire according to law; any law to the contrary notwithstanding.

Deeds to be registered, &c.

[Passed Jan. 1, 1787.]

CHAPTER XXV.

An Act for raising money by a Lottery, for the purpose of building a House for the reception of the Poor in Craven county.

WHEREAS it would tend very much to the relief of the inhabitants of the county of Craven to have a house built for the reception of the poor in the said county; And whereas it would be difficult from the variety of taxes now levied on the said inhabitants, to raise a sufficient sum by a tax, and it is thought that a sum adequate to the purposes aforesaid may be raised by lottery:

Preamble.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That Richard Dobbs Spaight, John Wright Stanley, John Hawkes, Spyers Singleton and Abner Neale, Esquires, shall be and are hereby appointed managers, who, or a majority of them, shall undertake, carry on and draw a lottery in Newbern, for the purposes aforesaid, with power to issue two thousand tickets for the first class at twenty shillings each, and two thousand tickets for the second class at thirty shillings each; the tickets to be signed by themselves and to be in the following form: "No. Craven county poor-house lottery. This ticket entitles the bearer to whatever prize may be drawn against this number, deducting fifteen per cent. as per act of Assembly passed in December, 1786." And on the third Monday of June next, at the court-house in Newbern, shall begin the drawing of the first class of the said lottery, if a sufficient number of tickets shall by that time be disposed of, and the calculation of the chances shall be as follows:

Managers appointed.

Their duty, &c.

One prize of five hundred pounds	is	£.500
Three prizes of one hundred pounds	is	300
Four prizes of fifty pounds	is	200
Five prizes of twenty pounds	is	100
Eight prizes of ten pounds	is	80
Three hundred prizes of forty shillings	is	600
First drawn entitled to ten pounds	is	10
Last drawn entitled to ten pounds	is	10

Scheme of the First class.

Two hundred pounds carried to class the second		1800
		200
		£.2000

Two thousand tickets at twenty shillings is 2000l. And on the third Monday of September next, at the court-house aforesaid, shall begin the drawing of the second class of the said lottery, if a sufficient number of tickets shall by that time be disposed of, and the calculation of the chances shall be as follows:

Second class.

One prize of one thousand pounds	is	£.1000
One prize of five hundred pounds	is	500
Two prizes of two hundred pounds	is	400
Four prizes of fifty pounds	is	200
Ten prizes of twenty pounds	is	200
Two hundred and ninety prizes of three pounds	is	870
First drawn entitled to fifteen pounds		15
Last drawn entitled to fifteen pounds		15

Two thousand tickets at thirty shillings each	is	3000l.
Two hundred pounds brought from the first class		200
		£.3200

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said managers to deduct out of the amount of every prize, fifteen per cent. to be applied as hereafter mentioned: But before any ticket shall be issued, the said managers shall give bond payable to his Excellency the Governor, and his successors, in the penal sum of five thousand pounds, with condition for their faithful discharge of the trust reposed in them by this act; which bond shall be recorded in the county court of Craven, and any person injured may have judgment thereon against the managers.

Deduction of 15 per cent.

Managers to give bond.

III. *And be it enacted by the authority aforesaid,* That any person or persons purchasing a ticket or tickets in the first class of this lottery, shall have preference to the same number or numbers in the second class of said lottery, provided they make payment for the said ticket or tickets

Purchasers in 1st cl. preference in 2d. tickets

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tickets within forty days after drawing the first class, and that every ticket or tickets that shall be drawn prizes in the first class, shall be considered as continued on to the second class the property of the owner or owners thereof, unless they shall signify to the contrary within forty days after the drawing of the first class.

Manager's
oath

IV. *And be it further enacted,* That the said managers shall, before they enter on the execution of their office, before any Justice of the Peace for the county of Craven, take the following oath, *to wit,* "I A. B. do solemnly swear, that I will faithfully execute the office of manager to the Craven county poor-house lottery, according to the directions of the act of Assembly in that case made and provided. So help me God."

Allowance.

V. *And be it further enacted,* That the said managers may also take fifty pounds as a satisfaction to themselves for keeping the accounts, drawing the lottery and the whole charges thereof.

Application of
the amount.

VI. *And be it enacted by the authority aforesaid,* That the said managers shall within thirty days after the drawing of the second class, account for and pay unto the Wardens of the poor for the county of Craven, the sum raised by the said lottery; after deducting the sum of fifty pounds as allowed above, for the expences of the same, to be applied to the building of a poor-house in the said county, and to no other use or purpose whatsoever: And the said Wardens are hereby directed and required, to proceed as soon as may be, to purchase three acres of land in some convenient part of the said county, to erect the said buildings on, and to contract with some person or persons to erect, build and compleat the said poor-house.

Poor-house,
&c. in whom
vested.

VII. *And be it further enacted,* That the said three acres of land and the poor-house when compleated, shall be vested in the Wardens of the poor for the said county, and their successors in office forever, in trust to and for the only use and benefit of the poor of said county.

Expenditures
to be account-
ed for.

VIII. *And be it enacted by the authority aforesaid,* That the Wardens of the poor shall account to and settle with the county court of Craven for the expenditures of said money, and set up a fair copy of the same at the court-house of the county for the inspection of the public.

[Passed Jan. 6, 1787.]

CHAPTER XXVI.

An additional Act to an act, entitled, "An act for the regulation of the town of Newbern and for other purposes."

Preamble.

WHEREAS it is necessary that the conduct of idle and disorderly slaves, free negroes, and persons of mixed blood in the said town, should be properly restrained, and that such regulations be made respecting them as will prevent the mischiefs and evils at present existing:

Commissioners
power, &c.

I. *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 Commissioners of the said town to be appointed at their next annual election, and their successors, shall have full power and authority, and they are hereby directed to make such bye-laws and regulations with such penalties from time to time, for the restraint of idle and disorderly slaves, free negroes, and persons of mixed blood, as to them shall appear just and necessary. *Provided,* That the same be not incompatible with the laws of the state.

Trading with
slaves, &c.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners and their successors, shall also from time to time make and adopt any laws or regulations that they may deem necessary, to prevent persons from trading or dealing with the slaves of either the inhabitants of the county of Craven or of the said town; and that all fines that the said Commissioners may levy for a breach of any of their laws or regulations, shall be recovered by warrant and determined before a Justice of the Peace. *Provided nevertheless,* That nothing herein contained shall be construed to prevent or debar any person thinking him or herself aggrieved by the decision of any Justice on such warrant, from a right of appeal to the court of Craven county, first giving sufficient security, where the cause shall be tried *de novo* by the Justices of the said court or by a lawful jury at the option of the appellant, at the first court to which the appeal is made.

Preamble.

And whereas by an act of Assembly passed at Newbern the fifth day of December, one thousand seven hundred and sixty-seven, entitled, "An act for investing certain lots in the town of Newbern in his Excellency the Governor and his successors," in the fifth section of the said recited act, it appears that Eden-street was then vested in his Excellency the Governor, which has been prejudicial to the inhabitants of said town:

Eden-street to
be opened.

III. *Be it enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners or a majority of them, at their first meeting, to cause that part of Eden-street which extends from Trent-River to Pollock-street, and which was by the before recited act vested in the Governor, to be again opened for the benefit of the public in the same manner as any other street in the said town, any law to the contrary notwithstanding; and that so much of the afore recited act as comes within the purview of this act, shall be and is hereby declared to be repealed and made void. *Provided,* That nothing in this act contained shall extend to enable the said Commissioners to encroach on any of the public buildings, or on any part of any of the lots purchased for the public in the said town.

[Passed Jan. 6, 1787.]

CHAPTER XXVII.

An Act to authorize the late Commissioners of specific supplies for the several counties therein mentioned, to collect the arrearages of specific Taxes yet due from the inhabitants thereof.

Preamble.

WHEREAS the specific taxes heretofore assessed on the inhabitants of the counties of Bartie, Burke, Rutherford, Randolph, Tyrrel and Franklin, have not been fully collected, and it may be doubted how far the late Commissioners appointed for the collection of the said taxes have now a power for that purpose, or whether they have any at all:

I. Be

I. *Be it therefore enacted*, That every person who has been duly appointed a Commissioner of specific supplies in any of the said counties for any one or more years, who has not fully collected the specific tax due from the inhabitants of the county in which he was appointed a Commissioner for any such year, his executors, administrators or appointee shall have full power and lawful authority, and the said Commissioner, his executor, administrator or appointee, is and are hereby required to collect the same within twelve months at farthest after the passing of this act, and to use all and every the methods to enforce the payment of the said tax where the same may be necessary, as such Commissioner was lawfully invested with the power of using when the said tax became due; but every person owing the same or any part thereof, shall when called upon for payment thereof under this act, pay the said tax in currency, according to such rates of commutation for money as were established by the respective acts under which such taxes severally became due, and where no such rates were then established, according to the rates affixed by the last specific tax law.

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Deficiency of specific tax to be collected.

II. *And be it further enacted*, That the residue of the said taxes now due, when collected, shall be accounted for in such manner and according to such rules and regulations as are prescribed for Collectors of public monies, and shall be subject to the same penalties for neglect or refusal.

Accounted for

III. *And be it further enacted*, That in all cases where any person shall alledge that the said tax assessed upon him or her in any year or part thereof has been paid, and that he or she either did not take a receipt for the same or that the receipt has been lost, mislaid or destroyed, it shall be lawful for such person to make oath thereof before some Justice of the Peace, or affirmation, and such oath or affirmation shall be held and taken as a sufficient proof that the said tax was paid or part thereof, and shall operate as a full discharge of the same, or such part thereof as the payment of shall be so sworn or affirmed to. *Provided*, That this act shall not enable any Commissioner, his executor, administrator or appointee, to collect more than a single tax for any particular year from any person whatsoever. [Passed Jan. 6, 1787.]

Oath to be allowed.

CHAPTER XXVIII.

An additional Act to an act, entitled, "An act to amend an act passed at Newbern, the first day of December, one thousand seven hundred and sixty-six, entitled, "An act for establishing a School-house in the town of Newbern."

WHEREAS the Newbern Academy established by the before recited act will promote the valuable and useful purposes for which it was intended if properly encouraged; and as it hath been represented to this General Assembly that a lot of land with the improvements thereon in the town of Newbern, commonly called and known by the appellation of the Glebe, which was formerly purchased at the expence of the inhabitants of the county of Craven for the residence of a minister of the Episcopal church, would tend to the increase of the funds of the said academy, if the same was veited in the trustees thereof:

Preamble.

I. *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 lot of land in the town of Newbern, situate on Middle and Johnston streets, and known and described in the plan of the said town by the number three hundred and twenty-two, together with all the improvements thereon, be, and it is hereby declared to be veited in the trustees for promoting and establishing the Newbern Academy, and their successors forever, in trust to and for the benefits, uses and purposes of the academy; and the said trustees or a majority of them, at their first meeting after the passing of this act, may take possession of the said lot and improvements, and rent or otherwise dispose of the same in such manner as to them may appear most advantageous to the said academy. [Passed Jan. 6, 1787.]

Lot veited in the trustees.

CHAPTER XXIX.

An Act for improving the Navigation to Newbern.

WHEREAS it is represented to this General Assembly that the navigation for small vessels from Newbern to Ocracock Bar and Beaufort, may be greatly facilitated by cutting a canal across a certain point of marsh from Turnagain-Bay to Long-Bay; and that the property of the marsh, so much of it as hath been surveyed, is veited in Richard Blackledge and Abner Neale, who have consented that a canal shall be opened through the same:

Preamble.

I. *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 Richard Wade, Afa Bishop and John Bragg, shall be and are hereby constituted Trustees for receiving subscriptions for the purpose of opening a canal across the point of marsh from Turnagain-Bay to Long-Bay; and they are hereby authorized to sue for and recover all such sums of money as shall be subscribed for that purpose, and the canal when they shall have opened the same, shall be deemed a public canal and free for all vessels forever. [Passed Jan. 6, 1787.]

Trustees for opening a canal, &c.

CHAPTER XXX.

An Act for annexing part of the county of Craven to Pitt county.

WHEREAS many of the inhabitants of the county of Craven have petitioned to be annexed to the county of Pitt:

Preamble.

I. *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 that part of the county of Craven, included in the following bounds, beginning at the Pitt line where Creeping Swamp intersects the same, thence down the run or middle of the said swamp to the run or middle of the Clay-root Swamp, thence down the run of the said Clay-root Swamp

Division line.

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to the run of Swift's Creek Swamp, thence up the run of the same to Isaac Gardener's Ford, or path across the same, thence a direct line to the lower landing on Grindal Creek, which is in about half a mile of the said creek, thence down the said Grindal Creek to the river Neuse, thence up the meanders of the said river Neuse to the mouth of Great Contentney Creek, thence up the said creek to the mouth of Little Contentney Creek, then up the same to the line of the county of Pitt, be, and the same is hereby annexed to, and shall be and remain a part of the county of Pitt: *Provided always*, Nothing in this act shall be understood to prevent the Sheriff of Craven from collecting all public taxes, that now are or may be due for the year one thousand seven hundred and eighty-six, in that part of the said county which comes within the description of this act.

Proviso.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the county of Craven shall send six jurors, and the county of Pitt six jurors to the Superior Court. [Passed Jan. 6, 1787.]

Jurors.

CHAPTER XXXI.

An Act to repeal part of an act passed at Newbern the twenty-ninth day of December, seventeen hundred and eighty-five, entitled, "An act for destroying Wolves, Panthers, Bears, Crows and Squirrels in the several counties therein mentioned."

Former law in part repealed.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is enacted by the authority of the same, That from and after the passing of this act, the before recited act, and every article thereof as far as relates to the counties of Wake, Rutherford, Mecklenburgh, Dobbs, Brunswick, Tyrrel, Wilkes and Surry, be, and the same is hereby repealed and made utterly void, so far as the same provides for the killing and destruction of crows and squirrels. [Passed Jan. 6, 1787.]

CHAPTER XXXII.

An Act for dividing the County of Davison.

Preamble.

WHEREAS from the extent of the county of Davison, it renders it very inconvenient and troublesome to many of the inhabitants thereof to attend the courts, general elections, and other public meetings appointed therein:

Division line.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the said county of Davison be divided by a line beginning where the county line crosses the west fork of Stone's River, down the same to the junction with the main Stone's River, thence a direct line to the mouth of Drake's lick Creek, thence down Cumberland river to the mouth of Kaspur creek, thence up the said creek to the head of the Wartrace fork, thence a northwardly course to the Virginia line, at a point that will leave Red-River, old Station, one mile to the east; and all that part of Davison that lies to the west of the said line, shall continue and remain the county of Davison; and all that part of the said county of Davison that lies east of the said dividing line, shall thenceforth be erected into a new and distinct county by the name of Sumner: And for the due administration of justice:

Court in Sumner, when held &c.

II. *Be it enacted by the authority aforesaid*, That the court for the said county of Sumner, shall be held constantly by the Justices thereof on the second Mondays of January, April, July and October in every year; and the Justices for the said county of Sumner are hereby authorized and empowered to hold the first court in the same at the house of John Hamilton, all subsequent courts for the said county on the days above appointed for holding the courts therein, at any place to which the said Justices shall from court to court adjourn themselves, until a court-house shall be built for the said county of Sumner, and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court-house; and all courts held in and for the said county of Sumner, shall be held by commission to the Justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are or shall be prescribed for other courts held for the several counties in this state.

Sheriff of Davison to recover former dues.

III. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall be construed to debar the late Sheriff and Collector of Davison county, as the same stood undivided, to make distresses for any levies, fees or other dues, now actually due or owing from the inhabitants of the said county of Davison as it formerly stood undivided, in the same manner as by law the said Sheriff or Collector could or might have done if the said county had remained undivided; and the said levies, fees and other dues shall be collected and accounted for in the same manner as if this act had never been made; any thing herein contained notwithstanding.

Levies in Sumner to be accounted for.

IV. *And be it further enacted by the authority aforesaid*, That the county Treasurer of the said county of Sumner, shall from time to time account for and pay to the public Treasurer of the state for the time being, all public levies by him collected, or wherewith he shall stand chargeable, in the same manner and under the like pains and penalties as other county Treasurers.

Commissioners to run the line.

V. *And be it further enacted by the authority aforesaid*, That Daniel Smith, Thomas Mullay and James Winchester, be appointed Commissioners, and they are hereby empowered and required to run the said dividing line between the counties of Davison and Sumner, agreeable to the directions of this act; which said line when run by the Commissioners or a majority of them, shall be by them entered on record in the court of each of the said counties of Davison and Sumner, and shall be deemed and taken to be the dividing line between the said counties of Davison and Sumner.

VI. *And be it further enacted by the authority aforesaid*, That David Willson, William Hall, Danic' Smith, Joseph Kerkendall and Edward Douglass, the survivor or survivors of them, be

be and they are hereby empowered and directed to agree and contract with workmen for erecting and building a court-house, prison and stocks for the said county of Sumner, at such place as they or a majority of them, or their survivor or survivors, shall agree upon: And for reimbursing the said Commissioners the money they shall expend in erecting the said buildings, and running the said dividing line between the said counties:

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Commissioners to build court-house, &c.

VII. *Be it further enacted by the authority aforesaid,* That a tax of one shilling on each poll, and a tax of four pence on each hundred acres of land, shall be and is hereby assessed on the taxable property in the said county of Sumner for two years, to commence from the passing of this act; and that all persons who shall refuse or neglect to pay the said tax at the time limited for the payment of public taxes, shall be liable to the same penalties and distresses as for non-payment of public taxes; and Collectors of the said county of Sumner, are hereby required and directed to account for and pay the money by them collected to the Commissioners aforesaid; after deducting two and an half per cent. for the trouble of collecting the same, and in case of failure or neglect in any of the said Collectors, each Collector so failing or neglecting shall be liable to the same penalties and recoveries as by law may be had against Collectors of public taxes in like cases.

Tax, &c.

VIII. *And be it further enacted by the authority aforesaid,* That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Davison, shall continue and may be prosecuted to final end and determination, any thing in this act notwithstanding.

Suits pending;

IX. *And be it further enacted,* That the court of the said county of Sumner shall appoint sixteen jurors to attend at every superior court that shall be held for the county of Davison. And whereas doubts have arisen respecting the rights of Surveyors to the warrants issued or may hereafter issue by virtue of entries made in counties previous to a division of such counties:

Jurors.

X. *Be it therefore enacted by the authority aforesaid,* That where any entry hath been or may hereafter be made, or any warrants issued in any county previous to the division of the same, the warrants shall be directed to the Surveyor of the county where the entry was made; and he is hereby required to survey the same and make return thereof in the same manner as if no such division had taken place; any law to the contrary notwithstanding.

Surveyors.

XI. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Sumner shall be liable to pay towards the support of the troops to be raised for the defence of the inhabitants of the Cumberland settlement, in the same proportion as though they had remained a part of the county of Davison; and the Collectors of the specific tax in the said county of Sumner for the support of the said troops, shall have as full and ample powers to collect and distrain for the same as if the said county of Davison had remained undivided; any law, usage or custom to the contrary notwithstanding.

Troops how supported.

[Passed Jan. 6, 1787.]

CHAPTER XXXIII.

An Act for the better regulation of the town of Hillsborough:

WHEREAS it is the interest of this state to regulate the towns thereof and encourage their trade, and the laws heretofore made for regulating the town of Hillsborough have proved defective and inconvenient:

Preamble.

I. *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 books in which the proceedings of the Commissioners have been entered by themselves or their Clerks respecting the election of Commissioners, granting and conveying lots, drawing lots, orders and settlements with respect to town monies, and all the proceedings agreeable to the acts heretofore passed for the regulation of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

Proceedings of Commissioners confirmed, &c.

II. *Be it further enacted by the authority aforesaid,* That seven Commissioners shall be chosen on the first Saturday in February next, and the Sheriff of Orange or his deputy is hereby required to attend at the court-house, or some convenient place in the said town on the same day, and at the hour of ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected; and in like manner the said Sheriff or the Coroner, first giving ten days notice by public advertisement, shall on the first Saturday in February in every year afterwards, in the same manner open the poll, receive the tickets and proclaim the Commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of Orange, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor, the other half to be paid to the Treasurer of the town for the use of said town; and the Commissioners so chosen shall before they enter on the execution of their office take the following oath: "I A.

Election of Commissioners

" B. do swear, that I will faithfully discharge the office of Commissioner for the town of Hillsborough, agreeable to law and to the best of my knowledge and judgment."

Their oath.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners shall appoint one of their body to act as Treasurer of the town for that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose; and upon the appointment of a new Treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands; *Provided,* That before such Treasurer enters upon his office, he shall give his bond with good security payable to the Commissioners for the faithful discharge of his duty.

Treasurer.

IV. And

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Clerk.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said town shall choose and appoint a proper person to be their Clerk, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the said Commissioners and their successors, with two securities in the sum of one hundred and fifty pounds lawful money of this state, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the Commissioners during his continuance in the said office; and the said Clerk is hereby authorized and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town, which were in the possession and care of the former Commissioners, to which books, journals and papers all persons shall have free access on paying one shilling, under the penalty of forty shillings for every refusal.

Tax.

V. *And be it further enacted by the authority aforesaid,* That the Commissioners of the town so chosen and qualified agreeable to the directions of this act, shall have full power and authority to lay a tax not exceeding the sum of eight shillings on every poll belonging to the said town, which tax shall be collected by a warrant under the hands and seals of the Commissioners, directed to such persons as they appoint for that purpose; and the Collector to be appointed as aforesaid is hereby impowered and directed to collect and make distress for the same in like manner as Collectors of public taxes; and the monies arising therefrom, after deducting one and a half per cent. for commissions, shall by him be paid into the hands of the town Treasurer, to be by the Commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the Commissioners may deem necessary.

Commissioners
fine for non-
attendance.

VI. *And be it further enacted by the authority aforesaid,* That if any Commissioner shall (after notice or summons subscribed by three of the Commissioners and countersigned by the Clerk, such notice or summons to contain the time and place of meeting, and to be served twelve hours at least previous to such meeting) fail to give his attendance, he shall forfeit and pay ten shillings, unless prevented by sickness or such other cause as shall be satisfactory to a board of Commissioners, which shall not consist of less than a majority of the whole number, such fine or forfeiture to be recovered by a warrant from a Justice, and applied as the fines heretofore mentioned.

Plan of the
town to be
made.

VII. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said town are hereby empowered and authorized to employ the Surveyor of the county of Orange, to survey and lay out the said town, agreeable to the original plan thereof, and to mark the same.

Swine, &c. al-
lowed to run.

VIII. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said town, shall and may be at liberty after the passing of this act, to raise swine, geese, or any other stock, and suffer them to run at large in the said town; any law heretofore to the contrary notwithstanding.

Tax on unim-
proved lots.

IX. *And be it further enacted by the authority aforesaid,* That all unimproved lots within the town aforesaid shall pay a tax of five shillings yearly, to be collected at the same time, and as other taxes imposed by this act.

Former acts
repealed.

X. *And be it further enacted by the authority aforesaid,* That all and every other act and acts, and every clause and article thereof heretofore made within the purview of this act, is and are hereby repealed to all intents and purposes. [Passed Jan. 6, 1787.]

CHAPTER XXXIV.

An Act for dividing the county of Sullivan.

Preamble.

WHEREAS the extent of Sullivan county being one hundred and fifty miles in length, the settlements thereof and different water courses in the same, render it inconvenient and troublesome to many of the inhabitants thereof to attend the courts and general elections, and other public meetings appointed therein:

Division line.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the said county of Sullivan be divided in the following manner, beginning where the boundary line between the commonwealth of Virginia and the state of North-Carolina crosses the north fork of Holston's River, thence down said fork to its junction with the main Holston's River, thence cross said river due south to the top of Bayes Mountain, thence along the top of the said mountain and the top of the dividing ridge between the waters of Holston's River and French Broad River to its junction with Holston's River, thence down said River Holston to its junction with the Tenasee River, thence down the same to the Suck where said river runs through Cumberland Mountain, thence along the top of said Mountain to the aforesaid boundary line, and thence along said line to the beginning: And that all that part of Sullivan county on the east side of the north fork of Holston's River, shall continue and remain a distinct county by the name of Sullivan; and all that other part which lies west of said north fork of Holston shall thenceforth be erected into a new and distinct county by the name of Hawkins: And for due administration of justice,

Court of Haw-
kins, when &
where held.

II. *Be it enacted by the authority aforesaid,* That a court for said county of Hawkins shall be held constantly by the Justices thereof on the first Mondays of March, June, September and December, and the Justices for the said county of Hawkins are hereby authorized and empowered to hold the first court in the same at the house of Thomas Gibbins; all subsequent courts for said county on the days above appointed for holding courts therein, at any place to which the said Justices shall from court to court adjourn themselves, until a court-house, prison and stocks shall be built for said county of Hawkins; and then all causes, matters and things depending in said court, and all manner of processes returnable to the same, shall be adjourned to such court-house; and all courts held in and for said county of Hawkins shall be held by commis-
sion

sion to the Justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are, or shall be prescribed for other courts held for the several counties in this state.

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III. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall be construed to debar the former Sheriff and Collectors of said county of Sullivan as the same stood undivided, to make distress for any levies, fees or other dues now actually due and owing from the inhabitants of said county as it formerly stood undivided, in the same manner as by law the said Sheriff or Collectors could or might have done, if the same had remained undivided; and the said levies, fees and other dues shall be collected and accounted for in the same manner, as if this act had never been made; any thing to the contrary notwithstanding.

Sheriff of Sullivan to recover former dues.

IV. *Be it further enacted by the authority aforesaid,* That after the passing of this act, the said county of Hawkins shall be continued and remain part of the district of the Superior Court of Law and Equity usually held for the district of Washington: And the said County Treasurer of the said county of Hawkins shall from time to time account for, and pay to the public Treasurer of this state for the time being, all public levies by him collected or wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties as other County Treasurers.

Hawkins in Washington district.

Treasurer to be accountable

V. *And be it further enacted by the authority aforesaid,* That Lewis Widener, John Miller, Hutson Johnston, Francis Doherty, Joseph Cloud, William Reid and John Carnes, be appointed Commissioners, and they are hereby empowered, or a majority of them, to fix upon the most convenient or central place for building and erecting a court-house, prison and stocks for said county of Hawkins.

Commissioners to fix the place of court-house

VI. *And be it further enacted by the authority aforesaid,* That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Sullivan, shall continue and may be prosecuted to a final end and determination, any thing in this act to the contrary notwithstanding.

Suits pending:

VII. *Be it enacted by the authority aforesaid,* That a tax not exceeding one shilling and sixpence per poll, and sixpence per hundred acres of land, shall and may be levied upon the inhabitants of the county of Hawkins, for building and erecting a court-house, prison and stocks in said county: And the Sheriff or Collector of said county shall have full power and authority to collect and distrain for the same in like manner as in other public taxes provided, and shall be accountable in like manner, after deducting the usual per cents. for collecting the same, and shall pay said money so collected into the hands of Lewis Widener, Nathaniel Henderson and Thomas Gibbins or their survivors, who shall erect, build, or let the building or erecting said court-house, prison and stocks to the lowest bidder, who shall give bond and security for the due performance thereof.

Tax, &c.

VIII. *Be it enacted by the authority aforesaid,* That the said county of Hawkins, shall send three jurors to the Superior Court of the district of Washington. [Passed Jan. 6, 1787.]

Jurors.

CHAPTER XXXV.

An Act for the better regulation of the town of Halifax, and extending the Liberties thereof: and for altering the mode of laying and levying Taxes in the town of Edenton.

WHEREAS it is the interest of every state to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the town of Halifax have proved defective and inconvenient: And whereas for many years during the late war no Commissioners were chosen, and some lots may remain unconveyed to the proprietors, and doubts may arise concerning the titles to the same:

Preamble.

I. *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 books in which the proceedings of the Commissioners have been entered by themselves or their Clerks respecting the election of Commissioners, laying taxes, granting and conveying lots, drawing lots, orders and settlements with respect to the town monies, and all the proceedings agreeable to the acts heretofore passed for the regulation of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

Proceedings of Commissioners confirmed, &c.

And whereas the election of Commissioners hath sometimes lapsed, owing to its not being the duty of any particular person to notify and direct the same:

II. *Be it further enacted by the authority aforesaid,* That five Commissioners shall be chosen on the first Saturday in February next, and the Sheriff of Halifax or his deputy is hereby required to attend at the court-house, or some convenient place in the said town on the same day, and at the hour of ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected; and in like manner the said Sheriff or his deputy, first giving ten days notice by public advertisement, shall on the first Saturday in January in every year afterwards, in the same manner open the poll, receive the tickets and proclaim the Commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of Halifax, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor, the other to be paid to the Treasurer of the town for the use of the said town; and the Commissioners so chosen shall before they enter on the execution of their office take the following oath: "I A.

Election of Commissioners

B. do swear, that I will faithfully discharge the office of Commissioner for the town of Halifax, agreeable to law and to the best of my knowledge and judgment."

Their oath.

H

III. And

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Treasurer.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners shall appoint one of their body to act as Treasurer of the town for that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose; and upon the appointment of a new Treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands: *Provided,* That before such Treasurer enters upon his office, he shall give his bond with good security payable to the Commissioners for the faithful discharge of his duty.

Clerk.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said town shall choose and appoint a proper person to be their Clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the Commissioners of the said town and their successors, with two sufficient securities in the sum of two hundred pounds lawful money of this state, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the Commissioners during his continuance in the said office. And the said Clerk is hereby authorized and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town, which were in the possession and care of the former Commissioners; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of forty shillings for every refusal.

Commissioners incorporated.

Powers.

V. *And be it further enacted by the authority aforesaid,* That the Commissioners of the town so chosen and qualified agreeable to the directions of this act, shall be and they are hereby incorporated into a body politic and corporate by the name of the Commissioners of Halifax, and by that name to have annual succession by the election of the freeholders and freemen as by this act is directed, and a common seal; and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust for the said town, any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, sell, demise, alien or dispose of the same, also to receive and take any gift or donations whatsoever to the said town; and also by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town Constable or Constables, town watches or patrols, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town, and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue, as to the said Commissioners or a majority of them shall appear necessary; and also shall have full and ample powers to enforce a compliance and observance to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in the cases of slaves the punishment of thirty-nine lashes; the said penalty to be recovered, and the punishment inflicted in manner hereafter mentioned; *Provided,* That such rules and regulations are not inconsistent with the constitution and laws of the land.

Preamble.

And whereas the proper office of the said Commissioners is that of making bye-laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said Commissioners, for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect: For remedy whereof,

Magistrate of police.

His duty.

VI. *Be it enacted by the authority aforesaid,* That a proper person shall be elected at the time and in the manner herein directed for the election of Commissioners, who shall be called the Magistrate of Police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders; and shall be, and is hereby authorized to issue his warrant, directed to the Sheriff, Deputy-Sheriff or town Constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of the said town, to appear before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said magistrate is hereby required and authorized to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or execution the said Sheriff, Deputy-Sheriff or Constable is hereby required to execute, and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters on the execution of his office: "I A. B. do solemnly swear, that as a Magistrate of Police for the town of Halifax, I will do equal right in all cases whatsoever to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said town; all fines and amercedments that may happen to be made, I will cause to be duly returned to the proper officer, and in all things belonging to my office during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals."

Oath.

Preamble.

And whereas the said town has been laid out on a narrow slip of land extending from Roanoke River towards Quankey Creek, so that many persons live without the limits of the said town, yet are so necessarily connected therewith, that they ought to be within the rules and regulations made for the government of the said town:

Town enlarg'd

VII. *Be it enacted therefore by the authority aforesaid,* That the liberties, privileges, rules and regulations of the said town shall be enlarged and extended in manner and form following, *to wit,* Beginning at the north-west end of Water-street, running thence the course of said street one quarter of a mile, thence south thirty-nine degrees west a parallel line with the plan

plan of the town till it strikes Quankeey Creek, thence down the meanders of said creek to the river, thence up the river to the north-east end of Water-street.

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VIII. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said town shall annually levy a tax not exceeding eight shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property; which tax shall be collected by a warrant under the hands and seals of the Commissioners, directed to such persons as they appoint for that purpose; and the Collector to be appointed as aforesaid, is hereby empowered and directed to collect and make distresses for the same in like manner as Collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town Treasurer, to be by the Commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the Commissioners may deem necessary.

Tax.

And the more effectually to ascertain the taxable property within the said town:

IX. *Be it enacted by the authority aforesaid,* That every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assigned for the use of the state, distinguish in the list he shall return, what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the Commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town; any thing herein contained to the contrary notwithstanding. And it is hereby declared, that every person inhabiting or occupying any house or other building or improvement, or lot within the said town, shall be liable to the payment of the tax thereof unless the same shall have been returned by some other inhabitant.

Taxable property discriminated, &c.

And whereas encroachments may be made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby: For remedy whereof,

Preamble.

X. *Be it enacted by the authority aforesaid,* That the Commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended, to be removed, under such penalties as they shall think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said Commissioners shall impose a ground rent not exceeding forty shillings, to be annually paid for each piazza, porch, platform or other encroachments on the street adjoining to or being before any one house or tenement, to be applied to the public stock of the said town: And if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the Commissioners, directed to a Constable or other officer to be by them appointed, on the goods and chattels of the delinquent. *Provided always,* That uncovered piazzas or platforms, and uncovered porches, not exceeding eight feet wide including steps and cellar-doors, shall not be liable to pay any ground rent; any thing herein contained to the contrary notwithstanding.

Ground rent on piazzas, &c.

Proviso.

XI. *And be it further enacted by the authority aforesaid,* That no person shall be deemed qualified to act as a Commissioner of the town of Halifax, unless he is an inhabitant of the said town or the liberties thereof, and hath a lot or land therein, with a house on the same of no less dimensions than twenty-four feet long and sixteen feet wide, with a brick chimney to the same; and every person who is a freeholder in the said town or the liberties thereof, and every freeman who has resided therein six months and has paid public taxes, shall be qualified to vote for the said Commissioners.

Qualification of Commissioners

And voters.

XII. *And be it further enacted,* That the said Commissioners are hereby fully authorized and particularly required and directed, to make such laws and regulations as they may deem necessary to prevent hogs running at large in the said town, slaves from keeping houses without a licence from the Commissioners, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient: *Provided nevertheless,* That the regulations respecting hogs or other stock shall not be considered to extend beyond the present limits of the town, so as to authorize any person residing in the liberties thereof to seize, kill, or destroy the same, or any hog or hogs found running at large therein, subject to be seized, forfeited or destroyed. *And provided also,* That the powers hereby committed to the said Commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty-nine lashes.

Duty of the Commissioners

And whereas the mode of laying and collecting the taxes in the town of Edenton, has been found extremely unequal and inconvenient:

XIII. *Be it enacted,* That the mode of laying, levying, collecting and accounting for the taxes laid by the Commissioners of the said town of Edenton, shall from and after the passing of this act, be in the same manner as directed by this act for the town of Halifax.

Taxes in Edenton.

[Passed Jan. 2, 1787.]

CHAPTER XXXVI.

An Act for erecting a Prison in the county of Franklin.

WHEREAS the prison in the county of Franklin hath been burned, and it is necessary that another should be built for the use of the said county: Preamble.

I. *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 Benj. Caswell, Jenkins Devance, Thomas Stokes and Jordan Hill, or any three of them, be and are hereby nominated and appointed Commissioners,

Commissioners to build court-house, &c.

ers,

1786. ers, Trustees and Directors, and in case of the death, incapacity, refusal to act, or removal of any of the 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 said prison in such manner as they shall think convenient.
- Tax. II. *And be it further enacted by the authority aforesaid,* That a tax of one shilling per poll, and also a tax of four pence specie on every hundred acres of land, be levied within the said county of Franklin for the year one thousand seven hundred and eighty-seven, to be collected by the same person or persons, and in the same manner as other taxes are collected within the 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.
- Commissioners to give bond. III. *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 eight hundred pounds specie, payable to the Justices of the court of said county, with condition for the faithful discharge of the trust reposed in them by this act.
- Surplus monies. IV. *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, Trustees or Directors to the court of the said county, by whom to be applied towards lessening the county tax.
- If no county gaol debtors to be confined in district gaol. V. *And be it further enacted by the authority aforesaid,* That in case any county within this state should by any means be without a gaol, and the bail of any debtor shall surrender the principal to the custody of the Sheriff, or where the debtor shall neglect or refuse to give bail, then and in either of the cases aforesaid, it shall and may be lawful for the proper officer, and he is hereby authorized and required to commit such debtor so surrendered, neglecting or refusing to give bail as aforesaid, to the public gaol of the district.
- Criminals to be committed to distr. gaol. VI. *And be it further enacted by the authority aforesaid,* That after the passing of this act it shall not be lawful to commit any criminal to the county gaol, but all criminals shall in future be committed to the public gaol of the district. [Passed Jan. 6, 1787.]

C H A P T E R XXXVII.

An Act to release the estate of John Anderson, deceased, late of Guilford county, from the forfeiture of a recognizance entered into for the appearance of a certain John M^rRory before the Superior Court of Salisbury district.

- Preamble. **W**HEREAS John Anderson was bound in a recognizance in the sum of one hundred pounds, for the appearance of a certain John M^rRory before the Superior Court of Salisbury district, to answer a certain charge then and there to be exhibited against him: And whereas it is fully and clearly made appear to this General Assembly, that the said John Anderson at the time the said Superior Court set, was lying sick, of which sickness he died the second day after the rise of the said court, and thereby rendered unable to produce the body of the principal:
- J. Anderson's estate released from recogn^o. I. *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 estate of the said John Anderson, deceased, be released and fully discharged from the forfeiture and judgment aforesaid, in the same manner as if the said recognizance and judgment had never been made. [Passed Jan. 6, 1787.]

C H A P T E R XXXVIII.

An Act to alter the time of holding the county Court of Pleas and Quarter-Sessions in the County of Mecklenburgh, and other counties therein mentioned.

- Preamble. **W**HEREAS it is represented to this General Assembly, that the time for holding the county Court of Pleas and Quarter-Sessions in Mecklenburgh county, is extremely inconvenient by reason of the court for the month of June happening in the time of wheat harvest: For remedy whereof,
- Time of holding courts in Mecklenburgh. I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That in future the said county Court of Pleas and Quarter-Sessions shall be held on the fourth Mondays in January, April, July and October in each year; to which time all matters and things in the said court depending, shall stand adjourned and continued from the court which will be next in course after the passing of this act.
- In Halifax. II. *And be it further enacted,* That the courts for the county of Halifax, after the next sessions for said county, shall be held on the first Mondays in May, August, November and February in each year; and the courts for the county of Warren shall, after the next sessions for said county, be held on the fourth Mondays in May, August, November and February in each year; and the courts for the county of Edgecombe shall be held, after the next sessions for said county, on the fourth Mondays in April, July, October and January in each year; and writs and processes of every kind shall be made returnable accordingly, and all proceedings in the said courts respectively shall stand continued to the respective terms as by this act established, and be valid in law, any thing to the contrary notwithstanding. And the courts for the county of Pitt shall be held, after the next sessions for said county, on the third Mondays in April, July, October and January in each year. [Passed Jan. 6, 1787.]
- In Warren.
- In Edgecombe
- In Pitt.

C H A P T E R XXXIX.

An Act for adding part of Wake county to Franklin county.

- Preamble. **W**HEREAS it is represented to this General Assembly, that it would greatly add to the ease and convenience of a number of the inhabitants of Wake county, if that part of the

the said county lying east of Mockifon Swamp, was added to and made a part of Franklin county: 1786.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all that part of the county of Wake lying east of Mockifon Swamp, and a line running from the head of the westernmost prong thereof north course to the Franklin line, be, and the same is hereby added to and made a part of Franklin county. Part of Wake added to Franklin.

II. *And be it further enacted by the authority aforesaid,* That Thomas Hines, John Humphries, Durham Hall and John Hunt, be, and they are hereby appointed Commissioners, to run a line from the westernmost prong of the said swamp to the Franklin county line aforesaid; and the Commissioners aforesaid when they shall have run the said line, shall make return thereof to the courts of the said counties respectively, who shall cause the same to be recorded. Commissioners to run the line.

III. *And be it further enacted,* That nothing herein shall restrain or hinder the Sheriff of the county of Wake as it now stands, to make distress for any public or county dues now due or owing, or that shall be due for the year one thousand seven hundred and eighty-six, from the inhabitants hereby annexed to the county of Franklin. Former dues recoverable.
[Passed Jan. 6, 1787.]

CHAPTER XI.

An Act for dividing the County of Bladen.

WHEREAS the extent of the county of Bladen and different water-courses in the same, render it inconvenient and troublesome to many of the inhabitants thereof to attend the courts and general elections, and other public meetings appointed therein: Preamble.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the said county of Bladen be divided as follows: Beginning on Drowning Creek where South-Carolina line crosses said creek, thence up said creek to the mouth of the Great Swamp, thence a direct line to a point on the main road five miles westwardly of the bridge on said Great Swamp as the road now runs, thence running a straight line to Cumberland county touching at Stewart's mills on Rock-Fish; and all that part of the late county of Bladen lying east of said line, shall continue and remain a distinct county by the name of Bladen, and all that other part of the said county of Bladen lying west of said line, shall thenceforth be erected into a new and distinct county by the name of Robeson. And for the due administration of justice: Division lines

II. *Be it enacted by the authority aforesaid,* That a court for the said county of Robeson shall be held constantly on the second Mondays in February, May, August and November, and the Justices for the said county of Robeson are hereby authorized and empowered to hold the court for the same at the house of Captain John Willis, and to adjourn to such other place as they may judge most convenient, until a court-house shall be built for said county; and all courts held for, and in said county of Robeson, shall be held by commission to the Justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are, or shall be prescribed for other courts held for the several counties in this state. Court of Robeson when & where held.

III. *And be it further enacted,* That nothing herein contained shall be construed to debar the Sheriff and the Collectors for the said county of Bladen as the same stood undivided, to make distress for any levies, fees or other dues now actually due and owing from the inhabitants of said county as it formerly stood undivided, in the same manner as by law the Sheriff or Collectors could or might have done, if the said county had remained undivided; and the said levies, fees and dues shall be collected and accounted for in the same manner, as if this act had never been made; any thing to the contrary notwithstanding. Sheriff of Bladen to recover former dues.

IV. *And be it further enacted by the authority aforesaid,* That after the passing of this act, the said county of Robeson shall be continued and remain part of the district of Wilmington: And the said County Treasurer of the said county of Robeson, shall from time to time account for, and pay to the public Treasurer of this state, all public levies by him collected wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties as other County Treasurers. Robeson in Wilmington district.

V. *And be it further enacted by the authority aforesaid,* That Joseph Cain, David Ruff, James Council, William Grey McDaniel, John Regan, William Moore and Ralph Regan, or a majority of them, be and are hereby appointed Commissioners, and hereby empowered and required to run the said dividing line agreeable to the direction of this act; which said line when run by said Commissioners, shall be by them entered in the courts of each of the said counties, and shall thereafter be deemed and taken to be the dividing line between the said counties of Bladen and Robeson. Commissioners to run the line.

VI. *And be it further enacted by the authority aforesaid,* That John Cade, Jacob Alford, Jesse Jernag n, sen. John Willis, Patrick Travis, Elias Barnes, and Alexander McNeal, the survivor or survivors of them, be and are hereby empowered and directed to agree and contract with workmen for erecting and building a court-house, prison and stocks for use of said county of Robeson, at such place as they or a majority of them, or their survivors, shall agree upon. And for reimbursing the said Commissioners the money they shall expend in erecting the said buildings, and running the dividing line between the said counties: Commissioners to build court-house, &c.

VII. *Be it enacted by the authority aforesaid,* That a tax of one shilling on each poll, and a tax of four pence on every hundred acres of land, shall be, and is hereby assessed on the taxable property of said county of Robeson for two years, to commence from the passing of this act; and all persons who shall refuse or neglect to pay the same at the time limited for the payment of public taxes, shall be liable to the same penalties and distress as non-payment for public taxes; and the Collectors for public taxes are hereby required and directed to account for and pay Tax.

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pay the monies by them collected to the Commissioners aforesaid, after deducting two and a half per cent. for their trouble of collecting; or in case of failure of any of the said Collectors, such Collector so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against Collectors of public taxes in like cases.

Suits pending.

VIII. *And be it further enacted by the authority aforesaid,* That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Bladen, shall continue and may be prosecuted to a final end and determination, any thing in this act to the contrary notwithstanding.

Jurors.

IX. *And be it further enacted,* That the said county court of Robeson shall appoint four jurors to attend at said district court; and the county of Bladen shall also furnish four jurors and no more.

[Passed Jan. 6, 1787.]

CHAPTER XLI.

An Act to amend an act, entitled, "An act for the regulating the town of Salisbury in the county of Rowan, and for regulating the town of Windsor in Bertie county."

Preamble.

WHEREAS it is the interest of every state to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the said town of Salisbury having proved defective:

I. *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 shall be chosen on the first Saturday in February next, and the Sheriff of Rowan county or his deputy is hereby required to give notice, attend at the court-house on the same day, and at the hour of ten o'clock in the forenoon, open the poll and receive the tickets in the presence of two inspectors; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected; and in like manner the said Sheriff or his deputy, first giving ten days notice by public advertisement, shall on the first Saturday in February in every year afterwards, in the same manner open the poll, receive the tickets and proclaim the Commissioners for the ensuing year, under the penalty of twenty-five pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of Rowan, by any person who shall sue for the same in six months after such neglect or refusal, one half to the prosecutor, the other half to be paid to the Treasurer of the town for the use of the said town; and the Commissioners so chosen shall before they enter on the execution of their office take the following oath: "I, A. B. do swear, that I will faithfully discharge the office of Commissioner for the town of Salisbury, agreeable to law and to the best of my knowledge and judgment."

Election of Commissioners.

II. *And be it further enacted by the authority aforesaid,* That the Commissioners shall appoint one of their body to act as Treasurer of the town for that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose; and upon the appointment of a new Treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands: *Provided,* That before such Treasurer enters upon his office, he shall give his bond with good security payable to the Commissioners for the faithful discharge of his duty.

Their oath.

Treasurer.

III. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said town shall choose and appoint a proper person to be their Clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the Commissioners of the said town and their successors, with two sufficient securities in the sum of one hundred pounds lawful money of this state, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the Commissioners during his continuance in the said office. And the said Clerk is hereby authorized and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of one pound for every refusal.

Clerk.

Commissioners incorporated.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners of the town so chosen and qualified agreeable to the directions of this act, shall be and they are hereby incorporated into a body politic and corporate by the name of the Commissioners of Salisbury, and by that name to have annual succession by the elections of the freeholders and freemen as by this act is directed, and a common seal; and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust for the said town, any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, sell, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town; and also by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town Constable or Constables, town watches or patrols, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town, and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue, as to the said Commissioners or a majority of them shall appear necessary; and also shall have full and ample powers to enforce compliance and observance to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such

Powers.

such

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such rules and regulations, not exceeding five pounds; and in the case of slaves the punishment of thirty-nine lashes; the said penalty to be recovered, and the punishment inflicted in manner hereafter mentioned.

And whereas the proper office of the said Commissioners is that of making bye-laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said Commissioners, for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect: For remedy whereof,

Preamble.

V. *Be it enacted by the authority aforesaid,* That a proper person, being a Justice of the Peace in the said town, shall be elected at the same time, and in the manner herein directed for the election of Commissioners, who shall be called the Magistrate of Police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders; and shall be, and is hereby authorized to issue his warrant, directed to the Sheriff, Deputy-Sheriff or town Constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of the said town, to appear before him; and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said magistrate is hereby required and authorized to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or execution the said Sheriff, Deputy-Sheriff or Constable is hereby required to execute, and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters on the execution of his office: "I A. B. do solemnly swear, that as a Magistrate of Police of the town of Salisbury, I will do equal right in all cases whatsoever to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said town; all fines and ameracements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things pertaining to my office during my continuance therein; I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals." *Provided always,* That where any person shall think him or herself aggrieved by the judgment of the said Magistrate of Police, such person shall have the right of appealing from the said judgment to the court of Pleas and Quarter-Sessions for the county of Rowan.

Magistrate of Police.

His duty

Oath.

VI. *And be it further enacted by the authority aforesaid,* That the Commissioners of the said town shall annually levy a tax not exceeding six shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property; which tax shall be collected by a warrant under the hands and seals of the Commissioners, directed to such persons as they appoint for that purpose; and the Collector to be appointed as aforesaid, is hereby empowered and directed to collect and make distresses for the same in like manner as Collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town Treasurer, to be by the Commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such public work and business as the Commissioners may deem necessary.

Tax.

And the more effectually to ascertain the taxable property within the said town:

VII. *Be it enacted by the authority aforesaid,* That every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be aligned for the use of the state, distinguish in the list he shall return, what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the Commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town; any thing herein contained to the contrary notwithstanding. And it is hereby declared, that every person inhabiting or occupying any house or other building or improvement, or lot within the said town, shall be liable to the payment of the tax thereof unless the same shall have been returned by some other inhabitant.

Taxable property discriminated, &c.

And whereas encroachments may be made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby: For remedy whereof,

Preamble.

VIII. *Be it enacted by the authority aforesaid,* That the Commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended, to be removed, under such penalties as they shall think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said Commissioners shall impose a ground rent not exceeding forty shillings, to be paid annually for each piazza, porch, platform or other encroachments on the street adjoining to or being before any one house or tenement, to be applied to the public stock of the said town: And if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the Commissioners, directed to a Constable or other officer to be by them appointed, on the goods and chattels of the delinquent. *Provided always,* That uncovered piazzas or platforms, and uncovered porches, not exceeding seven feet wide including steps and cellar-doors, shall not be liable to pay ground rent; any thing herein contained to the contrary notwithstanding.

Ground rent on piazzas, &c.

Proviso.

IX. *And be it further enacted by the authority aforesaid,* That no person shall be deemed qualified to act as a Commissioner of the town of Salisbury, unless he is an inhabitant of the said town or the liberties thereof, and hath a lot or land therein; and every person who is a freeholder

Qualification of Commissioners And voters.

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holder in the said town or the liberties thereof, and every freeman who has resided therein six months and has paid public taxes, shall be qualified to vote for the said Commissioners.

Duty of the Commissioners

X. *And be it further enacted*, That the said Commissioners are hereby fully authorized and particularly required and directed, to make such laws and regulations as they may deem necessary to prevent hogs running at large in the said town, slaves from keeping houses without a licence from the Commissioners, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient: *Provided nevertheless*, That the regulations respecting hogs or other stock shall not be considered to extend beyond the present checkers of the town, so as to authorize any person residing in the liberties thereof to seize, kill, or destroy the same, or any hog or hogs found running at large therein, subject to be seized, forfeited or destroyed. *Provided nevertheless*, That nothing in this act shall be construed to give the Commissioners of the said town, power to authorize by any bye-law whatever, any person or persons to kill or destroy the hogs belonging to any person living without the checkers of the said town; but such hog or hogs when found running at large within the checkers of the said town, may be impounded by the Town Constable or such person as the Commissioners shall appoint for that purpose; and a fine not exceeding six pence for each hog impounded on the owner, with the costs or charges which shall be ascertained by the Commissioners in the regulations of the town. *And provided also*, That the powers hereby committed to the said Commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty-nine lashes.

Former act repealed.

XI. *And be it therefore enacted by the authority aforesaid*, That from and after the passing of this act, so much of the before recited act as comes within the purview and meaning of this act, is hereby declared to be henceforth null and void to all intents and purposes whatsoever.

Windfor included.

XII. *And be it further enacted by the authority aforesaid*, That the foregoing act shall also govern and regulate the town of Windfor in the county of Bertie, in the same manner as it does the town of Salisbury; and all matters and things directed to be done by the officers of Salisbury, and all matters and things directed to be done by the officers of Rowan county with respect to the town of Salisbury, shall be done by the officers of Bertie county with respect to the town of Windfor also.

Former acts repealed.

XIII. *And be it further enacted*, That all act or acts heretofore made for the regulation of the town of Windfor, so far as the same may come within the purview and meaning of this act, shall be repealed to all intents and purposes whatever. [Passed Jan. 6, 1787.]

CHAPTER XLII.

An Act to alter and amend an act passed at Hillsborough in May, 1783, entitled, "An act for repairing the court-house and prison in the town of Salisbury, for the district of Salisbury;" also one other act passed at Newbern in November, 1784, entitled, "An act for levying a tax in the counties in Hillsborough and Salisbury districts, for the repairing the district buildings in the towns of Hillsborough and Salisbury, and directing the method of calling to account all Commissioners of public buildings heretofore or hereafter to be appointed;" also to alter and amend the several laws now in force for erecting and repairing the public buildings in the district of Hillsborough.

Preamble.

WHEREAS the aforementioned laws have not had the desired effect, and some of the Commissioners of the buildings for the district of Salisbury having declined to act:

Commissioners to build court-house, &c.

I. *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 Maxwell Chambers, Anthony Newman, Spruce McCay and John Steel, Esquires, be, and they are hereby appointed Commissioners for building a court-house, gaol, pillory and stocks in the town of Salisbury, for the district of Salisbury, who shall enter into bond to the Chairman of Rowan county court in the sum of two thousand pounds, conditioned that they shall faithfully apply and account for all monies by them received for the purposes aforesaid; and the present and former Sheriffs and Collectors, county and district Treasurers of the several counties of Rowan, Montgomery, Richmond, Anson, Mecklenburgh, Surry, Guilford, as it stood undivided, and all others who have received or collected or hereafter may receive or collect any sum or sums of money, are hereby directed and required to pay the same into the hands of the Commissioners hereby appointed for the purposes aforesaid: And in case any of the said present or former Treasurers, Sheriffs or Collectors, shall make default in payment of the monies as aforesaid, the said Commissioners or a majority of them are hereby empowered to cite the delinquent Sheriff, Sheriffs, Treasurers or Collectors to appear at any county court within the district, and then and there to enter up judgment against such delinquent Sheriff or Sheriffs, Treasurers or Collectors for the amount of the tax which he or they ought to have collected for the purposes aforesaid, in the same manner, and under the same regulations and restrictions as the public Treasurer in this state is authorized and directed to enter up judgment against all delinquent Sheriffs, Treasurers or Collectors, failing to account for, and pay the public taxes; and the said court is to award execution against the goods and chattels, lands and tenements of such Sheriffs, Treasurers or Collectors, or their securities.

Old gaol to be disposed of.

II. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, are hereby authorized and empowered to sell and dispose of the old gaol in the town of Salisbury for as much as it will fetch at public sale, giving a credit of twelve months; or if they think it most expedient may convert the materials of the old gaol towards the building the new one by this act directed to be built: *Provided*, That in case the old gaol is sold, possession of the same shall not be given to the purchaser until twelve months after the sale of the same; but shall during that time be continued as the public gaol of the district as usual: *And provided also*, That nothing herein contained shall be construed to authorize the said

said Commissioners to sell or dispose of the iron belonging to the doors or windows of the said gaol, but that the same shall be kept to be by them applied to the purposes of building the new one by this act directed. Whereas it is suggested that several Sheriffs, Treasurers or Collectors of said district who are now deceased, did collect and receive monies for the aforementioned purposes, and never accounted for the same :

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III. *Be it therefore enacted by the authority aforesaid,* That where it appears that any monies have been collected for the above purposes by deceased Sheriffs, Treasurers or Collectors, the said Commissioners are hereby directed to call to account the heirs, executors or administrators of such deceased Sheriffs, Treasurers or Collectors for all such sums of money as appears to be unaccounted for, in the same manner, and under the same restrictions as they are directed to call delinquent Sheriffs, Treasurers or Collectors who are living: *Provided always,* That where it shall appear that any Sheriff, Treasurer or Collector, who hath collected and received any monies for the before mentioned purposes, shall have died before accounting for the same in such manner as by law they are directed to do, the aforesaid Commissioners are hereby authorized to institute suits against the heirs, executors or administrators of such deceased for the monies collected and unaccounted for by the deceased, and thereon recover judgment in the same manner as they are by this act directed to recover against delinquent Sheriffs, Treasurers or Collectors who are now living:

Estates of dec. Sheriffs, &c. to be accountable.

IV. *And be it further enacted by the authority aforesaid,* That John Taylor, Jesse Benton and William Walters, be, and they are hereby appointed Commissioners for the repairing the court-house and gaol for the district of Hillsborough, and that they have and possess all and singular the powers and authorities now vested in them, who by an act, entitled, "An act

Commissioners to repair court house, &c.

have been heretofore appointed Commissioners for making such repairs. [Passed Jan. 6, 1787.]

CHAPTER XLIII.

An Act to annex part of the County of Burke to Rutherford County.

WHEREAS by reason of a ledge of mountains that divide the waters of first Little Broad River from the waters of Silver and Cain Creeks, it is extremely difficult for the inhabitants on the south side of the said ledge to attend at the court-house of the county of Burke: And whereas the inhabitants on the south side of the ledge aforesaid have signified their desire to be annexed to the county of Rutherford:

Preamble.

I. *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 that part of the county of Burke lying to the south-east of the aforesaid mountains so as to include all the waters of first Little Broad River, shall be, and the same is hereby annexed to and declared to be within the county of Rutherford: *Provided nevertheless,* That nothing herein contained shall be construed to debar the Sheriffs or other Collectors of public taxes for the county of Burke, from collecting all monies that may be due at this time in that part of the said county, which is by this act annexed to the county of Rutherford; any law, usage or custom to the contrary notwithstanding. [Passed Jan. 6, 1787.]

Part of Burke added to Rutherford.

CHAPTER XLIV.

An Act to establish a Town on the east side of the north-east of Cape-Fear River, in Duplin county, and for adding Alexander Martin, Esquire, to the Board of Commissioners for the town of Martinville, in Guilford county.

WHEREAS a town has been laid off on the lands of Doctor William Houston, and a considerable number of lots sold by the proprietor, and the purchasers of these lots are desirous that the town should be established by legislative authority:

Preamble.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That one hundred acres of land, lying on the east side of the north-east branch of Cape-Fear River, in Duplin county, lately sold by Doctor William Houston for laying off a town and town commons, agreeable to a plan laid down by Commissioners chosen for that purpose, be and the same is hereby established into a town by the name of Sarecto.

Sarecto.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, Charles Ward, John Hill, James Outlaw, Samuel Houston, David Murdough, George Miller and John Matchell, be, and they and every of them hereby constituted Commissioners for the further designing, building and improving the said town; and they shall stand seized of an indefeasible estate in fee-simple of and in the residue of the said one hundred acres of land that remain undisposed of, to and for the purposes hereby expressed and declared, except such lots as the proprietor hath made choice of, which is hereby reserved to his proper use and behoof, and his heirs and assigns forever; and the said Commissioners or a majority of them, shall make and execute deeds to such respective persons, as have and shall become purchasers of any lot or lots in the said town that hath or may be sold by the proprietor aforesaid, at the cost and charges of the grantee or grantees, which lot or lots by virtue of such conveyance, shall be held to such purchaser or purchasers in fee-simple to his, her or their heirs and assigns forever.

Commissioners

Their duty.

III. *And be it further enacted by the authority aforesaid,* That all monies that shall arise from the disposal of the lots of the said town by the Commissioners, shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said proprietor, his heirs, executors, administrators or assigns. And for the continuing the succession of the said Commissioners:

Appropriation of the monies

IV. *Be it further enacted by the authority aforesaid,* That in case of death, refusal to act or removal out of the county of any of the said Commissioners, the survivor or a majority of them shall assemble, and hereby are authorized to nominate and appoint, by instrument in

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- Vacancy of Commissioners how filled.
- Martinville. V. *And be it further enacted by the authority aforesaid*, That Alexander Martin, Esquire, be added to the Board of Commissioners for the town of Martinville, in the county of Guilford, and be invested with the same powers and authorities respecting the said town, which each of said Commissioners hold, enjoy and possess. [Passed Jan. 6, 1787.]

CHAPTER XLV.

- Preamble. *An Act to establish a public inspection of Tobacco in the town of Salisbury in the county of Rowan.*
WHEREAS the establishing a public inspection of tobacco in the town of Salisbury, will encourage commerce, promote industry, and be advantageous to the tobacco planters and others in the county aforesaid:
- Ware-house. I. *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 Justices of the county court of Rowan, shall and are hereby empowered and directed to cause to be built and erected a ware-house and other conveniences in the said town, fit and necessary for the reception, inspection and safe-keeping of tobacco in the said town; and the same when so built and erected, shall and is hereby declared to be a public ware-house for the reception of tobacco.
- Inspectors. II. *And be it enacted by the authority aforesaid*, That the said court shall annually appoint two discreet and careful men, well qualified and acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "An act to amend the staple of tobacco and prevent frauds;" which said law so far as is not provided for by this act, shall govern the inspection hereby established.
- Their pay. III. *And be it further enacted by the authority aforesaid*, That the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shillings for each and every hog-head of tobacco, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prizing and every thing necessary thereto. *Provided*, That the tobacco inspected by virtue of this act at the town of Salisbury, shall always be subject to re-inspection at the place where the same may be shipped.
- And powers. IV. *And be it further enacted by the authority aforesaid*, That the inspectors or either of them, when so appointed by the court and qualified as by this act directed, is hereby invested with full power and authority to inspect any tobacco that may be brought to the said ware-house, and on passing the same grant a certificate or note thereof to the owner or owners as the case may be. [Passed Jan. 6, 1787.]

CHAPTER XLVI.

- Preamble. *An Act to confirm unto Richard Dobbs Spaight an indefeasible title to certain lands therein mentioned in Bladen county.*
WHEREAS Richard Dobbs Spaight, Esquire, of Craven county, hath represented to this present General Assembly, that Samuel Swann, Esquire, deceased, obtained a grant from the late Lords Proprietors of Carolina, bearing date the twentieth day of October, one thousand seven hundred and twenty-eight, of six hundred and forty acres of land in Bladen county, then part of that district called Bath county, lying on the south side of the north-west branch of Cape-Fear river, being a place then commonly known by the name of Perlemburg: Beginning at a birch, the late Richard Singletary's lower corner tree, and running south sixty west in the said Singletary's line three hundred and forty-eight poles, thence south sixty east three hundred and ten poles, to the line of Cornelius Harnett, deceased, thence down along his line north sixty east to an ash, his supposed corner tree, thence up the meanders of the river to the first station. And whereas the said Samuel Swann afterwards sold the said lands among other things, to Job Howe, Esquire, deceased, by deed poll bearing date on or about the year one thousand seven hundred and thirty-six; and the said Job Howe in and by his last will and testament, devised the lands herein before described to his two sons, Thomas Clifford Howe and Arthur Howe, their heirs and assigns forever equally to be divided between them: And whereas the said Thomas Clifford Howe and Arthur Howe, did by mutual consent and agreement make partition of the said lands between them, and each of them possessed his respective share of the said lands after the division of said lands, in severalty, agreeable to the last will of their said father: And whereas the deed poll before mentioned, executed by the said Samuel Swann to the said Job Howe, having been lost or mislaid, he the said Samuel Swann, by indenture tripartite, bearing date the fourteenth day of September, one thousand seven hundred and sixty-seven, made between him the said Samuel Swann of the first part, the said Thomas Howe of the second part, and the said Arthur Howe of the third part (therein reciting more fully all the facts and circumstances herein before set forth) did remise, release and forever quit claim unto the said Thomas Howe, then in his actual possession and seizen, and to his heirs and assigns forever, among other things, three hundred and twenty acres of land, being one moiety or half part of the lands herein before mentioned and described (being the lowest half part) as the same was laid off and divided agreeable to the plan thereof annexed to the said indenture: And whereas the said Thomas Clifford Howe, by indenture bearing date

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on or about the year one thousand seven hundred and fifty-eight, or one thousand seven hundred and fifty-nine, bargained, sold and conveyed to Richard Spaight, Esquire, deceased; (father of the said Richard Dobbs Spaight) who died intestate, the same three hundred and twenty acres of land, with the appurtenances to hold to him the said Richard Spaight, his heirs and assigns forever: Beginning at a white-oak, Harnett's upper back corner tree, running thence north sixty west one hundred and fifty-five poles, then north sixty east three hundred and forty-eight poles to the river, thence down the meanders of the river to an ash, Harnett's upper corner tree on the North-west River, thence south sixty west three hundred and forty-eight poles to the beginning; which said last mentioned premises with the appurtenances were actually in the possession and seizen of the said Richard Spaight in his lifetime, and hath continued to this time in the possession of the said Richard Dobbs Spaight, and during part of his minority hath by his guardian been rented out as his property, and in the neighbourhood thereof is universally acknowledged to be part of his estate: And whereas by the long minority of the said Richard Dobbs Spaight, the death of one of his guardians, and the removal from this country of the other, and the calamities and confusion of the late war or by some other cause, the conveyance of the said Thomas Clifford Howe to the said Richard Spaight hath been lost or mislaid, and the records of Bladen county having some years since the conveyance of the said land been consumed by fire, the said Richard Dobbs Spaight is left without any legal title to the said lands purchased by his father as aforesaid, and hath little more to defend his property than a precarious title grounded on possession and supported by verbal testimony, of which in the course of human events he must soon be deprived: For remedy whereof, the several facts being made known to the satisfaction of the legislature,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the said tract or parcel of three hundred and twenty acres of land herein last mentioned and described; as the same was divided and laid off by a division made between the said Thomas Clifford Howe and Arthur Howe, and agreeably to the plan or survey thereof annexed to the before recited indenture; made between the said Samuel Swann of the first part, the said Thomas Clifford Howe of the second part, and the said Arthur Howe of the third part, with the appurtenances, be and the same and every part and parcel thereof, is hereby confirmed to the said Richard Dobbs Spaight, his heirs and assigns, in as full and ample manner as he and they can have, hold and enjoy the same; saving and reserving nevertheless to all and every person and persons other than the heirs of the said Thomas Clifford Howe, all the right, title and interest, which they or any of them might have had of, in and to the same, in the same manner as if this act had never been made, any thing herein contained to the contrary notwithstanding.

Certain lands confirmed to R.D. Spaight;

[Passed Jan. 6, 1787.]

CHAPTER XLVII.

An Act to keep open Cape-Fear, Wharrie, Rockey River of Pee-Dee, the Catawba, Deep River, the Yadkin River, Dan, Haw River and Rockey River, for the passage of Fish up the same.

WHEREAS it is represented to this General Assembly, that the free passage of fish up Cape-Fear, Wharrie, Rockey River of Pee-Dee, the Catawba, Deep River, the Yadkin River, Dan, Haw River and Rockey River, is prevented by the erecting of dams and other stoppages across the said rivers: For remedy whereof,

Preamble.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That every person or persons who have erected or built any ware, dam or stoppage across the rivers aforesaid, shall destroy and remove so much thereof within one month after passing this act, as to leave one fourth part of the rivers in the deepest part thereof, open for the passage of fish, and on failure or neglect shall pay five pounds for every twenty-four hours such dam or ware, or other invention shall stand after the term aforesaid.

Obstructions in the rivers to be removed.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing this act, no stands, dams, wares or other stoppages shall be erected so as to take up more than three fourths of the rivers within mentik ned, leaving one fourth open, and any person erecting wares, dams or other inventions contrary to the intent and meaning of this act, shall forfeit and pay one hundred pounds.

None to be erected.

III. *And be it further enacted by the authority aforesaid,* That all penalties mentioned in this act, shall be recovered against any person or persons who may incur them in any court of record by any person who will sue for the same, one half to be applied to his or their own use, and the other half for the use of the county where the plaintiff resides: *Provided,* That nothing herein contained shall extend to pulling down or destroying any water grist-mill which may be on the same rivers; any thing herein contained to the contrary notwithstanding.

Penalties how recovered.

[Passed Jan. 6, 1787.]

CHAPTER XLVIII.

An Act to emancipate Caesar, formerly a servant of Samuel Yeargan, deceased.

WHEREAS by the last will and testament of Samuel Yeargan, deceased, late of the county of Warren, he did desire in his said will that a certain negro man of his property, should after the death of his daughter Anne Alston, wife to William Alston, of Chatham county, be set free, for and during the full term of fifty-five years: And whereas the said Anne being now dead, it is thought just and right the said last will and testament should be adhered to:

Preamble.

I. *Be it therefore enacted by the General Assembly,* That from and after the passing of this act, that the aforesaid Caesar shall and may be at his own liberty, for and during the term mentioned in his master's will, upon the same footing, and under the same restrictions as other free negroes are intitled to in this state, and shall be known and called by the name of Caesar Henry; any law to the contrary notwithstanding.

Caesar Henry declared free.

[Passed Jan. 6, 1787.]

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CHAPTER XLIX.

An Act for erecting Bogue Bar and New-River Inlets into a distinct Port by the name of Swansborough.

Preamble.

WHEREAS the erecting Bogue Bar and New-river Inlets into a port, would be an advantage to the adjacent inhabitants, and prevent disputes, and may conduce to the more regular collection of the revenue arising from the impost on imported merchandize :

Port Swansborough.

I. *Be it therefore enacted by the General Assembly, and by the authority of the same,* That from and after the passing of this act, Bogue Bar and New-river Inlets shall be a distinct and separate port by the name of Swansborough.

Officers.

II. *And be it further enacted by the authority aforesaid,* That a Collector and Naval-officer for the port aforesaid, shall be chosen by joint ballot of both Houses of the General Assembly, who when appointed shall have the same privileges and emoluments, and be subject to the same rules and regulations as other Collectors and Naval-officers of the other ports of this state: *Provided,* That this act shall not be in force or take effect until the first day of March next.

[Passed Jan. 6, 1787.]

CHAPTER L.

An Act to amend an act passed at Hillsborough in May, one thousand seven hundred and eighty-four, entitled, "An act for regulating the Pilotage and facilitating the Navigation of Cape-Fear river.

Preamble.

WHEREAS it is necessary that the regulations established concerning the navigation and pilotage of Cape-Fear river should be altered and amended :

Power granted Commissioners of navigation.

I. *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 Commissioners of the navigation and pilotage of the said river, or a majority of them, shall have and they are invested with full power and authority to make and establish such regulations and ordinances (not inconsistent with the constitution, and not otherwise provided for by law) as to them shall seem necessary from time to time, and for the enforcement of such ordinances may annex such fines to any breach thereof, as they shall deem adequate to the offence; *provided* that no such fine shall exceed the sum of one hundred pounds.

Appropriation & recovery of fines.

II. *And be it further enacted by the authority aforesaid,* That all fines laid by virtue of this act for breach of the regulations aforesaid, shall be paid to the said Commissioners or their successors in office, to be laid out for the improvement of the navigation of the said river; and the manner of recovering such fines shall be by application to some Justice of the Peace of New-Hanover county by any of the said Commissioners for the purpose of enforcing the said regulations, or by any person conceiving himself aggrieved by the breach thereof; upon which application such Justice shall issue his warrant to bring the offender before him, and if such offender shall be found guilty of the offence wherewith he is charged, the said Justice shall enter up judgment against him for the penalty annexed to the said offence, and issue execution for the same: *Provided,* That any person considering himself aggrieved by such judgment, may appeal to the next court of New-Hanover county, first giving security for prosecuting the appeal in like manner as is directed by law upon other appeals from Justices of the Peace.

4 bar & 6 river pilots.

III. *And be it further enacted by the authority aforesaid,* That the number of bar pilots for the river aforesaid be reduced to four, and that any two of them (and no more) may enter into partnership together; and that the number of river pilots be increased to six, who may by no means enter into partnership with each other.

Apprentices.

IV. *And be it further enacted by the authority aforesaid,* That each and every pilot of the said river shall keep at least one apprentice, and instruct him in the art and mystery of a pilot; and that each of the said pilots may keep two apprentices and no more, which said apprentices upon being authorized by the majority of the said Commissioners, may pilot any vessel which their several masters are entitled to pilot, for the behoof and emolument of their said masters, without let or molestation; subject however to the same regulations as the said pilots are.

Bounds of bar & river pilots.

V. *And be it further enacted by the authority aforesaid,* That the said bar pilots shall take vessels over the bar to Fort Johnston only, and from the said fort to sea; and that the said river pilots shall take vessels from the said fort to Wilmington, and back again to the fort; for which the following fees shall be allowed, and no more, *viz.*

Rates of pilotage.

For bringing a vessel over the bar to Fort Johnston and mooring her there if the master requires it, if drawing six feet water, one pound five shillings; seven feet, one pound seven shillings; eight feet, one pound ten shillings; nine feet, one pound fifteen shillings; ten feet, one pound seventeen shillings; eleven feet, two pounds five shillings; twelve feet, two pounds fifteen shillings; thirteen feet, three pounds five shillings; fourteen feet, three pounds fifteen shillings; fifteen feet, four pounds five shillings; sixteen feet, four pounds fifteen shillings; seventeen feet, five pounds ten shillings; eighteen feet, six pounds ten shillings; nineteen feet, seven pounds; twenty feet, seven pounds ten shillings.

For bringing a vessel from the Fort to Brunswick and mooring, the same as the above: For bringing a vessel from Brunswick to the Flats and mooring, one half the above rates: For bringing a vessel from the Flats to Wilmington and mooring, one half the above rates. For such vessels as come in at the new inlet to Five-Fathom-Hole, the same as over the main bar: For bringing from Five-Fathom-Hole to Brunswick, one half the above rates; and the like rates for taking vessels down the river and to sea from each of the said stations; the draft of water to be computed not when the vessel is loaded, but what she will actually draw at the time of her passing to or from any of the said stations, or over the bar. *Provided,* That where a vessel shall deepen or lighten while on her passage between any two of the stations, the pilot shall be paid for the greatest draft between each of the places respectively.

If at sea.

VI. *And be it further enacted by the authority aforesaid,* That when a pilot shall board any vessel at sea in ten fathom water or more, and bring her into port, he shall be entitled to one half more, or fifty per cent. advance on the above rates, for bringing such vessel in. VII.

1787.

VII. *And be it further enacted by the authority aforesaid,* That when any vessel shall come over the bar before a pilot boards her, she shall pay only one-third fees for coming in; unless when it may happen the weather is so bad that no person can board a vessel, in which case if he shall hail her without the bar and she shall follow him into port, he shall be entitled to full fees. If over the bar

VIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners of navigation be and they are hereby empowered to authorise any two persons, either of the bar pilots or others as to them shall seem convenient, to act as pilots for the new inlet; who on bringing vessels in at the said new inlet and up to Five-Fathom-Hole, and mooring there if required by the Master, shall be entitled to the same fees as are herein before allowed for bringing vessels over the aforesaid main bar, and the same for carrying out from Five-Fathom-Hole to sea through the said new inlet. New inlet pilots.

And whereas the pilotage of the said river has been greatly injured by the delay which the pilots have suffered in obtaining their lawful fees, owing to the tedious mode heretofore in use for recovering the same:

IX. *Be it therefore enacted by the authority aforesaid;* That all demands for fees due to pilots of the said river not exceeding twenty pounds, shall be recoverable before a Justice of the Peace, against the Masters or Commanders of vessels; whose bonds entered into at the naval-office, may be put in suit for the said pilots fees before such Justice; who on due proof thereof shall enter up judgment for the same and issue execution therefor immediately. *Provided,* That the party cast may appeal to the next county court, in like manner as directed in other cases of appeals from a Justice of the Peace. *And provided;* That where such judgment shall be had in favour of any pilot for fees due him, if the defendant shall appeal, and the judgment of the Justice shall be confirmed by the said county court, the defendant so appealing shall be adjudged by the said court to pay damages to the plaintiff in such case, equal to one half the amount of the judgment so appealed from. Pilots fees how recovered.

X. *And be it further enacted by the authority aforesaid,* That all laws and clauses of laws which come within the purview of this act, be and they are hereby repealed and made void. Former laws repealed.

XI. *And be it further enacted by the authority aforesaid,* That the Commissioners of navigation for Port Beaufort, or a majority of them, do from time to time make to the bar and river pilots, such additional fees and allowances to those already established by law, as they may think just and reasonable, until the General Assembly shall otherwise direct. *[Passed Jan. 6, 1787.]* Additional fees.

CHAPTER LI.

An Act to establish the late survey and plan of the town of Tarborough as made and laid down by the direction of the Commissioners composing the body politic and corporate of the said town, and to amend an act, entitled, "An act for the better regulation of the town of Tarborough."

WHEREAS it is represented to this General Assembly, that from the irregular manner in which most of the buildings first erected in the town of Tarborough have been placed, as well as to prevent in future the erecting others in like manner, it hath been judged adviseable by the inhabitants of the said town generally, that the width of the streets thereof should be curtailed and their limits fixed with precision; and it being further represented that pursuant thereto the Commissioners have caused an accurate survey of the said town and town-common to be made, and the streets to be accordingly curtailed and posted as appears by a plat and plan thereof now before this Assembly, bearing date the twenty-third day of June, one thousand seven hundred and eighty six, and it being prayed that the same should be established and made valid by act of Assembly: Preamble.

I. *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 survey and plan of the town of Tarborough made by Eltheldred Philips and Benjamin Dicken, Esquires, surveyors, agreeably to the direction of the Commissioners of the said town, bearing date the twenty-third day of June, one thousand seven hundred and eighty-six, and which survey is bounded as follows, to wit, Beginning at a live-oak, gum and swamp-beach, standing in the mouth of a small branch which empties into Holly's creek a little above where the road crosses the said creek, running thence north fifty-two east one hundred and sixty-six poles, to the center of four small pines and a gum, thence south twenty-eight east two hundred poles, to the center of two red oaks, a black gum and chinkapin standing on the bank of the river, thence down the river to the mouth of Holly's creek, thence up the said creek to the beginning; containing one hundred and seventy-five acres or thereabout: One copy of which survey or plan being first filed in the Secretary's office, and one other copy among the papers of the said board of Commissioners, shall ever thereafter be held and deemed to be the bounds and plan of the said town. *Provided nevertheless,* That nothing herein contained shall operate as a bar of action against any person or persons owning lands adjoining the said town, who may think him or themselves aggrieved by the survey aforesaid. And to the end that the owners of lots in the said town may be compelled to pay a tax proportionate to the worth of the same: Plan of Tarborough.

II. *Be it further enacted,* That for the year one thousand seven hundred and eighty-seven, and each succeeding year, the persons appointed to assess the town property in the county of Edgecombe, shall in addition to the return by them to be made to the court of the said county, make at the same time an accurate return on oath, under their hands and seals, of the valuation of each and every lot with its improvements in the town of Tarborough, to the Chairman of the board of Commissioners for the said town; and the Commissioners shall and may thereupon levy a tax not exceeding eight shillings on each and every hundred pounds of the property so valued, and also a tax not exceeding eight shillings on each and every person (being a proprietor in the said town) whose lot or lots do not amount agreeably to the valuation aforesaid to one hundred pounds, exclusive of the taxes heretofore by act of Assembly imposed on piazzas, porches and other encroachments. Tax.

L

III. And

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Free males liable to tax.

III. *And be it further enacted*, That all free males of twenty-one years old and upwards, who shall have usually resided within the said town for the space of three months previous to the first day of August annually, and who do not own any lot or lots therein, shall likewise be considered as being liable to pay taxes, and shall be taxed accordingly at the discretion of the Commissioners, in any sum not exceeding eight shillings yearly. And in order that a just and accurate list of all persons by this, and of all property by the before recited act liable to be assessed, may be obtained :

Tax lists.

IV. *Be it further enacted by the authority aforesaid*, That the court of Edgecombe county, on application of the Commissioners of the said town, shall yearly appoint some Justice of the Peace of the county aforesaid, who shall between the first and last days of June in each and every year, receive from the inhabitants of the said town, true and accurate lists on oath of all the polls and property to them belonging, which by this and the act, entitled, "An act for the regulation of the town of Tarborough," are made liable to taxation; and shall make return of such lists under his hand and seal, to the board of Commissioners at their first meeting which shall happen after the first day of July in each year; and every person failing to give in on oath lists as aforesaid, shall be assessed in double the amount of the tax for which he or she would otherwise have been liable. And for the due collection of the taxes arising in virtue of this and the before recited act :

Collector.

V. *Be it further enacted*, That the Commissioners shall appoint some person, properly qualified, Collector, allowing him such commissions as to them shall seem adequate and just; and it is hereby further declared that all taxes and rents which shall become due in virtue of this and the before recited act, shall be collected and accounted for annually on or before the first day of November in each year; and in case of the failure or refusal of any person to pay the same, the Collector shall and he is hereby authorized to sell at public vendue, so much of the personal property of such person so failing or refusing as will be sufficient to discharge the sum for which he or she shall have become liable, governing himself by the rules of law prescribed for Collectors of public taxes.

Lot may be sold for the tax

VI. *And be it further enacted*, That any person owning a lot or lots in the said town, and who has no personal property to be found in the county aforesaid, who shall fail for the space of twelve months to pay the tax for which he may have become liable, the Commissioners shall and they are hereby directed to sell one of such lots, at public vendue, to the highest bidder, for ready money, and grant a deed for the same; first advertising such lot for the space of six months in the North-Carolina Gazette, and after deducting the tax and other expences which may have accrued in consequence of such advertisement and sale, shall pay the balance on application to the person entitled to receive it.

Working on the streets.

And whereas it is found necessary that the inhabitants of the town of Tarborough should be compelled to work in the streets thereof more than twelve days in the year, and it being likewise necessary that the law should clearly point out all such persons who may be so compelled:

VII. *Be it therefore enacted*, That for the future all persons liable to work on the streets of the town of Tarborough, may be compelled to work thereon any number of days not exceeding twenty-four in any one year; and that each and every free male between the ages of eighteen and fifty years, who shall have usually resided within the limits of the said town for the space of thirty days previous to any day set apart for working on the streets thereof, shall and he is hereby declared to be liable to work thereon, and shall work accordingly or furnish a sufficient substitute in his stead; and that all male slaves of sixteen years old and upwards, who usually reside within the said town, shall be considered as being liable to work on the streets thereof, and shall work accordingly, under the like pains and penalties as free men in case of neglect or refusal, to be recovered of their proper owner or the person having them in possession.

Exempt on the roads.

VIII. *And be it further enacted*, That each and every male inhabitant of the said town, as well servants and slaves as freemen, shall henceforth be considered as exempt from working on the public roads during the time they shall continue inhabitants as aforesaid, but shall work on the streets of the said town only. *Provided always*, That any thing herein contained shall not exempt the inhabitants of the said town from being liable to work on the river.

Parts of former law repealed.

IX. *And be it further enacted by the authority aforesaid*, That the fourth, fifth, sixth, seventh, eighth, ninth and tenth clauses or sections of an act of the last General Assembly, entitled, "An act for the regulation of the town of Tarborough," be and the same are hereby repealed and made void. *Provided*, That nothing herein contained shall be construed to prevent or hinder the collection of the tax on the inhabitants of the town of Tarborough for the year one thousand seven hundred and eighty-six, as provided for by the before recited act.

[Passed Jan. 6, 1787.]

CHAPTER III.

An Act for empowering the Court of Chatham county to adjourn to the town of Pittsborough in said county.

Preamble.

WHEREAS by an act of the present General Assembly a town is established in the county of Chatham by the name of Pittsborough, and it hath been represented that by holding the courts of said county at Pittsborough aforesaid, will greatly relieve the people who have business depending in said court, as well as those who are by law obliged to attend all other public meetings :

Chatham court to be held at Pittsborough.

I. *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 Justices of the said court of Chatham be, and are hereby authorized and empowered to adjourn to the said town of Pittsborough at any time they shall think proper; to which place all matters and things in the said court depending are hereby declared to stand adjourned agreeable to the adjournment of the said court.

II. *And*

II. And be it further enacted by the authority aforesaid, That all and every act, or part of an act, for holding the courts of said county at any other place, shall from and after the passing of this act be repealed and made void.

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[Passed Jan. 6, 1787.]

CHAPTER LIII.

An Act erecting a Town on the lands of Matthew Figures in Northampton county, on the south side of Meherrin River.

WHEREAS it is represented to this General Assembly that the lands of Matthew Figures, on the south side of Meherrin River, is a healthy pleasant situation, conveniently situated for trade; and the said Matthew Figures having signified his consent to have one hundred acres of said land laid off for a town and town common:

Preamble.

I. Be it enacted by the General Assembly of the state of North-Carolina; and by the authority thereof, That the said one hundred acres of land be, and is hereby constituted and established a town, and shall be called by the name of Princeton.

Princeton.

II. And be it further enacted by the authority aforesaid, That Howel Edmonds, James Vaughan, Matthew Figures, Nehemiah Long, Nicholas Edmonds, Henry Deberry and Benjamin Cokely, or a majority of them, be, and they are hereby constituted Commissioners and Trustees for designing, building and carrying on the said town, and shall stand seized in an indefeasible estate in fee simple in the said lands aforesaid, to and for the uses, intents and purposes hereby declared; and the said Commissioners or a majority of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on the said river adjoining said town for a public landing as they shall think necessary, and shall lay off seventy-five acres of said lands into streets, squares and one acre lots each, and cause a plan thereof to be made, receive subscriptions to the amount of five pounds for each lot, which shall be paid to Matthew Figures the proprietor thereof as full compensation for said lands, and the residue of said lands except two acres which shall be reserved for a public ware-house, shall forever remain a town common; and the said Commissioners or a majority of them, shall appoint a time, and give public notice thereof for meeting the subscribers on the said land for determining the property of each particular lot, which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the Commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the plan of the said town; and the said Commissioners or a majority of them, shall make and execute deeds for granting and conveying the said lots contained in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be conveyed, and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee-simple.

Commissioners

Their duty.

And for continuing the succession of the said Commissioners:

III. Be it enacted, That in case of death, refusal to act, or removal out of the state of any of the Commissioners, the surviving or other Commissioners or a majority of them, shall assemble, and shall from time to time by instrument in writing under their hands and seals, nominate some other person being a freeholder of said town, in the place of him so dying, refusing to act or removing as aforesaid, which new Commissioners so appointed shall be vested with the same authorities as those expressly named in this act.

Vacancy of Commissioners how filled.

[Passed Jan. 6, 1787.]

CHAPTER LIV.

An Act for appointing the place of holding Courts of Pleas and Quarter Sessions in the county of Sullivan.

WHEREAS the division of Sullivan county hath rendered the usual place of holding courts unequal in distance to a number of the inhabitants of said county:

Preamble.

I. Be it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That Joseph Martin, James McNeil, John Duncan, Evan Shelby, Samuel Smith, William King and John Scott, be appointed Commissioners, and they are hereby empowered, or a majority of them, to fix upon the most central or convenient place to the inhabitants of said county, for building and erecting a court-house, prison and stocks for the use of the same, and all subsequent courts shall be constantly held by the Justices thereof, on the second Mondays in March, June, September and December, and the Justices of the county of Sullivan are hereby authorized and empowered to hold the first court in the said county of Sullivan at the house of Joseph Cole, and that the Justices for said county of Sullivan shall and may have full power and authority to adjourn themselves to any other convenient place in said county, until such time that a court-house, prison and stocks shall be built for said county, and then all causes, matters and things depending in said court, and all manner of processes returnable to the same shall be adjourned to such court-house.

Commissioners to fix the place of building court-house &c

II. Be it enacted by the authority aforesaid, That so much of a former act as tends to the building and erecting a court-house, prison and stocks in the county of Sullivan, is hereby repealed and made void as if the same had never been made.

Part of former act repealed.

[Passed Jan. 6, 1787.]

CHAPTER LV.

An Act for altering the names of Walter Hogg and Gavin Hogg to those of Walter Alves and Gavin Alves, the name of James Mason to that of James Isbam, and the name of Jonathan Balingier to that of Jonathan Parker.

WHEREAS it is the earnest request of James Hogg, of Orange county, that his sons, Walter Hogg and Gavin Hogg, should hereafter be called and known by the names of Walter Alves and Gavin Alves, and of the other persons mentioned in the said title, that their names should be altered as therein set forth:

Preamble.

I. 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 names of

Walter

1786.

Names altered
and confirmed.

Walter Hogg and Gavin Hogg shall be altered to the names of Walter Alves and Gavin Alves, the name of James Mason to the name of James Isham, and the name of Jonathan Ballinger to the name of Jonathan Parker, and that they shall thenceforth be called and known by the said names; and that by the said names respectively, they shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or otherwise; and they may by their respective names aforesaid sell and dispose of lands or other property, already or hereafter to be acquired; and finally in all things the said persons respectively, shall be able and capable in law or equity of negotiating and transacting all manner of business by the respective names herein before mentioned, in as full and ample manner, as if they had been called and known by no other names from the time of their nativity; any law, custom or usage to the contrary notwithstanding. [Passed Jan. 6, 1787.]

CHAPTER LVI.

An Act to enable the Executors of Robert Hogg, deceased, to maintain and defend Suits under the regulations therein mentioned.

Preamble.

IT having been represented and proved to the Assembly that Samuel Campbell, formerly one of the copartnership of Hogg and Campbell, while he was a citizen of this state and before he withdrew from his allegiance to it, did assign and set over for a good and valuable consideration, all his right, title, claim, interest and demand to all and every part of the profits of and debts due to said copartnership, to James Hogg, one of the executors and devisees of the said Robert: And whereas the said Samuel, by withdrawing from his allegiance to this state, has become disabled by himself or by others to bring suits in his own name: And whereas by the death of the said Robert, the only mode of maintaining suits for the recovery of debts due to the said copartnership agreeable to the laws now in force, must be in the name of Samuel Campbell, surviving copartner of Hogg and Campbell: And whereas thereby the executors of the said Robert Hogg are utterly prevented from recovering the just debts due to the said copartnership so assigned, and are thereby disabled to carry the will of the deceased Robert into execution and to pay his just creditors:

Persons authorized to recover
the debts of R.
Hogg, dec.

I. Be it therefore enacted by the General Assembly, and it is hereby enacted by the authority of the same, That William Hooper, James Hogg and James Burges, be and they are hereby authorized and empowered to maintain suits, as well in law as equity, in the names of themselves, styling themselves Executors of Robert Hogg, deceased; and in the names of the survivors or survivor of them, for all monies due and owing to the said copartnership, and upon the breach of all contracts heretofore made or done on default of such conditions to be made or done to the said copartnership, and in their own names and as executors aforesaid, to sue, prosecute and defend all and every suit, both in law and equity, for and on account of said copartnership, to have recoveries in the same manner, as fully and amply to every intent and purpose, as he the said Samuel Campbell in his own name could, if he had remained until this time a good, true and faithful citizen of this state, and had never assigned his interest in the copartnership to the said James Hogg or any other person whatsoever; any law, custom or usage to the contrary notwithstanding. Provided nevertheless, That nothing in this law contained, shall be construed to extend to bar or relinquish any claim which this state has or may have to all or part of the property of the said Samuel Campbell. [Passed Jan. 6, 1787.]

CHAPTER LVII.

An Act for the inspection of Tobacco at Anson Court-house.

Preamble.

WHEREAS it may be beneficial to the inhabitants of Anson county, that an inspection of tobacco should be established at the court-house thereof:

Inspectors.

I. 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 county court of Anson shall annually appoint two discreet and careful men, who reside contiguous to the court-house aforesaid, and are well acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "An act to amend the staple of tobacco and prevent frauds;" the same to be subject to re-inspection at the place of shipping.

Their pay.

II. And be it further enacted, That the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shillings for every hoghead, and the sum of one shilling for every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, and every thing necessary thereto. [Passed Jan. 6, 1787.]

CHAPTER LVIII.

An Act to emancipate Hannah, alias Hannah Bowers, a person of mixed blood, belonging to the estate of the late Alexander Gaston, deceased.

Preamble.

WHEREAS it appears to this General Assembly, that the late Alexander Gaston, of the town of Newbern, did in his lifetime frequently express a desire that the said girl Hannah should be set free, and did certify the same in his own hand writing, which certificate has been since found among the papers of the deceased: And whereas the widow of the said Alexander Gaston has also signified her desire that the said girl should in compliance with her husband's wishes in his lifetime be set free:

Hannah Bowers
declared
free.

I. Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by authority of the same, That the said molatto girl called Hannah, alias Hannah Bowers, shall be, and is hereby declared to be emancipated and made free to all intents and purposes, and shall be entitled to all the privileges and benefits of a free person in as full and absolute manner, as if she the said Hannah had been born of a free woman. [Passed Jan. 6, 1787.]

CHAPTER

CHAPTER LIX.

1786.

An Act for establishing a Town on the lands of William Murfree, on Meherrin River, in the county of Hertford.

WHEREAS it has been represented to the General Assembly, that on the lands of William Murfree, at Murfree's landing, on Meherrin River, there is a very proper situation for a town; that the place is remarkably healthy, and convenient to a country which produces large supplies of tobacco, naval stores; corn, pork and lumber for exportation, and that the convenience for shipping produce at this landing, is greatly superior to what is generally found at other landings: And whereas a great number of citizens of this state, inhabitants of the counties of Hertford, Northampton, Halifax, Warren, Edgecombe, Bertie, Gates and Chowan, have prayed that a town may be erected at this place, and William Murfree, the proprietor of the soil, hath consented that ninety-seven acres of the land adjoining to the river, which has been surveyed and laid off, shall be appropriated to this use:

Preamble.

I. 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 ninety-seven acres of land shall be laid out in lots of half an acre, with convenient streets, and the same are hereby constituted and established a town, and shall be called by the name of Murfreesborough.

Murfreesborough.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, William Murfree, Patrick Redmond Hackett, William Vaughan and John Parker, be, and they and every of them be constituted Commissioners and Trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate in fee simple in the said ninety-seven acres of land as aforesaid, to and for the uses, intents and purposes her-by declared; and the said Commissioners or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on Meherrin River adjoining the said town for a public landing where they may think convenient and necessary.

Commissioners

III. And be it further enacted by the authority aforesaid, That the said Commissioners shall prepare a regular plan of the town, with its streets and lots, the lots being numbered, and they shall appoint a time by public notice for the meeting of the subscribers for said lots on the premises, when and where they shall determine the property of each particular lot by ballot, which shall be drawn in a fair manner by direction of and in the presence of a majority of the Commissioners, and such of the subscribers as chuse to attend, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the town; and the said Commissioners or a majority of them, shall make and execute deeds for granting and conveying the said lots contained in the said town, to the respective subscribers for the same, their heirs and assigns forever, and also to all and every other person and persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be conveyed, and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee-simple.

Their duty.

IV. And be it further enacted by the authority aforesaid, That the respective subscribers for the said lots, shall within three months after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said Commissioners, the sum of nine pounds for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said Commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs.

Payment of lots.

And for continuing the succession of the Commissioners:

V. Be it enacted, That in case of death, refusal to act, or removal out of the state of any of the said Commissioners, the surviving or other Commissioners or a majority of them, shall assemble, and shall from time to time by an instrument of writing under their respective hands and seals, nominate some other person being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act or removing out of the state, which new Commissioner so nominated and appointed shall from thenceforth have the same power and authority in all things concerning the matter herein contained, as if he had been expressly nominated and appointed by this act.

Vacancy of Commissioners how filled.

[Passed Jan. 6, 1787.]

CHAPTER LX.

An Act for the inspection of Tobacco at Joseph Green's, in Wayne County.

WHEREAS it may be beneficial to the planters of tobacco in and adjacent to the county of Wayne, that an inspection of that commodity should be established in said county: And whereas the inhabitants of the same have at their own expence erected and finished a convenient house at Spring Bank, on Neuse River, where Joseph Green now lives in said county of Wayne, for the purpose of storing tobacco:

Preamble.

I. 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 county court of Wayne shall appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "An act to amend the staple of tobacco and prevent frauds."

Inspectors.

II. And be it further enacted by the authority aforesaid, That the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shillings for each and every hoghead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, and every thing necessary thereto.

Their pay.

M

III. And

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III. And be it further enacted by the authority aforesaid, That all tobacco so inspected shall be held and deemed merchantable tobacco, as if the same had been inspected at any other inspection within this state. [Passed Jan. 6, 1787.]

CHAPTER LXI.

An Act for enabling certain persons to perfect a Canal between Scuppernon River and the Lake near its head.

Preamble.

WHEREAS it has been represented to this General Assembly by Josiah Collins, Nathaniel Allen and Samuel Dickinson, Esquires, that they are at a great expence cutting a canal from Scuppernon river to the lake of that name, a distance of six miles, by which they expect to be enabled to reduce the waters in the lake to drain a vast quantity of fertile land, and the same to water at pleasure, by which means they may greatly promote the culture of hemp and rice and consequently the commerce and revenues of this state: And whereas the said Collins, Allen and Dickinson have represented that there is some land in the necessary course of the canal, which is suspected to belong to an orphan, and other land whose owner is not perfectly known, and that some impediments may arise from such causes to the prosecution of their design: And whereas it is the desire of this legislature to promote every useful undertaking:

Persons authorized to carry on a canal.

I. Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Josiah Collins, Nathaniel Allen and Samuel Dickinson, and their heirs or assigns, to carry on the canal which they have lately began from Scuppernon river by the most direct or convenient course to Scuppernon lake, provided they do not injure any useful improvements. And whereas it may so happen, that the necessary course of the canal may pass through the lands of persons under the age of twenty-one years, or through some tract the title of which may be disputable, and others may refuse to sell and dispose of a quantity sufficient for the passage of the said canal:

Cases where it may injure others.

II. Be it therefore enacted by the authority aforesaid, That when the direct and necessary course of the said canal shall pass through the lands of any person or persons under the age of twenty-one years, or where the title is disputed, or where the owner refuses to sell so much land as may be necessary, that it shall and may be lawful for the said Josiah Collins, Nathaniel Allen and Samuel Dickinson, their heirs or assigns, to exhibit their petition to the county court wherein the land lieth, setting forth the owner or claimant of the said lands, and the quantity required for the passage of the said canal, whereupon the court shall order the surveyor of the county, with six honest freeholders by them appointed, to view, lay off and value on oath, as much of the said land as shall be sufficient for the passage of the said canal, that is to say, they shall estimate the value of a section or small strip of such land of the breadth of eighty feet, and of the necessary length according as the canal may pass, and they shall consider what damage the tract of land in question may sustain by the cutting a canal through it in the manner proposed, and shall determine what sum of money the owner or owners of the soil ought to receive from the proprietors of the canal, which shall be returned under their hands and seals. *Provided nevertheless,* That the said owner or owners, or guardians, shall have such reasonable notice of such petition, and order as the court shall deem necessary, to attend at such survey and valuation. *And provided also,* That the passage of the said canal shall not interfere with or take away houses, orchards or other improved conveniences: And the petitioners shall pay down in court for the lands so laid off and obtained, the valuation money, and procure a record to be made thereof, which shall be a good and effectual seizen in law to create to the said petitioners, their heirs and assigns, a fee simple in such lands; and the monies when paid into court, shall be received by the Clerk and paid to the owner or owners, or guardian or guardians in case of infants: *And provided nevertheless,* That the said canal shall be cut and finished within seven years, otherwise such land so laid off shall revert to the original owner or owners or their assigns; any thing herein contained to the contrary notwithstanding. [Passed Jan. 6, 1787.]

Must be finished in 7 years.

CHAPTER LXII.

An additional Act to an act, entitled, "An act to prevent the several species of Hunting therein mentioned."

Preamble.

WHEREAS many persons are guilty of a species of hunting in the county of Guilford, much to the prejudice of many of the good people in said county:

Restrictions on hunting in Guilford.

I. Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, if any person or persons shall be found setting or watching in the night-time at licks, or at any pass where deer usually cross, with gun or other fire arms, in the said county of Guilford, on conviction thereof, he or they so offending shall forfeit and pay the sum of forty shillings with cost, to be recovered before any Justice for said county where such offence shall be committed, one half to the informer, the other half to the use of the county: *Provided nevertheless,* That nothing herein contained shall be construed so as to prevent persons hunting within their own enclosures by fire light or otherwise. [Passed Jan. 6, 1787.]

CHAPTER LXIII.

Preamble.

An Act to empower the Wardens of the Poor in the county of Granville to sell the Glebe in said county.

WHEREAS the said Glebe hath for some years past been rented out by the Wardens of the poor of the county aforesaid, and the monies arising therefrom hath been insufficient to the repairing of the buildings on the same, by which means they are impaired:

I. 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 Wardens of the poor in the said county, are hereby authorized

authorized and empowered to sell and dispose of the said Glebe and lands thereunto belonging for eighteen months credit, the purchaser giving bond with sufficient securities for the payment of the purchase money, first giving one month's previous notice of the day of sale; and the monies arising from such sale, shall be appropriated to the use of the said county of Granville; any law to the contrary notwithstanding.

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[Passed Jan. 6, 1787.]

CHAPTER LXIV.

An Act for creating an Academy at the town of Warrenton in the district of Halifax.

WHEREAS it is necessary, especially in republican governments, to hold forth every possible opportunity and encouragement to liberal education: Preamble.

I. Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That an academy be erected and established for the education of youth, Warrenton academy.

II. And be it further enacted by the authority aforesaid, That the Rev. Henry Patillo, William R. Davie, Benjamin Hawkins, Nathaniel Macon, Philemon Hawkins, William Johnson, William Duke, Edward Jones, James Miller, Philemon Hawkins, jun. of Granville, John Macon, Wyatt Hawkins, Thomas Perfon, Thomas Eaton, William Green, John Hawkins, James Johnson, James Gloster Brehon, Nicholas Long and Willie Jones, Esquires, and they and their successors to be elected in manner herein after directed, shall for ever be a body politic and corporate in deed and in name, by the stile of the Trustees of the Warrenton Academy, Trustees incorporated. Their power, and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee; and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever, of any nature, quality or value, for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all Judges and justices whatsoever, in all actions, pleas, complaints and demands, and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels; and to act and do all things whatsoever for the use aforesaid, in as full and ample manner and form as any natural person or body politic or corporate can or may by law: That they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.

III. And be it further enacted by the authority aforesaid, That the said Trustees, or any seven of them, shall have full power and authority to meet at all times when they shall think proper of them, shall have full power and authority to meet at all times when they shall think proper at Warrenton aforesaid, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy, and shall have full power to fill up any vacancies which may happen in the said incorporated body of Trustees, by the death, refusal to act, resignation or removal out of the state of any of its members; and the persons appointed to fill such vacancies, shall be and they are hereby declared to have the same power and privileges as the Trustees named in and by this act. Vacancies of Trustees.

IV. And be it further enacted by the authority aforesaid, That the said Trustees or a majority of them, be and they are hereby authorized and empowered to convene at Warrenton at any time after the passing of this act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a Trustee during his continuance in office, and vested with the same powers, privileges and authorities as any Trustee named in and by this act; and such President, and the Trustees or their successors, or any seven of them, at all other times thereafter when met together in the said town of Warrenton, shall have full power and authority to elect and constitute one or more professors or tutors, a Secretary, Treasurer and Steward; and also to make and ordain such laws, rules and regulations not repugnant to or inconsistent with the laws and constitution of this state, for the well ordering and governing the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress they shall have made in useful knowledge, in general they shall and 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. Provided, That they shall not on any account grant degrees or titles, such as Bachelor or Master of Arts, or Doctor in any faculty. Election of officers, &c.

V. And be it further enacted by the authority aforesaid, That the said Trustees or a majority of them are hereby authorized and declared to have power to remove or displace the President, Professors or Tutors, the Secretary, Treasurer or Steward, or any of them, if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation or refusal to act of the President, or any of the said Professors or Tutors, the Secretary, Treasurer or Steward, others shall be elected by such Trustees in the room and stead of those dead, resigning or refusing to act. May displace officers.

VI. And be it further enacted by the authority aforesaid, That every Treasurer appointed by the Trustees aforesaid, shall previous to the entering upon his office, enter into bond in the sum of five thousand pounds payable to the Trustees aforesaid, conditioned for the faithful discharge of his office and the trust reposed in him; and that all monies and chattels belonging to the said corporation, which shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of his successor in office; and every Treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever that may belong or accrue Treasurer.

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crue to the said academy during his office, and at the expiration thereof shall account with the Trustees for the same; and on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattels in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from the Sheriffs or other persons chargeable with public monies.

And whereas the expence of the buildings necessary for the said academy, may exceed the donations and subscriptions that may be made for the purpose, and the more effectually to enable the said Trustees to carry this act into effect:

VII. *Be it enacted by the authority aforesaid,* That the said Trustees, or any seven of them, be and they are hereby authorized to appoint three persons, who shall be of their body, as Managers for conducting, carrying on and drawing a lottery in Warrenton for the purposes aforesaid, and the further uses of the said academy; with power to issue two thousand five hundred tickets, to be signed by any two of them, at the price of forty shillings each, in the following form, *viz.* "Warrenton Academy Lottery. This ticket entitles the bearer to what ever prize may be drawn against this number, as by act of Assembly." And on the first day of May next, at the court-house in Warrenton, shall begin the drawing of the said lottery, if a sufficient number of the said tickets shall by that time be disposed of, otherwise the Commissioners or any seven of them, shall and may affix and advertise a further day as to them may seem meet, so as that the same may not exceed the term of one year; and the calculation of the chances shall be agreeable to the following scheme, *viz.*

Lottery.

Scheme.

1 prize of two hundred pounds	is	£.200
1 ditto of one hundred pounds	is	100
14 ditto of fifty pounds each	is	700
20 ditto of twenty-five pounds each	is	500
50 ditto of ten pounds each	is	500
500 ditto of five pounds each	is	2500
200 ditto of two pounds each	is	500
676 prizes at 40s. is	12721.	£.4006
1864 blanks at 40s. is	3728	

Total 5000
Deduct 4000 amount of prizes.
1000

Managers to give bond.

VIII. *And be it further enacted,* That the said Managers shall, before any tickets are issued, give their bond or bonds with sufficient security, payable to the said Trustees and their successors, in the penalty of two thousand pounds, with condition for the faithful discharge of the trust reposed in them by this act, which bond shall be recorded in the court of the county of Warren, and any person injured may have judgment against the Managers; and all monies which may be drawn as a prize or prizes, and not applied for in six months, shall be deemed a donation to the said academy.

IX. *And be it enacted,* That nothing herein contained shall be construed so as to make this one of the academies mentioned in the constitution of this state. [Passed Jan. 6, 1787.]

CHAPTER LXV.

An Act to annex part of the County of Granville to Warren.

Preamble.

WHEREAS the annexing a part of the county of Granville to Warren will tend greatly to the ease and convenience of those inhabiting the same:

Part of Granville added to Warren.

I. *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 that part of Granville county included within the following bounds, *viz.* Beginning at the point where the line of division between Warren and Granville counties shall touch the line of division between this state and the state of Virginia, and running thence west along the said line to Nutbush Creek, thence up said creek as it meanders to the mouth of Anderson's Swamp, thence up the said swamp to the fork, thence up the south fork of the said swamp to Stark's Mill, thence by a line to be run due south until it shall touch the aforesaid line of division between Warren and Granville, be, and the same is hereby annexed to, and shall be and remain a part of the county of Warren: *Provided,* Nothing in this act shall be understood to prevent the Sheriff of the county of Granville from collecting all public taxes now due in that part of the county which comes within the description of this act.

Commissioners to run the line

II. *And be it further enacted by the authority aforesaid,* That Benjamin Hawkins, John Mason, Pleasant Henderson, John Williams, Daniel and Gulielmus Smith, or a majority of them, shall be and they are hereby appointed Commissioners, for the purpose of running the said dividing line from the mouth of Anderson's Swamp agreeable to the directions of this act; which said line when run by the said Commissioners, or a majority of them, shall be by them entered on record in the court of each of the said counties, and the same shall be deemed and taken to be the line as intended by this act. [Passed Jan. 1, 1787.]

CHAPTER LXVI.

An Act to enable William Moore, late Sheriff of Burke county, to collect all the Taxes due from the said county for the year one thousand seven hundred and eighty-five, and to allow him a further time for settling for his Collections with the Treasurer.

W. Moore allowed further time to settle.

I. *BE it enacted by the authority of the same,* That William Moore, late Sheriff of Burke county, shall be allowed until the first day of May next, to settle for his collections of public taxes due for the year one thousand seven hundred and eighty-five with the Treasurer of this state, and in the mean time the Treasurer shall forbear to commence any action for such collection, and to suspend the progress of all such as have been already brought for said taxes, against the said Moore. II. *And*

II. *And be it further enacted*, That the said Moore shall be, and he is hereby authorized to collect all the said taxes yet due for the year aforesaid, from the inhabitants of the said county, and to that end shall have and be invested with the same powers and authorities, as to the collection of and distraining for the same, as Collectors of public taxes are invested with by the laws of this state, and shall be allowed for such collection and payment of the monies into the public treasury, on or before the said first day of May next, a commission of two and an half, per cent. 1786.

[Passed Jan. 6, 1787.]

CHAPTER LXVII.

An Act for establishing an Academy at the place heretofore called Martinborough, in the county of Pitt; and for altering the name of Martinborough to that of Greenville.

WHEREAS liberal subscriptions have been made, and a prospect of considerable additions towards establishing a seminary of learning at Greenville, lately called Martinborough, in the county of Pitt: And whereas the proper education of youth is essential to the happiness and prosperity of every community, and therefore worthy the attention of the Legislature:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That an academy be erected and established at Greenville, in Pitt county, for the education of youth, under the name and stile of the Pitt academy.

II. *And be it further enacted by the authority aforesaid*, That Richard Caswell, Hugh Williamson, William Blount, John Simpson, James Armitrong, James Gorham, John Hawkes, John Williams, Robert Williams, Arthur Forbes, Benjamin Moy, John Moy and Reading Blount, and they and their successors to be elected in manner herein after directed, shall for ever be a body politic and corporate in deed and in name, by the stile of the Trustees of the Pitt Academy, and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee; and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever, of any nature, quality or value, for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all Judges and Justices whatsoever, in all actions, pleas, plaints and demands, and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels; and to act and do all things whatsoever for the use aforesaid, in as full and ample manner and form as any natural person or body politic or corporate can or may by law: That they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.

III. *And be it further enacted by the authority aforesaid*, That the said Trustees, or any five or more of them, shall have full power and authority to meet at all times when they shall think proper at the said academy, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy, and shall have full power to fill up any vacancies which may happen in the said incorporated body of Trustees, by the death, refusal to act, resignation or removal out of the state of any of its members; and the persons appointed to fill such vacancies, shall be and they are hereby declared to have the same power and privileges as the Trustees named in and by this act.

IV. *And be it further enacted by the authority aforesaid*, That the said Trustees or a majority of them, be and they are hereby authorized and empowered to convene at Greenville, on the first Monday in April next after the passing of this act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a Trustee during his continuance in office, and vested with the same powers, privileges and authorities as any Trustee named in and by this act; and such President, and the Trustees or their successors, or any five or more of them, at all other times thereafter when met together at Greenville, shall have full power and authority to elect and constitute one or more professors or tutors, a Secretary, Treasurer and Steward; and also to make and ordain such laws, rules and regulations not repugnant to or inconsistent with the laws of this state, for the well ordering and governing the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress they shall have made in useful knowledge, in general they shall and 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. *Provided*, That nothing herein contained shall be construed so as to authorize the said Trustees to grant degrees of either Bachelor or Master of Arts, or of Doctor in any faculty.

V. *And be it further enacted by the authority aforesaid*, That the said Trustees or a majority of them are hereby authorized and declared to have power to remove or displace the Professors or Tutors, the Secretary, Treasurer and Steward, or any of them, if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation or refusal to act of the President, or any of the said Professors or Tutors, the Secretary, Treasurer or Steward, others shall be elected by such Trustees in the room and stead of those dead, resigning or refusing to act.

VI. *And be it further enacted by the authority aforesaid*, That every Treasurer appointed by the Trustees aforesaid, shall previous to his entering upon his office, enter into bond in the sum of one thousand pounds payable to the Trustees aforesaid, conditioned for the faithful discharge of his said office and the trust reposed in him; and that all monies and chattels belonging to the said

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said corporation, which shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of his successor in office; and every Treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever that may belong or accrue to the said academy during his office, and at the expiration thereof shall account with the Trustees for the same; and on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattels in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from Sheriffs or other persons chargeable with public monies.

Hall may be distinguished.

VII. *And be it further enacted by the authority aforesaid,* That nothing in this act shall be construed to prevent the Trustees from distinguishing the public hall or their library by the name of such persons, who may within two years from the said first Monday in April next make the most liberal donations to the said academy: *Provided nevertheless,* That this feminary shall not be construed one of those mentioned or intended by the constitution.

Martinborough to be called Greenville.

VIII. *And be it further enacted by the authority aforesaid,* That the said town heretofore known and called by the name of Martinborough, shall be hereafter called by the name of Greenville; and that all laws which respect the said town by the first mentioned name, and all records and proceedings of whatever nature which have been heretofore made, had or done under the said first mentioned name, shall be to all intents and purposes as valid and effectual in law, as if the name of the said town had not been changed; any usage or custom to the contrary notwithstanding. *[Passed Jan. 6, 1787.]*

CHAPTER LXVIII.

An Act for the Promotion of Learning in the county of Chatham.

Preamble.

WHEREAS the establishing an academy in the said county for the education of youth will be attended with many advantages, and being an healthy situation and provisions cheap, students may be genteely accommodated at a moderate expence; and some provision being already made for such an institution:

Trustees of Pittsborough academy incorporated

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That Doctor James White, John Williams, attorney at law of Chatham, James Anderson, George Lucas, Matthew Jones, John Montgomery, John Taylor, Patrick St. Lawrence, Doctor James Servant Jones, and Ambrose Ramsey, Esquire, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the Trustees of Pittsborough academy, shall have perpetual succession and a common seal; and that the said Trustees and their successors by the name aforesaid, and their successors or a majority of them, shall be able and capable in law, to take, demand, receive and possess all monies, goods and chattels that shall be given them for the use of the said academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors for ever, any lands, tenements or hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof shall be applied to and for the uses and purposes of establishing and endowing the said academy, building or purchasing a convenient house, purchasing a library and philosophical apparatus, and supporting and paying the salaries of such number of professors and tutors as to them shall seem necessary.

May appoint officers.

II. *And be it further enacted by the authority aforesaid,* That the said Trustees or a majority of them, shall and they are hereby authorized to choose a President, Treasurer and Secretary out of their own body; they may also choose Professors and Tutors for the academy, and the same may remove at pleasure; and they shall have authority to make bye-laws for the government and regulation of the academy, and the same to alter and amend. *Provided nevertheless,* That such laws shall not be repugnant to the laws of this state, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress of useful knowledge; and further, that on death, resignation, refusal to act or misconduct, of either Professors or Tutors, the Secretary, Treasurer or Steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

Treasurer.

III. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said board of Trustees shall enter into bond and security to the Trustees, conditioned for the faithful discharge of the trust reposed in him by this act; and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies, donations, gifts and charities that may belong or accrue to said academy during his office, and at the expiration thereof shall account with the Trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him as is or may be provided for the recovery of money from Sheriffs or other public officers.

Vacancy of Trustees.

IV. *And be it further enacted by the authority aforesaid,* That if any Trustee shall neglect attending at the stated meetings of the board for the space of two years, or if any of them shall die or otherwise resign his office, the remaining Trustees or a majority of them, shall at their next meeting choose another Trustee in the room of the person thus neglecting his duty, dying or resigning his office.

President.

V. *And be it further enacted by the authority aforesaid,* That the Trustees by this act appointed or a majority of them, shall meet annually on the first Monday in February in each and every year, or at any other time they may think more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the Trustees at any time he may find it necessary. *Provided always,* That he shall give ten days previous notice of such meetings; and that the President and Treasurer shall be chosen on the said first Monday in February unless in cases of unavoidable accidents. *Provided,* That nothing herein contained shall be construed or understood so as to make the academy hereby established, one of those mentioned in the constitution of this state. *[Passed Jan. 6, 1787.]*

CHAPTER LXIX.

An Act to vest in Trustees certain powers for the benefit of Elizabeth Torrens and her Children.

Preamble.

WHEREAS the court of Pleas and Quarter-Sessions for Dobbs county hath been pleased to grant for the benefit of Elizabeth Torrens and her children, a certain portion of real and personal estate of Thomas Torrens, suggested to have been confiscated, and the order of the said court not having been sufficiently explicit in declaration of the use or appointing the trust; to prevent inconveniency and confusion that may therefrom arise:

Trustees appointed.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That James Kenan, John Molton and James Sampson, be and they are hereby appointed Trustees for the purposes of laying off one third part of the personal estate granted as aforesaid, for the sole benefit of Elizabeth Torrens, the remainder to be for the sole benefit of her children. And the said Elizabeth having relinquished her right in the lands granted as aforesaid to her children,

Their power.

II. *Be it further enacted,* That the said Trustees shall have power and authority so to use the same as to them may seem most fitting to promote their improvements for the benefit of the said children; or if it should appear to them conducive to the advantage of their trust, to sell the said lands for the purchase of others of greater or equal worth to the said children.

To make oath.

III. *And be it further enacted by the authority aforesaid,* That the Trustees aforesaid or a majority of them, before entering on the execution of their trust, shall take the following oath, *viz.* "I A. B. having been appointed by the General Assembly a Trustee for the purpose of managing the estate real and personal granted by the court of Pleas and Quarter-Sessions of Dobbs county, for the use of Elizabeth Torrens and her children, do swear that I will truly, faithfully and impartially manage the same, agreeably to the powers in me veited, according to the best of my knowledge and ability. So help me God."

IV. *And*

IV. *And be it further enacted by the authority aforesaid,* That the said Trustees before entering into the execution of the said trust, shall enter into a joint and several bond to the Chairman of Duplin court, in the sum of five thousand pounds for the use of Elizabeth Torrens and her children, to be void on condition of the equitable discharge of their said trust, and shall make return of all their proceedings to the said court of Duplin; which is hereby declared to have such superintending powers in the premises over the proceedings of the said Trustees as they exercise in cases of orphans and guardians.

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To give bond.

[Passed Jan. 6, 1787.]

CHAPTER LXX.

An Act for cutting a Canal from Currituck Sound to the Indian Ridge, and from thence to the head of North River, or as far as the Commissioners herein named shall think proper.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Young, James Dauge and Joseph Ferebe, be and they are hereby authorized and appointed Commissioners to lay off and cut a canal, beginning at the sound side near Currituck court-house, from thence a strait course as near as possible to the Indian ridge to intersect the new road that leads to Camden county, from thence to the North river nearly as the said road runs, or as the aforesaid Commissioners shall think proper.

Commissioners to cut a canal.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the above mentioned Commissioners, to sue for and receive all sums of money that is or hereafter may be subscribed for the purpose of cutting the said canal.

To recover subscriptions.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to cut the said canal through the land of any person being a subscriber to the same, where it shall be necessary to carry the same; any law, usage or custom to the contrary notwithstanding: *Provided nevertheless,* That all damages occasioned by cutting the said canal through the lands of any person, shall be valued by the county court, or three freeholders on oath, to be chosen by the court, which value shall be paid to the proprietors of such land by the Commissioners before mentioned.

Canal may be cut thro' subscriber's lands.

IV. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person or persons whatsoever, to cut any ditch or canal into the aforesaid canal without the consent of the Commissioners aforesaid, or a majority of them, under the penalty of one hundred pounds, to be recovered by the said Commissioners, before any court of record having cognizance thereof, and to be by them applied to the purpose of keeping in repair the aforesaid canal.

No encroachments to be made on it.

V. *And be it further enacted by the authority aforesaid,* That the county court of Currituck shall have full power and authority to levy a toll on all persons passing in the said canal or on the banks thereof; which toll shall be collected by the Commissioners aforesaid, and applied to the purpose of keeping in repair the aforesaid canal; and if there should be any surplus, the same shall be distributed amongst the subscribers in proportion to each subscription.

Toll.

[Passed Jan. 6, 1787.]

CHAPTER LXXI.

An Act empowering Commissioners to dispose of the Lands and Glebe the property of St. John's Parish, formerly of the county of Bute, now in Franklin.

WHEREAS in the building of the Glebe aforesaid there is yet a balance due Robert Goodlor, Esquire, which ought to have been paid before the division of Bute county: And whereas by the purchase of the aforesaid Glebe, it is considered to be the property of Warren and Franklin, and is now become of no use to either county:

Preamble.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and by the authority of the same,* That Benner Hill, Edward Jones and William Ranfom, or any two of them, be and are hereby appointed Commissioners, with full power and authority to sell the lands and Glebe aforesaid upon eighteen months credit, the purchaser giving bond and security for the faithful performance thereof, the Commissioners first giving three months public notice of such sale, by advertisement at the court-houses of Warren and Franklin aforesaid.

Commissioners to sell the Glebe.

II. *And be it further enacted,* That the Commissioners appointed by this act, shall previous to the entering on the business hereby intended, give bond and security to the presiding Justice of either the aforesaid counties in a bond of two thousand pounds, for the faithful application of the monies arising from such sale, in the manner as is hereafter directed.

To give bond.

III. *And be it further enacted,* That the Commissioners aforesaid shall, after their collecting the monies arising from such sale aforesaid, first pay unto Robert Goodlor his just demands against the parish aforesaid for building the aforesaid Glebe, and the residue shall be paid one half to the county court of Franklin, and the other half to the county court of Warren, to be by them applied towards lessening the taxes of the aforesaid counties.

Appropriation of the money.

[Passed Jan. 6, 1787.]

CHAPTER LXXII.

An Act to vest the Title of a piece or parcel of Land lying in Jones county, in Howel Brown and his Heirs, in fee simple.

WHEREAS it appears to the satisfaction of this General Assembly that Howel Brown, of Jones county, on the eighth day of December, in the year one thousand seven hundred and seventy-nine, did purchase of Durham Leigh of Duplin county, a certain piece or parcel of land lying in Jones county on the west side of Joshua's Creek, containing two hundred acres, butted and bounded as follows, *to wit,* beginning at a gum in the edge of said creek near Elisha Blackshear's line, and runs with his line north seventy-two degrees west one hundred and fifty-four poles to his corner white oak, then north eighty degrees west ten poles to Benjamin Fortham's corner dogwood, then with his line north sixty-three degrees west forty-four poles, then north four degrees east one hundred and sixty poles, then north eighty-nine degrees east seventy poles to a pine in Joseph Kinsey's line, then with his line south thirty-six degrees east eighty-eight poles to his corner pine, then with another of his lines north sixty-one degrees east fifty poles to his corner pine on the side of said creek, then with the various courses of the same to the beginning; and did in good faith pay the purchase money thereof unto the said Durham Leigh, who since the said purchase hath withdrawn himself from this and the United States, and attached himself to the enemies of the same; and his estate by law hath been confiscated, and hath made no assurance to the said Howel Brown to vest the said land in him and his heirs in fee simple:

Preamble.

I. *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 Howel Brown be, and is hereby invested with absolute right in fee simple of and to the before recited tract or parcel of land containing two hundred acres aforesaid, in as full and ample manner as he would have been if the said Durham Leigh had executed to him a good and sufficient title in law for the aforesaid tract or parcel of land; any law to the contrary notwithstanding.

H. Brown invested with certain lands.

[Passed Jan. 6, 1787.]

CHAPTER LXXIII.

An Act for levying a Tax in the district of Edenton, for building the Gaol of the said district.

WHEREAS the tax levied for the purpose of building a gaol in the district of Edenton has proved deficient, and the monies in the hands of the Commissioners have been all expended in purchasing materials for the same:

Preamble.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That each and every hundred acres of land in the county of Chowan shall be subject to a tax of four pence, each poll to a tax of one shilling, and each hundred pounds value of town property to a tax of one shilling: And there shall also be collected in the counties of Tyrrel, Bertie, Perquimans, Pasquotank, Camden, Currituck, Hertford and Gates, the sum of two pence on every hundred acres of land, and a tax of six pence on every poll, and on every hundred pounds value of town property a tax of six pence in the said counties, to be collected

Tax.

1786.

lected for the year 1786 at the time and in the manner the public taxes are collected for that year; which tax of four pence on every hundred acres of land, and of one shilling on every poll, and of one shilling on every hundred pounds value of town property in the county of Chowan, and in the counties of Bertie, Tyrrel, Perquimans, Pasquotank, Cambden, Currituck, Hertford and Gates, the sum of two pence on every hundred acres of land, the sum of six pence on every poll, and on each hundred pounds value of town property the sum of six pence, shall also be levied and collected for the year 1787, in the same manner and at the same time the public taxes laid by the present General Assembly are collected.

II. *And be it further enacted,* That the Sheriffs of each county shall account with the Commissioners appointed for building the said gaol under the same penalties and restrictions as for public taxes, and pay the money into their hands for the purposes aforesaid; which payment shall be allowed them in the settlement of their accounts.

[*Passed Jan. 6, 1787.*]

CHAPTER LXXIV.

An Act to amend an act passed at Hillsborough in the year one thousand seven hundred and eighty-two, entitled, "An act to vest the title of a certain tract of land in Robert Cummins."

Preamble.

WHEREAS it is enacted by the before recited act that Robert Cummins of Guilford county, should pay into the hands of James Martin, John Pealy and John Gillispie, Commissioners of confiscated property for said county, or any two of them, the money due by him to Archibald and John Hamilton for the aforesaid tract of land in specie, and the Commissioners aforesaid to make him a good and sufficient deed of conveyance for the same: And whereas the above Commissioners resigned their commissions before the said Robert Cummins was able to procure the specie to pay for the said tract of land:

R. Cummins to have a deed for certain lands.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the said Robert Cummins make due proof to the satisfaction of the county court of Guilford of the money and interest due to said Archibald and John Hamilton for the said land, and shall pay the same to Charles Bruce, Commissioner of confiscated property for the district of Salisbury, that then and in that case the said Charles Bruce shall make to the said Robert Cummins a good and sufficient title to the said land, agreeable to the before recited act.

II. *And be it enacted,* That so much of the before recited act as comes within the purview of this act, is hereby repealed and made void.

[*Passed Jan. 6, 1787.*]

CHAPTER LXXV.

An Act to appoint Commissioners to carry on and finish the public Buildings in the county of Anson.

Preamble.

WHEREAS some of the Commissioners for carrying on and finishing the court-house, prison and stocks in the county of Anson, are some dead, and others have removed out of the said county, without effecting the purposes for which they were appointed:

Commissioners to finish court-house, &c.

I. *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 Marihal, Stephen Pace, Jonathan Jackson and Theodorick Webb, be, and they are hereby appointed Commissioners to carry on and finish the court-house, prison and stocks in the said county, in the same manner and under the same regulations and restrictions that the former Commissioners were bound to do the same, they first giving bond and security to the county court of Anson in the sum of five hundred pounds, conditioned for the faithful discharge of the duties enjoined by this act.

Power to recover money.

II. *And be it further enacted by the authority aforesaid,* That the Commissioners by this act appointed shall have full power and authority to demand and receive all sums of money which have been levied for the purpose of erecting the aforesaid buildings, from any person or persons who may have collected or received the same, and failed to apply it to the purposes for which the same was levied; and in case they shall fail or neglect to pay the same, the Commissioners by this act appointed are hereby authorized to enter up judgment against such persons, for the balances they may respectively owe, in the same manner that the public Treasurer is directed to enter up judgment against delinquent Sheriffs.

[*Passed Jan. 6, 1787.*]

CHAPTER LXXVI.

An Act for establishing a Town on the lands of Andrew Basf.

Preamble.

WHEREAS it is represented to this General Assembly that a town on the lands of Andrew Basf, on the north side of Neuse River in Wayne county, where the court-house and other public buildings now stand, would tend to the promotion of commerce, and the ease and convenience of the inhabitants of said county in attending courts and other public business; and the said Andrew Basf having signified his assent by a certificate under his hand, to have sixty acres of said land laid off for a town and fifteen for commons:

Wanesborough.

I. *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 Directors or Trustees hereafter appointed, or a majority of them, shall as soon as may be after the passing of this act, cause seventy-five acres of the land aforesaid to be laid off in lots of half an acre each, with convenient streets, lanes and alleys; which lots so laid off according to the directions of this act, are hereby constituted and erected a town and shall be called by the name of Wanesborough.

Trustees appointed.

Their powers.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, William McKennie, sen. Burwell Moring, William Whitfield, Joseph Green, William Whitfield, jun. David Jernegan, jun. Richard Basf, William McKennie, jun. and William Fellows, be and they are hereby constituted Directors and Trustees for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple of the said seventy-five acres of land to and for the uses, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them, and when the said Directors shall have taken subscriptions for sixty lots or upwards, they shall appoint a day, and give public notice to the subscribers of the day and place appointed for the drawing of said lots, which shall be done by ballot in a fair and open manner by the direction and in the presence of a majority of the said Directors at least; and such subscriber shall be entitled to the lot or lots which shall be drawn for him and correspond with the mark or number contained in the plan of said town; and the said Directors or a majority of them, shall make and execute deeds for granting and conveying the said sixty acres of land in half acres lots as aforesaid, to the subscribers, their heirs and assigns forever, and also to every other person or persons who shall purchase any other lot or lots in the said town, at the cost and charges of the said grantee to whom the said lot or lots shall be conveyed as aforesaid; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple.

Payment of the lots.

III. *And be it further enacted by the authority aforesaid,* That each respective subscriber for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said Directors or any one of them, the sum of three pounds five shillings for each lot by him subscribed for; and in case of the neglect or refusal of any subscriber to pay the said sum, the said Directors shall and may commence and prosecute a suit or suits for the same, and therein shall recover judgment with costs of suit; and the said Directors shall as soon as they receive the said money, pay and satisfy unto the said Andrew Basf, his heirs or assigns, the sum of three pounds for each lot in full satisfaction for the said lands, and the remainder in their hands shall be applied towards defraying the expences of laying off and improving the said town, in such manner as a majority of the Directors shall think proper. And for continuing the succession of the said Directors until the said town shall be incorporated:

Vacancy of Directors.

IV. *Be it enacted by the authority aforesaid,* That in case of the death, refusal to act, or removal out of the county of any of the said Directors, the surviving Directors, or a majority of them, shall assemble and are hereby empowered

erred

ered from time to time by instrument of writing under their respective hands and seals to nominate some other person being a freeholder in said town, in the place of him so dying, refusing to act or removing out of the county, which new Director so nominated and appointed, shall from thenceforth have the same powers and authorities in all things in the matters herein contained, as if he had been expressly named and appointed in and by this act. *Provided nevertheless*, That the said Andrew Bass shall have to his own use a reserve of three lots of his own choosing, which choice shall be made previous to the day of balloting for the said lots.

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V. *And be it further enacted by the authority aforesaid*, That the Directors shall have full power and authority to pull down any chimney built of wood in the said town, or any piazzas, or any other building of any kind whatsoever that may be made on any street, lane or alley in said town; or prevent stock of all kinds whatsoever from running at large, so as to interrupt any of the said streets, lanes or alleys, as a majority of them shall think proper.

Encroachments

VI. *And be it enacted by the authority aforesaid*, That the three acres of land formerly conveyed for the purpose of building a court-house, prison and stocks, be part of the aforesaid sixty acres, and under the same rules and restrictions, except one lot where the court-house now stands in said town, and one other where the Commissioners for building the court-house, prison and stocks may think necessary to build the prison and stocks on.

3 acres of land included.

[Passed Jan. 6, 1787.]

CHAPTER LXXVII.

An Act to erect and establish an Academy in the County of Franklin.

WHEREAS the establishing an academy in the said county for the education of youth will be attended with great advantages to the state in general, and the county of Franklin in particular:

Preamble.

I. *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 Doctor John King, William Lincaster, Josiah Love, Benjamin Seawell, Robert Goodlow, Robert Bell, Jordan Hill, Francis Taylor, Hugh Hays, William Green, Thomas Stokes and Doctor William Vassell, Esquires, be and they are hereby constituted and appointed Trustees, with full power and authority to receive into their hands and possession, all monies and other property which have been or hereafter may be subscribed for the purpose of erecting an academy in the town of Lewisburg in the county aforesaid by the name of Franklin academy, and the said Trustees and their successors shall be able and capable in law to sue for and demand, receive and possess of the several subscribers all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise, in the name of the Trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof, and the monies when collected and received to be applied by the said Trustees or a majority of them towards paying for the house already contracted for to be erected in the said town, to contract with and employ a Tutor or Tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy, and the promotion of learning therein.

Trustees of Franklin academy incorporated

II. *And be it further enacted by the authority aforesaid*, That the Trustees herein before mentioned, shall previous to their entering on the execution of the trust reposed by this act, give bond to the court of the county, payable to the Chairman and his successor, in the sum of one thousand pounds specie, with condition that they shall well and faithfully account for and apply all gifts, donations, bequests and monies which they may receive of and by virtue of this act for the purposes aforesaid.

To give bond.

III. *And be it further enacted by the authority aforesaid*, That if any of the Trustees by this act appointed shall die, refuse to act or remove away, that he cannot attend the duties of his appointment, the remaining Trustees may appoint another or others in his or their stead, who shall exercise the same powers as Trustees appointed by this act, and when met together in said town shall have power and authority to elect and constitute one or more Tutor or Tutors and a Treasurer, and also to make and ordain such rules and regulations not repugnant to the laws of this state for the well ordering of the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave said academy certifying their literary merit: *Provided*, They shall not on any account confer any degree such as Bachelor or Master of Arts, or Doctor in any faculty; in general they shall and 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; and the said Trustees or a majority of them are hereby impowered and shall have lawful authority to remove the Tutor or Tutors, Treasurer or any of them if they shall find it necessary, and on the death, resignation or refusal to act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.

Vacancy of Trustees.

IV. *And be it further enacted by the authority aforesaid*, That the Trustees by this act appointed or a majority of them and their successors, shall meet annually on the second Monday in December in each and every year, or at any other time they may find more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the Trustees at any time he may find it necessary. *Provided always*, That he shall give ten days previous notice of such meetings; and that the President and Treasurer shall be chosen on the said second Monday in December unless in cases of unavoidable accident.

President.

V. *And be it further enacted by the authority aforesaid*, That the Treasurer of the said board of Trustees shall enter into bond with sufficient security to the Trustees, conditioned for the faithful discharge of the trust reposed in him by this act; and that all monies and charters that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies, donations, gifts, bequests and charities that may belong or accrue to said academy during his office, and at the expiration thereof shall account with the Trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him as is or may be provided for the recovery of money from Sheriffs or other public officers.

Treasurer.

[Passed Jan. 6, 1787.]

CHAPTER LXXVIII.

An Act for establishing a Town on the land of Robert Burton, Esquire, in the county of Granville.

WHEREAS it hath been represented to this General Assembly that part of the lands of Robert Burton, Esquire, in Granville county, on the great road and the fork thereof, one leading from Petersburg in Virginia to Fayetteville, and the other from Halifax to Hillsborough and the western parts of this state, is a high, healthy and pleasant situation, well watered with cool refreshing springs, and also well calculated for an inland manufacturing town:

Preamble.

I. *Be it therefore enacted by the General Assembly of this state, and it is hereby enacted by the authority of the same*, That seventy-five acres of land, including the streets and lots when the same shall be laid off according to the directions of this act, be and the same is hereby constituted, erected and established a town, and shall be called Williamborough.

Wm. sborough.

II. *And be it enacted by the authority aforesaid*, That from and after the passing of this act, the Honorable John Williams, Esquire, Bromfield Ridley, Philemon Hawkins, jun. John Somerville, Thomas Satterwhite, Leonard Hendly Bullock, Robert Burton, Howel Lewis, Thornton Yancy, Howel Lewis, jun. John Young, Robert Coleman, Samuel Smith and Thomas Mutter, Esquires, be, and they and every of them are hereby constituted Directors and Trustees for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee in the said seventy-five acres of land to and for the uses, purposes and intents herein expressed and declared; and they or any eight of them shall have full power and authority to meet as often as they shall think necessary, and to lay off the said seventy-five acres of land into lots on both sides of the said road, with a large commodious street of ninety feet wide passing through the said town, each lot containing one acre of land, and to be one hundred and forty-eight feet in front and three hundred feet back, and cause a plan to be made and thereon insert the marks and numbers to each lot. *Provided nevertheless*, That nothing in this act shall be construed or extend to grant power to the said Directors or their successors, to dispose of such lots within the said limits as have heretofore been sold and disposed of by the said Robert Burton, nor such as he has reserved for himself and built thereon, unless the said Robert or other person to whom he has sold, shall refuse or neglect to comply with this act by building on and improving those lots so sold or reserved, as others according to the directions of this act are bound to do. *And provided also*, That nothing herein contained shall be construed so as to vest the property of the church in the said town and one acre of land whereon the said church is built, in the said Robert Burton or any other person or persons holding the same by, from or under him.

Trustees appointed.

III. And

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To recover sub-
scriptions.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall cause the said town immediately to be laid off into lots, &c. as herein before directed, and shall and may take subscriptions of such persons as may see cause to subscribe for the same until the whole shall be subscribed for; and the Directors or a majority of them shall within three months after the whole shall be subscribed for, appoint a time for the meeting of the said subscribers on the said land, for determining the property of each particular lot, which shall be done by ballot in a fair manner by the direction and in the presence of a majority of the Directors at least; and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, her or them, and correspond with the number contained in the plan of said town; and the said Directors or a majority of them, shall execute deeds for the granting and conveying the said lots to the subscribers, their heirs and assigns forever, and also to any other person or persons who shall purchase a lot or lots within the said town, at the proper cost and charges of the grantee to whom the same shall be conveyed; and any person claiming any lot or lots by such conveyance, shall and may hold and enjoy the same in fee simple. *Provided nevertheless,* That every grantee of any lot or lots within the said town so conveyed, shall within ten years next after the date of the conveyance of the same, erect, build and finish on each lot so conveyed, one well framed house sixteen feet square at least and ten feet pitch in the clear, or proportionable to such dimensions if such grantee shall have two or more lots contiguous, with a brick or stone chimney to such house; and if the owner or owners of such lots shall fail to pursue and comply with the directions by this act prescribed for building and finishing a house thereon, then such lot or lots on which such house or houses shall not be built and finished, shall be vested in the said Directors; and the said Directors or a majority of them, may and they are hereby empowered and authorized to sell such lot or lots at public vendue for the most they will fetch, and to convey to the purchaser of such lot or lots the same, in such manner and under such restrictions as they could or might have done if such lot or lots had not before been sold and granted.

Payment of the
lots.

IV. *And be it further enacted,* That the said subscribers shall one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said Directors the sum of six pounds for each lot by him, her or them subscribed for; and in case of refusal or neglect of any subscriber to pay the said sum, the said Directors shall and may prosecute a suit in their name for the same, and therein recover judgment with costs of suit.

Appropriation
of the money.

V. *And be it further enacted by the authority aforesaid,* That all the monies that shall arise in the first instance from the subscription for the said lots, shall be paid to the said Robert Burton as a compensation for said land; and that whatever monies may arise from the sale of lots after sold for want of complying with this act in improving the same, shall be applied by the Directors or a majority of them, in hiring and employing some minister of the gospel to preach to the inhabitants of the said town. And for continuing the succession of the said Directors until the said town shall be incorporated:

Vacancy of Di-
rectors

VI. *Be it further enacted by the authority aforesaid,* That in case of the death, refusal to act or removal out of the county of any of the said Directors, the surviving or other Directors, or a major part of them, shall assemble and are hereby empowered from time to time by instrument of writing under their respective hands and seals (which instrument shall be recorded in the court of the county) to nominate and appoint some other person or persons being an inhabitant, inhabitants, freeholder or freeholders of the said town, in the place of him or them so dying, refusing to act or removing out of the said county; which new Director or Directors, so nominated and appointed, shall from thenceforth have the like power and authority in all things and matters herein contained as if he or they had been expressly named and appointed in this act. [Passed Jan. 1, 1787.]

CHAPTER LXXIX.

An Act appointing Commissioners to fix on a convenient Place for holding the Courts of Pleas and Quarter-Sessions in the County of Washington, and for vesting the Commissioners herein mentioned with full power to call out of the former Commissioners hands such sums of Money as may appear to be due in their hands.

Commissioners to
build court-
house, &c.

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 Benjamin Ward, Robert White, Edmond Williams, William Moore, John Hamner, Robert Love, and William Presly, or a majority of them, be and they are hereby appointed Commissioners to lay off and appoint the place where the court-house, prison and stocks, for the use of the said county of Washington, shall be erected or cause the same to be erected: And for defraying the expences of the said building, that the Commissioners aforesaid shall have full power and authority to call all such sums of money out of the hands of the former Commissioners, their heirs, executors, administrators or assigns that were heretofore appointed for erecting the said buildings that hath not been applied to the use aforesaid: And perhaps there may not be a sufficient sum in their hands to compleat the said buildings:

Tax.

II. *Be it further enacted by the authority aforesaid,* That a tax not exceeding one shilling be taxed on each poll in the said county, and four pence on each hundred acres of land for the purpose aforesaid, and that the same shall be collected by the same persons and in the same manner as the public taxes in the said county are, and all such money so collected shall be paid into the hands of the Commissioners herein named for erecting the said public buildings; and on non-payment of the tax to be collected in virtue of this act by the Sheriff or other Collector thereof, the said Sheriff or other Collector shall be liable to the same penalties as for other public taxes, and the said Commissioners shall be entitled to the same mode of recovery against the said Sheriff or other Collector, as other public officers are entitled to have against them on non-payment of the public taxes.

Sheriff, &c. to
account.

III. *And be it further enacted by the authority aforesaid,* That the Sheriff or other Collector of the said county of Washington, is hereby empowered and directed to account for and pay the money by him collected for the purpose of building the aforesaid court-house, prison and stocks to the Commissioners aforesaid, after deducting his commissions for collecting the same.

To employ
workmen.

IV. *And be it further enacted by the authority aforesaid,* That the Commissioners herein before appointed, or a majority of them, are hereby empowered and directed to employ workmen to build the court-house, prison and stocks in the said county of Washington; and the courts of the said county may be held at the house of William Davis in the said county, until the court-house, prison and stocks shall be built; unless the court for the said county may think proper to adjourn to the appointed place sooner, and then all process shall be returnable agreeable to adjournment.

V. *And be it also enacted by the authority aforesaid,* That all acts heretofore made, that comes under the purview of this act, are hereby made void. [Passed Jan. 6, 1787.]

CHAPTER LXXX.

An Act for altering the manner of holding the annual Elections for the county of Hyde.

Preamble.

WHEREAS the most eastern part of the county of Hyde is at so great a distance from the place of holding elections, and a dangerous passage by water of fifty miles distance through a very rude sound, that is extremely inconvenient for the freemen in the eastwardly part to attend the elections of members for said county, whereby many persons are prevented from giving in their suffrages for persons to represent them in the General Assembly: For remedy whereof,

Election when
& where held.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the annual elections for the said county shall be held and taken in the following manner, that is to say, the election shall begin at the house of Mr. Jefferys, at the Lake landing on Mattimuskeet, the second Saturday in August in every year, and shall continue until sun-set of the same day in manner by law directed, when the Sheriff and the Inspectors shall seal up the ballot-boxes, and the third Saturday in August shall proceed with the boxes and the several lists of voters by them taken, to the court-house in the town of Woodstock, and on Saturday being the second and last day of the annual elections throughout the state, the poll shall be opened at Woodstock, the seals taken off the ballot-boxes, and the election continued until sun-set for such of the county electors who shall not have voted before, and the poll shall be opened on both days at ten o'clock; any law to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That the electors of the said county as may think proper, may give their votes on the first day of the election at the house of Mr. Jefferys, at the Lake landing; and all such

such electors of the said county as shall not vote on the said first day of election, shall be at liberty to give their votes in the town of Woodstock on the second and last day of the election; and when the election shall be finished in manner by this act directed, the tickets shall be numbered, and the members chosen shall be declared in the usual manner.

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III. *And be it enacted by the authority aforesaid,* That in case the seat of any member or members of the said county should be vacant, a writ or writs shall issue for the election of a new member or members to fill the vacant seat or seats in manner herein before directed, *that is to say,* to hold such election at the different places before mentioned with an intervening week, and in both cases the poll shall be opened at ten o'clock; any law to the contrary notwithstanding.

Vacant seat.

[Passed Jan. 6, 1787.]

CHAPTER LXXXI.

An Act for establishing a Town on the lands late the property of William Petty, adjoining Chatham Court-house, as laid off by the Trustees named in the act of the last General Assembly, entitled, "An act for establishing a town on the lands of Mial Scurlock, deceased, in Chatham county," for appointing Commissioners for the regulation of said town, and repealing said act.

WHEREAS by an act of the last General Assembly, entitled, "An act for establishing a town on the lands of Mial Scurlock, deceased, in Chatham county," Trustees were appointed to lay off one hundred acres of said land into lots of half an acre each, with convenient streets, lanes and alleys, but on proceeding to carry into effect the duties of their appointment, the executors of the said deceased forbid the said Trustees entering on the said lands for the purposes mentioned in the said act, suggesting that they were not fully empowered by the last will and testament of the deceased to dispose of the said lands, and might thereby be involved in law-suits at a future day: And whereas the Trustees, at the request of the inhabitants of said county and others, have purchased a plantation adjoining the lands mentioned in the before recited act, as convenient in every respect and equally suitable and proper for a town, and have laid the same off in such manner as in the said act directed, and the lots being all sold and ascertained to whom each belongs:

Preamble.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the said lands so laid off by the Trustees aforesaid agreeable to a plan thereof, be and is hereby established a town and town commons by the name of Pittsborough.

Pittsborough.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, George Lucas, Joseph Stewart, Roger Griffith, Matthew Jones, Zachariah Harman, Patrick St. Lawrence, Nathan Stedman, James Massey and William Riddle, be and they are hereby constituted and appointed Commissioners of the said town, with full power and authority to act and do every thing that the Trustees in the before mentioned act lawfully might do or have done; and shall keep the streets in good order, to which end they are hereby authorized and empowered to appoint an overseer of the same, with authority to summon the inhabitants of the town to work thereon; and in case of refusal or neglect of any inhabitant summoned to work on the streets, or to procure a sufficient person in his stead to perform such work, every such inhabitant so refusing or neglecting shall forfeit and pay the sum of five shillings for each and every refusal or neglect, to be recovered by warrant under the hands and seals of any two of the Commissioners on complaint made by the overseer; which money shall be applied in repairing the streets or any other useful works as a majority of the Commissioners may think proper; provided, That no inhabitant of the said town shall be compelled to work on the streets thereof more than four days in any one year.

Commissioners.

Their powers.

III. *And be it further enacted by the authority aforesaid,* That the first meeting of the Commissioners shall be held on the first Monday in February next after the passing of this act, when they shall and may appoint a Chairman, Treasurer, and such other officer as shall appear to them necessary, and adjourn and meet at such times as they shall think proper; and that in all acts of the said Commissioners, a majority of them shall constitute a quorum, nor shall they do business with a less number; and that in case of death, refusal to act or removal out of the county of Chatham of any of the Commissioners by this act appointed, the inhabitants of said town and the owners of lots shall within one month after such vacancy assemble, (ten days previous notice being first given in writing in the most public places) and elect some other person being an inhabitant of the county of Chatham, in the room of him so dying, removing or refusing to act, which person after being so elected and duly qualified, shall be vested with the same powers and authorities as if he had been expressly named and appointed in and by this act.

To appoint officers, &c.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners are hereby required and directed forthwith to call to account all persons for any monies which may be in their hands belonging to the said town; and in case of failure or refusal of any such person or persons to pay the same, to bring suit for all such monies as may appear to be retained in the hands of such person or persons, and that all such monies (after paying for the land) shall be applied as a majority of the Commissioners shall think most conducive to the emolument and benefit of the said town.

To call persons to account.

V. *And be it further enacted by the authority aforesaid,* That the before recited act, or so much thereof as comes within the purview or meaning of this act, be and is hereby repealed and made void.

[Passed Jan. 6, 1787.]

CHAPTER LXXXII.

An Act vesting certain Lands therein mentioned in John Colson, son of William Colson, in fee-simple. WHEREAS it is represented to this General Assembly that about fourteen years ago, a certain John Colson made a gift to his son William Colson, of a piece or parcel of land lying near the mouth of Rocky-River in Montgomery county, containing by estimation three hundred and fifty one acres, and actually put his said son in possession of the same; And whereas the said John Colson during the late war, attached himself to the common enemy, and withdrew himself from the state without having made unto his said son William any deed of conveyance for the said lands: And whereas William Colson died some years after, left behind a son by the name of John Colson, and by his last will and testament devised to his said son John the aforesaid piece or parcel of lands, which in the opinion of some of the citizens of this state is confiscated, as being the property of John father to the said William, and the Commissioner of confiscated property for the district of Salisbury hath seized the said lands as the property of John Colson father to the said William Colson, in order to sell and dispose of the same for the use of the state: For prevention of which,

Preamble.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the title of a piece or parcel of lands in Montgomery county, near the mouth of Rocky-River, containing by estimation three hundred and fifty-one acres, which the said John Colson gave to his son William Colson be, and is hereby vested in the said John Colson, son to William Colson aforesaid, his heirs and assigns forever; any law to the contrary notwithstanding.

Tract of land vested in J. Colson.

[Passed Jan. 6, 1787.]

CHAPTER LXXXIII.

An Act to extend two acts passed at the last General Assembly, held at Newbern, concerning the County Wardens of the Poor and Tobacco Inspection to the county of Chatham.

WHEREAS it is the desire of the inhabitants of Chatham county, that the following acts located to particular counties, be extended to the said county:

Preamble.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That one act of the General Assembly, entitled, "An act to empower the county wardens of the poor for the counties therein mentioned, to build houses in their respective counties for the reception of the poor and other purposes;" one other act, entitled, "An act for the inspection of tobacco in certain western counties," be and is hereby extended to the said county of Chatham.

Certain acts extended to Chatham.

II. *And be it further enacted by the authority aforesaid,* That the before mentioned acts shall be in force and have the same validity and effect in the county of Chatham, as if the said county had been expressly named in the said acts, any thing to the contrary notwithstanding.

To be in force.

III. *And be it further enacted,* That the said first mentioned act shall be extended to the counties of Camden and Currituck, who may take benefit of and use the same for the purposes of the said counties, in the same manner and as fully and amply to all intents, as if the said counties had been originally named therein.

Act extended to Camden and Currituck.

[Passed Jan. 6, 1787.]

Read three times and ratified in General Assembly, the sixth day of January, anno Domini 1787.

JAMES COOR, S. S.
JOHN B. ASHE, S. C.

C O N T E N T S.

An act for raising troops for the protection of the inhabitants of Davidson county.	1	and directing the method of calling to account all Commissioners of public buildings heretofore or hereafter to be appointed	1
An act to bring to condign punishment, and to secure their estates so as to be answerable to the public, the persons therein described, accused of certain crimes and fraudulent practices, and to indemnify such persons as have acted in pursuance to resolutions of this Assembly from vexatious suits and prosecutions, and to establish a board for the detection and further discovery of the said fraudulent practices, & for settling & liquidating the accounts of officers & soldiers of the continental line.	2	also to alter and amend the several laws now in force for erecting, &c. the public buildings in the district of Hillsborough.	36
For appointing Deputies from this state to a convention proposed to be held in the city of Philadelphia in May next, for the purpose of revising the federal constitution.	3	To annex part of the county of Burke to Rutherford county.	37
To make the securities therein named negotiable.	3	To establish a town on the east side of the north-east of Cape-Fear River, and for adding A. Martin, Esq. to the board of Commissioners for the town of Martinville.	37
To impose a duty on all slaves brought into this state by land or water.	3	To establish a public inspection of tobacco in the town of Salisbury, in the county of Rowan.	38
To amend an act, entitled An act to secure and quiet in their possessions all such persons, their heirs and assigns who have purchased or may hereafter purchase lands & tenements, goods & chattels, which have been sold or may hereafter be sold by the Commrs of forfeited estates legally appointed for that purpose.	4	To confirm to Richard Dobbs Spaight an indefeasible title to certain lands therein mentioned in Bladen county.	38
To alter the mode of punishing horse stealing, &c.	4	To keep open Cape-Fear, Wharfe, Rockey-River of Pee-Dee, the Catawba, Deep-River, the Yackin River, Dan, Haw River and Rockey River for the passage of fish up the same.	39
For the support of government; and for appropriating the revenues of this state.	4	To emancipate Caesar, formerly a servant to S. Yeargan, dec.	39
To amend an act for dividing Guilford county.	4	For erecting Boguc Bar and New-River Inlets into a distinct port, by the name of Swanborough.	40
To amend an act, entitled An act for the more regular collecting, &c. the public taxes; and for laying certain duties.	4	To amend An act for regulating the pilotage of Cape Fear River, &c.	40
For levying a tax for the support of government, &c.	4	To establish the late survey and plan of the town of Tarborough, &c. and to amend an act for the better regulation of the town of Tarborough.	41
Directing the Commissioners of confiscated property to receive certificates, &c.	4	For empowering the court of Chatham county to adjourn to the town of Pittborough in said county.	42
To direct the method to appoint jurors and surveyors to run out disputed lands.	4	For erecting a town on the lands of Matthew Figures.	43
To amend An act for encreasing the jurisdiction of the county courts of Pleas & Quarter Sessions, & of Justices of the Peace out of court, and directing the time of holding courts in this state.	4	For appointing the place of holding courts in the county of Sullivan.	43
To amend an act, entitled, An act to amend an act, entitled, An act to ascertain what property in this state shall be deemed taxable property, the method of assessing, &c. the public taxes.	4	For altering the names of Walter Hogg and Gavin Hogg, to Walter Alves and Galvin Alves; the name of James Maion to that of James Itham, and the name of Jonathan Ballenger to that of Jonathan Parker.	43
To compel certain officers therein mentioned, to publish the application of the public monies and allowances for insolvents.	4	To enable the executors of R. Hogg, dec. to maintain and defend suits under the regulations therein mentioned.	44
To repeal the several acts of Assembly respecting slaves, &c.	4	For the inspection of tobacco at Anson Court-house.	44
To amend an act, entitled An act to empower the County Courts of Pleas and Quarter Sessions of the several counties in this state to order the laying out public roads, &c.	4	To emancipate Hannah, alias, H. Bowers, a person of mixed blood, belonging to the estate of the late A. Galfon, dec.	44
To empower the several county courts therein mentioned to lay a tax annually, not exceeding three years, for the purpose of erecting or repairing the court-house, prison and stocks in each county, when necessary, &c.	4	For erecting a town on the lands of W. Muffree, &c.	45
To prevent the obtaining of grants for lands lying in the western parts of this state, to the prejudice of the first enterers, &c.	4	For the inspection of tobacco at J. Green's, in Wayne	45
To amend An act for emitting 100,000l. paper currency, for appropriating the tobacco purchased by virtue of said act, &c.	4	For enabling certain persons to perfect a canal between Scuppernong river and the lake near its head.	46
For establishing a militia in this state.	4	An additional act to an act, entitled, An act to prevent the several species of hunting therein mentioned.	46
To pardon, &c. the offences, &c. certain persons in the counties of Washington, Sullivan, Greene and Hawkins.	4	To empower the Wardens of the poor in the county of Granville, to sell the glebe in said county.	46
For the relief of George Laine Moore and Wm. Jones.	4	For erecting an academy at the town of Warrenton, &c.	47
For raising money by a lottery, for the purpose of building a house for the reception of the poor in Craven county.	4	To annex part of the county of Granville to Warren.	48
An additional act to an act, entitled, An act for the regulation of the town of Newbern, and for other purposes.	4	To enable William Moore, late Sheriff of Burke county, to collect all the taxes due from the said county for the year 1785, and to allow him a further time for settling for his collections with the Treasurer.	48
To authorize the late Commissioners of specific supplies of the several counties therein mentioned, to collect the arrears of specific taxes yet due from the inhabitants thereof.	4	For establishing an academy at the place heretofore called Martinborough, in the county of Pitt, and for altering the name of Martinborough to that of Greenville.	49
An additional act to an act, entitled An act to amend an act, entitled, An act for establishing a school-house in Newbern.	4	For the promotion of learning in the county of Chatham.	50
For improving the navigation to Newbern.	4	To vest in trustees certain powers for the benefit of Elizabeth Torrens and her children.	50
For annexing part of the county of Craven to Pitt county.	4	For cutting a canal from Currituck Sound to the Indian Ridge, and from thence to the head of North-river, or as far as the Commissioners herein named shall think proper.	51
To repeal part of an act, entitled, An act for destroying wolves, &c. in the several counties therein mentioned.	4	Empowering Commissioners to dispose of the land and glebe, the property of St. John's parish, formerly in the county of Bute, now in Franklin.	51
For dividing the county of Davison.	4	An act to vest the title of a piece or parcel of land lying in Jones county, in Howel Brown and his heirs, in fee simple.	51
For the better regulation of the town of Hillsborough.	4	For levying a tax in the district of Edenton for building the gaol of the said district.	52
For dividing the county of Sullivan.	4	To amend An act to vest the title of a certain tract of land in Robert Cummins.	52
For the better regulation of the town Halifax, &c. and for altering the mode of laying, &c. taxes in the town of Edenton.	4	To appoint Commissioners to carry on and finish the public buildings in the county of Anson.	52
For erecting a prison in the county of Franklin.	4	For establishing a town on the lands of Andrew Bafs.	52
To release the estate of John Anderson, dec. late of Guilford county, from the forfeiture of a recognizance.	4	To erect & establish an academy in the county of Franklin.	53
To alter the time of holding the county court of Pleas and Quarter Sessions in the county of Mecklinburgh, &c.	4	For establishing a town on the lands of Robert Burton, &c.	53
For adding part of Wake county to Franklin county.	4	Appointing Commissioners to fix on a convenient place for holding the Courts of Pleas and Quarter Sessions in the county of Washington, and for vesting the Commissioners herein mentioned to call out of the former Commissioners hands, such sums of money that may appear to be due in their hands.	54
For dividing the county of Bladen.	4	For altering the manner of holding the annual elections for the county of Hyde.	54
To amend an act for the regulating the town of Salisbury, and for regulating the town of Windfor.	4	For establishing a town on the lands late the property of W. Petty, &c.	55
To alter and amend an act for repairing the court-house and prison in the town of Salisbury, for the district of Salisbury, also one other act, entitled An act for levying a tax in the counties in Hillsborough and Salisbury districts, for the repairing the district buildings in the towns of Hillsborough and Salisbury,	4	Vesting certain lands therein mentioned in John Colson, &c.	55
		To extend two acts passed at the last General Assembly held at Newbern, concerning the county wardens of the poor and tobacco inspection to the county of Chatham.	55