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A

COMPLETE REVISAL

OF ALL THE

ACTS

OF

ASSEMBLY,

OF THE PROVINCE OF

NORTH-CAROLINA,

NOW IN FORCE AND USE.

TOGETHER

WITH THE TITLES OF ALL SUCH LAWS AS ARE OBSOLETE, EXPIRED, OR REPEALED.

WITH

MARGINAL NOTES AND REFERENCES, AND AN EXACT TABLE TO THE WHOLE.

NEWBERN:

PRINTED BY JAMES DAVIS, PRINTER TO THE HONOURABLE THE HOUSE OF ASSEMBLY. MDCCLXXIII.

1773

TO HIS EXCELLENCY

JOSIAH MARTIN, ESQ;

His Majesty's Captain-General, Governor, and Commander in Chief, in and over the Province of *North-Carolina*.

SIR,

AS *the Supreme Magistrate of this Country, permit me, with due Deference and Submission, to Dedicate to your Excellency,* A Revisal of all the Acts of Assembly of this Province now in Force and Use; *which, from the exalted Station your Excellency fills, claims your Patronage and Protection.*

THE first Edition of a Revisal of our Laws being long since sold off, and a great Length of Time elapsing since that Work was finished, they are now unavoidably thrown into as great Perplexity as ever; as in a young and flourishing Country like this, the Face of Affairs must necessarily change with the Accession of People, and their Application to Industry, and almost every Session of Assembly cause a Mutability in our Laws, according as the internal Policy and Regulations of the Province require.

I am well convinced, Sir, of my poor Abilities to encounter a Task of this arduous Nature; but seeing no abler Hand undertake it, and being encouraged from the Countenance paid my first Attempt of this Sort, the Sale of the whole Impression of which being very rapid, I have again embarked in the Service of my Country, thrown my Mite into the Common Stock, and shall be happy to find it produce any good Effects.

TO hold the Reins of Government steady and uniform over a free and generous People, has ever been the Wish and Desire of all Great and Good Princes and Rulers; and whenever they have pursued contrary Steps, the dismal Consequences have always followed, of which numberless Instances might be produced. As a Pattern and noble Example to the World, we may hold up to View our present most gracious Sovereign, the Rectitude and Benignity of whose Administration sheds its happy Influence over all his Dominions, of which, the People of this Province, under your Excellency's good Government, feel no small Share.

PERMIT me, Sir, to say, without Flattery, a Vice hateful to good Men, that for the present Happiness and Tranquillity of this Province, we are much indebted to the Uniformity and Steadiness of

Conduct

Conduct with which your Excellency has reined this People since your happy Appointment to preside over them.

YOUR Excellency's unwearied Endeavours to obliterate the almost indelible Stain on the Annals of this Province, the melancholly and tragical Scene of the Alamance, *as being the happy Instrument under his most gracious Majesty of restoring Peace and Harmony, and a due Subordination of Government to a very respectable Number of People of this Province, claim the Esteem and most grateful Thanks of every good Man.*

WITH Hearts filled with Gratitude we must also acknowledge the very material Service rendered this Country by your Excellency's strict and impartial Enquiry into the State of our Public Funds, and the Conduct of Public Officers; and the Cheerfulness with which the whole Legislature have lately entered into that Business, bids fair to recover the very alarming Deficiencies that appear, and at once restore this Country to Peace and Tranquillity.

MISS-Application or Imbezzlement of the Public Funds of a Country, is a Species of Oppression of the first Magnitude, and never fails to fill the Minds of the People with numberless Murmurings, and a restless Anxiety to remove the Oppressors. Prejudices of this Sort, added to the Ingenuity and Address of some bad Men, who were willing to turn the Disturbances of their Country to their own Purposes, was the true Cause of the Insurrection in the interior Parts of this Province; and had not, Sir, your worthy and magnanimous Predecessor, with a Calmness and Intrepidity in the Day of Battle peculiar to himself, put a Stop to the Ravages of a People grown lawless and desperate, we know not where the Desolation would have ended. But, Sir, we have now the fullest Confidence that the Wound is perfectly healed; and that Peace and Harmony will crown your Excellency's Endeavours to restore Order and Unanimity to an unhappy and distressed People, and avert from them that worst of human Evils, an inteſtine War; the Reward of which, we hope, will be a long and happy Administration over a grateful and generous People.

FROM your Excellency's known Candour and Affability, I rest in the fullest Hopes of your pardoning this plain Dedication, and the Freedom with which I have expressed myself on the Affairs of Government; as the Happiness and Prosperity of all States ever keep Pace with the Rectitude of its Rulers, whose Conduct it is one of the noble Privileges of Englishmen *to enquire into, through the Liberty of the Press.*

I am your Excellency's most Dutiful,

And most obedient humble Servant,

JAMES DAVIS.

THE SECOND

CHARTER,

GRANTED

By King *CHARLES* the Second,

TO THE

Proprietors of *CAROLINA*.

CHARLES the Second, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. WHEREAS, by our Letters Patent, bearing Date the Twenty Fourth Day of March, in the Fifteenth Year of our Reign, We were graciouſly pleaſed to grant unto our right truſty and right well beloved Couſin and Counſeller Edward Earl of Clarendon, our High Chancellor England; our right truſty and entirely beloved Couſin and Counſellor George Duke of Albemarle, Maſter of our Horſe; our right truſty and well beloved William now Earl of Craven; our right truſty and well beloved Counſellor John Lord Berkeley; our right truſty and well beloved Counſellor Anthony Lord Aſhley, Chancellor of our Exchequer; our right truſty and well beloved Counſellor Sir George Carteret, Knight and Baronet, Vice-Chancellor of our Houſhold; our right truſty and well beloved Sir John Colleton, Knight and Baronet; and Sir William Berkeley, Knight; all that Province, Territory or Tract of Ground, called CAROLINA, ſituate, lying and being within our Dominions of AMERICA; extending from the North End of the Iſland called Luke-Iſland, which lyeth in the Southern Virginia Seas, and within Thirty Six Degrees of North Latitude; and to the Weſt, as far as the South-Seas; and ſo reſpectively as far as the River of Matthias, which bordereth upon the Coaſt of Florida, and within Thirty One Degrees of North Latitude; and ſo Weſt, in a direct Line, as far as the South Seas aforeſaid.

NOW Know ye, That We, at the humble Requeſt of the ſaid Grantees in the aforeſaid Letters Patents named, and as a further Mark of our eſpecial Favour to them, we are graciouſly pleaſed to enlarge our ſaid Grant unto them, according to the Bounds and Limits hereafter ſpecified, and in Favour to the pious and noble Purpoſe of the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, all that Province, Territory or Tract of Land, ſituate, lying and being within our Dominions of America aforeſaid; extending North and Eaſtward as far as the North End of Currituck River or Inlet, upon a ſtraight Weſterly Line to Wyon-

oak Creek, which lies within or about the Degrees of Thirty Six, and Thirty Minutes, Northern Lattitude; and ſo Weſt, in a direct Line, as far as the South-Seas; and South and Weſtward, as far as the Degrees of Twenty Nine, incluſive, of Northern Lattitude; and ſo Weſt, in a direct Line, as far as the South-Seas; together with all and ſingular the Ports, Harbours, Bays, Rivers and Inlets, belonging unto the Province or Territory aforeſaid: And alſo, all the Soils, Lands, Fields, Woods, Mountains, Ferms, Lakes, Rivers, Bays, and Iſlets, ſituate or being within the Bounds or Limits laſt before mentioned; with the Fiſhings of all Sorts of Fiſh, Whales, Sturgeons, and all other Royal Fiſh, in the Seas, Bays, Iſlets and Rivers within the Premiſes, and the Fiſh therein taken, together with the Royalty of the Sea upon the Coaſt within the Limits aforeſaid; and moreover all Veins, Mines and Quarries, as well diſcovered as not diſcovered, of Gold, Silver, Gems, and precious Stones, Metal, or any other Thing, found, or to be found within the Province, Territory, Iſlets, and Limits aforeſaid: And furthermore, the Patronage and Advowſons of all the Churches and Chapels which, as Chriſtian Religion ſhall increaſe within the Province, Territory, Iſles and Limits aforeſaid, ſhall happen hereafter to be erected; together with Licence and Power to build and found Churches, Chapels and Oratories, in convenient and fit Places, within the ſaid Bounds and Limits; and to cauſe them to be dedicated and conſecrated, according to the Eccleſiaſtical Laws of our Kingdom of England; together with all and ſingular the like and as ample Rights, Juriſdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and Franchiſes, of what Kind ſoever, within the Territory, Iſles, Iſlets, and Limits aforeſaid: To have, hold, uſe, exerciſe and enjoy the ſame, as amply, fully, and in as ample Manner, as any Biſhop of Durham, in our Kingdom of England, ever heretofore had, held, uſed or enjoyed, or of Right ought or could have, uſe or enjoy: And them the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, we do, by theſe Preſents, for us, our Heirs and Succeſſors, make, create and conſtitute, the true and abſolute Lords and Proprietors of the ſaid Province or Territory, and of all other the Premiſes; ſaving always the Faith, Allegiance, and ſovereign Dominion, due to us, our Heirs and Succeſſors, for the ſame: To hold, poſſeſs and enjoy the ſaid Province, Territory, Iſlets, and all and ſingular other the Premiſes, to them the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns for ever; to be holden of us, our Heirs and Succeſſors, as of our Manor of Eaſt-Greenwich, in Kent, in free and common Soccage, and not in Capite, or by Knight's Service: Yielding and paying, Yearly, to us, our Heirs and Succeſſors, for the ſame, the Fourth Part of all Gold and Silver Oar, which, within the Limits hereby granted, ſhall, from Time to Time, happen to be found, over and beſides the Yearly Rent of Twenty Marks, and the Fourth Part of the Gold and Silver Oar in and by the ſaid written Letters Patent reſerved and payable.

AND that the Province or Territory hereby granted and deſcribed, may be dignified with as large Tythes and Privileges as any other Parts of our Dominions and Territories in that Region; Know ye, that we, of our further Grace, certain Knowledge, and mere Motion, have thought fit to annex the ſame Tract of Ground or Territory unto the ſame Province of Carolina; and out of the Fullneſs of our Royal Power and Prerogative, we do, for us, our Heirs and Succeſſors, annex and unite the ſame to the ſaid Province of Carolina.

AND foraſmuch as we have made and ordained the aforeſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, the true Lords and Proprietors of all the Province or Territory aforeſaid; Know ye therefore moreover, that we, repoſing

ſing eſpecial Truſt and Confidence in their Fidelity, Wiſdom, Juſtice, and provident Circumſpection, for us, our Heirs and Succeſſors, do grant full and abſolute Power, by Virtue of theſe Preſents, to them the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, for the good and happy Government of the ſaid whole Province or Territority, full Power and Authority to erect, conſtitute, and make ſeveral Counties, Baronnies, and Colonies, of and within the ſaid Provinces, Territories, Lands and Hereditaments, in and by the ſaid Letters Patents granted, or mentioned to be granted as aforeſaid, with ſeveral and diſtinct Juriſdictions, Powers, Liberties and Privileges: And alſo, to ordain, make and enact, and, under their Seals, to publiſh any Laws and Conſtitutions whatſoever, either appertaining to the public State of the whole Province or Territory, or of any diſtinct or particular County, Baronny or Colony, or of or within the ſame, or to the private Utility of particular Perſons, according to their beſt Directions, by and with the Advice, Aſſent and Approbation of the Freemen of the ſaid Province or Territory, or of the Freemen of the County, Baronny or Colony for which ſuch Law or Conſtitution ſhall be made, or the greater Part of them, or of their Delegates or Deputies, whom, for enacting of the ſaid Laws when and as often as Need ſhall require, we will, that the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their Heirs or Aſſigns, ſhall, from Time to Time, aſſemble, in ſuch Manner and Form as to them ſhall ſeem beſt; and the ſame Laws duly to execute upon all People within the ſaid Province or Territory, County, Baronny, or Colony, or the Limits thereof, for the Time being, which ſhall be conſtituted under the Power and Government of them or any of them, either ſailing towards the ſaid Province or Territory of Carolina, or returning from thence towards England, or any other of our or foreign Dominions, by Impoſition of Penalties, Impriſonment, or any other Puniſhment; yea, if it ſhall be needful, and the Quality of the Offence require it, by taking away Member and Life, either by them the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their Heirs, or by them or their Deputies, Lieutenants, Judges, Juſtices, Magiſtrates, or Officers whatſoever, as well within the ſaid Province, as at Sea, in ſuch Manner and Form as unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their Heirs, ſhall ſeem moſt convenient: And alſo, to remit, releaſe, pardon and aboliſh, whether before Judgment or after, all Crimes and Offences whatſoever againſt the ſaid Laws; and to do all and every Thing and Things which, unto the compleat Eſtabliſhment of Juſtice, unto Courts, Seſſions, and Forms of Judicature, and Manners of proceeding therein, do belong, altho' in theſe Preſents expreſs Mention is not made thereof; and by Judges to him or them delegated, to award Proceſs, hold Pleas, and determine in all the ſaid Courts and Places of Judicature, all Actions, Suits and Cauſes whatſoever, as well Criminal as Civil, real, mixt, perſonal, or of any other Nature or Kind whatſoever: Which Laws ſo as aforeſaid to be publiſhed, our Pleaſure is, and we do enjoin, require and command, ſhall be abſolutely firm and available in Law; and that all the liege People of us, our Heirs and Succeſſors, within the ſaid Province or Territory, do obſerve and keep the ſame inviolably in thoſe Parts, ſo far as they concern them, under the Pains and Penalties therein expreſſed, or to be expreſſed. Provided nevertheleſs, That the ſaid Laws be conſonant to Reaſon, and as near as may be conveniently, agreeable to the Laws and Cuſtoms of this our Realm of England.

AND becauſe ſuch Aſſemblies of Freeholders cannot be ſo ſuddenly called as there may be Occaſion to require the ſame, we do therefore, by theſe Preſents, give and grant unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle,

marle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, by themſelves, or their Magiſtrates in that Behalf lawfully authoriſed, full Power and Authority, from Time to Time, to make and ordain fit and wholſome Orders and Ordinances within the Province or Territory aforeſaid, or any County, Baronny or Province within the ſame, to be kept and obſerved, as well for the keeping of the Peace, as for the better Government of the People there abiding, and to publiſh the ſame to all to whom it may concern: Which Ordinances we do, by theſe Preſents, ſtraightly charge and command to be inviolably obſerved within the ſame Province, Counties, Territories, Barronnies and Provinces, under the Penalties therein expreſſed; ſo as ſuch Ordinances be reaſonable, and not repugnant or contrary, but as near as may be agreeable to the Laws and Statutes of this our Kingdom of England; and ſo as the ſame Ordinances do not extend to the binding, charging or taking away the Right or Intereſt of any Perſon or Perſons in their Freehold, Goods or Chattels whatſoever.

AND to the End the ſaid Province or Territory may be the more happily increaſed by the Multitude of People reſorting thither, and may likewiſe be the more ſtrongly defended from the Incurſions of Savages, and other Enemies, Pirates and Robbers; therefore we, for us, our Heirs and Succeſſors, do give and grant, by theſe Preſents, full Power, Licence and Liberty, unto all the liege People of us, our Heirs and Succeſſors, in our Kingdom of England and elſewhere, within any other our Dominions, Iſlands, Colonies or Plantations, (excepting thoſe who ſhall be eſpecially forbidden) to tranſport themſelves and Families into the ſaid Province or Territory, with convenient Shipping and fitting Proviſion; and there to ſettle themſelves, dwell and inhabit: Any Law, Act, Statute, Ordinance or other Thing to the contrary notwithſtanding.

AND we will alſo, and of our eſpecial Grace, for us, our Heirs and Succeſſors, do ſtreightly enjoin, ordain, conſtitute and command, that the ſaid Province and Territory ſhall be of our Allegiance; and that all and ſingular the Subjects and liege People of us, our Heirs and Succeſſors, tranſported, or to be tranſported into the ſaid Province, and the Children of them, and ſuch as ſhall deſcend from them there born, or hereafter to be born, be, and ſhall be Denizons and Lieges of us, our Heirs and Succeſſors, of this our Kingdom of England, and be, in all Things held, treated, and reputed as the liege faithful People of us, our Heirs and Succeſſors, born within this our ſaid Kingdom, or any other of our Dominions; and may inherit or otherwiſe purchaſe and receive, take, hold, buy and poſſeſs, any Lands, Tenements, or Hereditaments, within the ſaid Places, and them may occupy and enjoy, ſell, alien and bequeath; as likewiſe all Liberties, Franchiſes and Privileges, of this our Kingdom, and of all other our Dominions aforeſaid, may freely and quietly have, poſſeſs and enjoy as our liege People born within the ſame, without the Moleſtation, Vexation, Trouble or Grievance of us, our Heirs and Succeſſors; any Act, Statute, Ordinance, or Proviſion to the contrary, notwithſtanding.

AND furthermore, that our Subjects of this our ſaid Kingdom of England, and other our Dominions, may be the rather incouraged to undertake this Expedition with ready and chearful Means, Know ye, that we, of our eſpecial Grace, certain Knowledge and mere Motion, do give and grant, by Virtue of theſe Preſents, as well to the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their Heirs, as unto all others as ſhall, from Time to Time, repair unto the ſaid Province or Territory with a Purpoſe to inhabit there, or to trade with the Natives thereof, full Liberty and Licence to lade and freight in every Port whatſoever of us, our Heirs and Succeſſors, and into the ſaid Province of Carolina, by them, their Servants and Aſſigns, to tranſport all and ſingular their Goods, Wares and Merchandiſes; as likewiſe

likewiſe all Sorts of Grain whatſoever, and any other Thing whatſoever neceſſary for their Food and Cloathing, not prohibited by the Laws and Statutes of our Kingdom and Dominions, to be carried out of the ſame without any Let or Moleſtation of us, our Heirs and Succeſſors, or of any other our Officers or Miniſters whatſoever; ſaving alſo unto us, our Heirs and Succeſſors, the Cuſtoms and other Duties and Payments due for the ſaid Wares and Merchandiſes, according to the ſeveral Rates of the Places from whence the ſame ſhall be tranſported.

WE will alſo, and by theſe Preſents, for us, our Heirs and Succeſſors, do give and grant Licence, by this our Charter, unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their Heirs and Aſſigns, and to all the Inhabitants and Dwellers in the Province or Territory aforeſaid, both preſent and to come, full Power and abſolute Authority, to import or unlade, by themſelves or their Servants, Factors, or Aſſigns, all Merchandiſes and Goods whatſoever that ſhall ariſe of the Fruits and Commodities of the ſaid Province or Territory, either by Land or Sea, into any the Ports of us, our Heirs and Succeſſors, in our Kingdom of England, Scotland or Ireland, or otherwiſe to diſpoſe of the ſaid Goods in the ſaid Ports; and, if Need be, within one Year next after the unlading, to lade the ſaid Merchandiſes and Goods again into the ſame or other Ships, and to export the ſame into any other Countries, either of our Dominions or Foreign, being in Amity with us, our Heirs and Succeſſors, ſo as they pay ſuch Cuſtoms, Subſidies, and other Duties for the ſame, to us, our Heirs and Succeſſors, as the reſt of our Subjects of this our Kingdom for the Time being, ſhall be bound to pay; beyond which we will not that the Inhabitants of the ſaid Province or Territory ſhall be any ways charged: Provided nevertheleſs, and our Will and Pleaſure is, and we have further, for the Conſiderations aforeſaid, of our eſpecial Grace, certain Knowledge and mere Motion, given and granted, and by theſe Preſents, for us, our Heirs and Succeſſors, do give and grant unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their Heirs and Aſſigns, full and free Licence, Power and Authority, at any Time or Times from and after the Feaſt of St. Michael the Archangel, which ſhall be in the Year of our Lord Chriſt One Thouſand Six Hundred and Sixty Seven, as well to import and bring into any of our Dominions, from the ſaid Province of Carolina, or any Part thereof, the ſeveral Goods herein after mentioned; that is to ſay, Silks, Wines, Raiſins, Capers, Wax, Almonds, Oil, and Olives, without paying or anſwering to us, our Heirs and Succeſſors, any Cuſtom, Impoſt, or other Duty, for or in Reſpect thereof, for and during the Space and Term of Seven Years, to commence and be accounted from and after the Importation of Four Tons of any of the ſaid Goods in any one Bottom, Ship or Veſſel, from the ſaid Province or Territory, into any of our Dominions; as alſo to export, and carry out of any of our Dominions, into the ſaid Province or Territory, Cuſtom-free, all Sorts of Tools which ſhall be uſeful or neceſſary for the Planters there, in the Accommodation and Improvement of the Premiſes: Any Thing before in theſe Preſents contained, or any Law, Act, Statute, Prohibition, or other Matter or Thing heretofore had, made, enacted, or provided, in any-wiſe, notwithſtanding.

AND furthermore, of our more ample and eſpecial Grace, certain Knowledge, and mere Motion, we do, for us, our Heirs and Succeſſors, grant unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, full and abſolute Power and Authority, to make, erect, and conſtitute, within the ſaid Province or Territory, and the Iſles and Iſlets aforeſaid, ſuch and ſo many Sea-Ports, Harbours, Creeks, and other Places, for Diſcharge and unlading of Goods and Merchandiſes out of Ships, Boats and other Veſſels, and for lading of them, in ſuch and ſo ma-

ny Places, with ſuch Juriſdictions, Privileges and Franchiſes unto the ſaid Ports belonging, as to them ſhall ſeem moſt expedient; and that all and ſingular the Ships, Boats, and other Veſſels which ſhall come for Merchandiſes and trade into the ſaid Province or Territory, or ſhall depart out of the ſame, ſhall be laden and unladen at ſuch Ports only as ſhall be erected and conſtituted by the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, and not elſewhere: Any Uſage, Cuſtom or Thing to the contrary, notwithſtanding.

AND we do further will, appoint and ordain, and by theſe Preſents, for us, our Heirs and Succeſſors, do grant unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, that they the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, may, from Time to Time, for ever, have and enjoy the Cuſtoms and Subſidies, in the Ports, Harbours, Creeks, and other Places within the Province aforeſaid, payable for the Goods, Wares, and Merchandiſes there laded, or to be laded or unladed; the ſaid Cuſtoms to be reaſonably aſſeſſed, upon any Occaſion, by themſelves, and by and with the Conſent of the free People, or the greater Part of them as aforeſaid; to whom we give Power, by theſe Preſents, for us, our Heirs and Succeſſors, upon juſt Cauſe, and in due Proportion, to aſſeſs and impoſe the ſame.

AND further, of our eſpecial Grace, certain Knowledge and mere Motion, we have given, granted and confirmed, and by theſe Preſents, for us, our Heirs and Succeſſors, do give, grant and confirm unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, full and abſolute Power, Licence, and Authority, that they the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, from Time to Time hereafter, for ever, at his and their Will and Pleaſure, may aſſign, alien, grant, demiſe, or enfeoff, the Premiſes, or any Part or Parcel thereof, to him or them that ſhall be willing to purchaſe the ſame, and to ſuch Perſon and Perſons as they ſhall think fit; to have and to hold to them the ſaid Perſon or Perſons, their Heirs and Aſſigns, in Fee-ſimple, or in Fee-tail, or for Term of Life or Lives, or Years; to be held of them the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, by ſuch Rents, Services and Cuſtoms, as ſhall ſeem fit to them the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, their Heirs and Aſſigns, and not of us, our Heirs and Succeſſors: And to the ſame Perſon and Perſons, and to all and every of them, we do give and grant, by theſe Preſents, for us, our Heirs and Succeſſors, Licence, Authority and Power, that ſuch Perſon or Perſons may have and take the Premiſes, or any Part thereof, of the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns; and the ſame to hold to themſelves, their Heirs and Aſſigns, in what Eſtate of Inheritance ſoever, in Fee-ſimple, or Fee-tail, or otherwiſe, as to them the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs or Aſſigns,

Aſſigns, ſhall ſeem expedient; the Statute in the Parliament of Edward, Son of King Henry, heretofore King of England, our Predeceſſor, commonly called the Statute of Quia emptores Terrar, or any other Statute, Act, Ordinance, Uſe, Law, Cuſtom, or any other Matter, Cauſe or Thing, heretofore publiſhed or provided to the contrary, in any-wiſe, notwithſtanding.

AND becauſe many Perſons born and inhabiting in the ſaid Province, for their Deſerts and Services, may expect and be capable of Marks of Honour and Favour, which, in Reſpect of the great Diſtance, cannot be conveniently conferred by us; our Will and Pleaſure therefore is, and we do by theſe Preſents, give and grant unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, and their Heirs and Aſſigns, full Power and Authority, to give and confer unto and upon ſuch of the Inhabitants of the ſaid Province or Territory, as they ſhall think do or ſhall merit the ſame, ſuch Marks of Favour and Titles of Honour as they ſhall think fit; ſo as their Titles or Honours be not the ſame as are enjoyed by or conferred upon any of the Subjects of this our Kingdom of England.

AND further alſo, we do, by theſe Preſents, for us, our Heirs and Succeſſors, give and grant Licence to the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, and their Heirs and Aſſigns, full Power, Liberty and Licence, to erect, raiſe and build, within the ſaid Province and Places aforeſaid, or any Part or Parts thereof, ſuch and ſo many Forts, Fortreſſes, Caſtles, Cities, Boroughs, Towns, Villages, and other Fortifications whatſoever; and the ſame or any of them to fortify and furniſh with Ordinance, Powder, Shot, Armour, and all other Weapons, Ammunition, and Habiliments of War, both defenſive and offenſive, as ſhall be thought fit and convenient, for the Safety and Welfare of the ſaid Province and Places, or any Part thereof; and the ſame, or any of them, from Time to Time, as Occaſion ſhall require, to diſmantle, diſfurniſh, demoliſh and pull down: And alſo to place, conſtitute and appoint, in or over all or any of the ſaid Caſtles, Forts, Fortifications, Cities, Towns, and Places aforeſaid, Governors, Deputy-Governors, Magiſtrates, Sherifs, and other Officers, Civil and Military, as to them ſhall ſeem meet: And to the ſaid Cities, Boroughs, Towns, Villages, or any other Place or Places within the ſaid Province or Territory, to grant Letters or Charters of Incorporation, with all Liberties, Franchiſes and Privileges, requiſite or uſual, or to or within this our Kingdom of England granted or belonging; and in the ſame Cities, Boroughs, Towns, and other Places, to conſtitute, erect, and appoint, ſuch and ſo many Markets, Marts, and Fairs, as ſhall, in that Behalf, be thought fit and neceſſary: And further alſo, to erect and make in the Province or Territory aforeſaid, or any Part thereof, ſo many Manors, with ſuch Signories as to them ſhall ſeem meet and convenient; and in every of the ſame Manors to have and to hold a Court-Baron, with all Things whatſoever to a Court-Baron do belong; and to have and to hold Views of Frank-Pledge and Court-Leets, for the Conſervation of the Peace and better Government of thoſe Parts, with ſuch Limits, Juriſdictions, and Precincts, as by the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, or their Heirs, ſhall be appointed for that Purpoſe, with all Things whatſoever which to the Court-Leet or View of Frank-Pledge do belong; the ſame Courts to be holden by Stewards, to be deputed and authoriſed by the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, or their Heirs, by the Lords of the Manors and Leets, for the Time being, when the ſame ſhall be erected.

AND

AND becauſe that in ſo remote a Country, and ſituate among ſo many barbarous Nations, the Invaſions of Savages and other Enemies, Pirates, and Robbers, may probably be feared; therefore, we have given, and for us, our Heirs and Succeſſors, do give Power, by theſe Preſents, unto the ſaid Edward Earl of Clarendon, George Duke of Albemarele, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs or Aſſigns, by themſelves, or their Captains, or other Officers, to levy, muſter, and train up all ſorts of Men, of what Condition ſoever, or whereſoever born, whether in the ſaid Province, or elſewhere, for the Time being; and to make War, and purſue the Enemies aforeſaid, as well by Sea, as by Land; yea, even without the Limits of the ſaid Province, and, by God's Aſſiſtance, to vanquiſh, and take them; and being taken, to put them to Death, by the Law of War, and to ſave them at their Pleaſure, and to do all and every other Thing, which to the Charge and Office of a Captain General of an Army, hath had the ſame.

Alſo, our Will and Pleaſure is, and by this our Charter, we do give and grant unto the ſaid Edward Earl of Clarendon, George Duke of Albemarl, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, full Power Liberty, and Authority, in Caſe of Rebellion, Tumult, or Sedition, (if any ſhould happen, which God forbid) either upon the Land within the Province aforeſaid, or upon the main Sea, in making a Voyage thither, or returning from thence, by him and themſelves, their Captains, Deputies, or Officers, to be authorized under his or their Seals, for that Purpoſe; to whom alſo, for us, our Heirs and Succeſſors, we do give and grant, by theſe Preſents, full Power and Authority, to exerciſe Martial Law againſt any mutinous and ſeditious Perſons of theſe Parts; ſuch as ſhall refuſe to ſubmit themſelves to their Government, or ſhall refuſe to ſerve in the War, or ſhall fly to the Enemy, or forſake their Colours or Enſigns, or be Loiterers, or Straglers, or otherwiſe offending againſt Law, Cuſtom, or Military Diſcipline; as freely and in as ample Manner and Form, as any Captain-General of an Army, by Virtue of his Office, might or hath accuſtomed to uſe the ſame.

AND our further Pleaſure is, and by theſe Preſents, for us, our Heirs and Succeſſors, we do grant unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkley, their Heirs and and Aſſigns, and to the Tenants and Inhabitants of the ſaid Province or Territory, both peſent and to come, and to every of them, that the ſaid Province or Territory, and the Tenants and Inhabitants thereof, ſhall not from henceforth, be held or reputed any Member or Part of any Colony whatſoever in America, or elſewhere, now tranſported or made, or hereafter to be tranſported or made; nor ſhall be depending on, or ſubject to their Government in any Thing, but be abſolutely ſeparated and divided from the ſame; and our Pleaſure is, by theſe Preſents, that they be ſeperated, and that they be ſubject immediately to our Crown of England, as depending thereof, for ever: And that the Inhabitants of the ſaid Province or Territory, nor any of them, ſhall, at any Time hereafter, be compelled, or compellable, or be any ways ſubject or liable to appear or anſwer to any Matter, Suit, Cauſe, or Plaint whatſoever, out of the Province or Territory aforeſaid, in any other of our Iſlands, Colonies, or Dominions in America, or elſewhere, other than in our Realm of England, and Dominion of Wales.

AND becauſe it may happen that ſome of the People and Inhabitants of the ſaid Province, cannot, in their private Opinions, conform to the Public Exerciſe of Religion, according to the Liturgy, Forms, and Ceremonies of the Church of England, or take and ſubſcribe the Oaths and Articles made and eſtabliſhed in that Behalf; and for that the ſame, by Reaſon of the remote Diſtances of thoſe Places, will,

will, as we hope, be no Breach of the Unity and Conformity eſtabliſhed in this Nation; our Will and Pleaſure therefore is, and we do by theſe Preſents, for us, our Heirs and Succeſſors, give and grant unto the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, full and free Licence, Liberty, and Authority, by ſuch Ways and Means as they ſhall think fit, to give and grant unto ſuch Perſon and Perſons, inhabiting and being within the ſaid Province or Territory, hereby, or by the ſaid recited Letters Patents mentioned to be granted as aforeſaid, or any Part thereof, ſuch Indulgences and Diſpenſations, in that Behalf, for and during ſuch Time and Times, and with ſuch Limitations and Reſtrictions, as they the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs or Aſſigns, ſhall, in their Diſcretion, think fit and reaſonable: And that no Perſon or Perſons unto whom ſuch Liberty ſhall be given, ſhall be any Way moleſted, puniſhed, diſquieted, or called in Queſtion, for any Differences in Opinion, or Practice in Matters of religious Concernments, who do not actually diſturb the civil Peace of the Province, County, or Colony, that they ſhall make their Abode in; but all and every ſuch Perſon and Perſons may, from Time to Time, and at all Times, freely and quietly have and enjoy his and their Judgments and Conſciences, in Matters of Religion, throughout all the ſaid Province or Colony, they behaving themſelves peaceably, and not uſing this Liberty to Licentiouſneſs, nor to the civil Injury, or outward Diſturbance of others: Any Law, Statute, or Clauſe, contained, or to be contained, Uſage or Cuſtom of our Realm of England, to the contrary hereof, in any-wiſe, notwithſtanding.

AND in Caſe it ſhall happen that any Doubts or Queſtions ſhall ariſe concerning the true Senſe and Underſtanding of any Word, Clauſe, or Sentence, contained in this our preſent Charter; we will, ordain, and command, that in all Times, and in all Things, ſuch Interpretations be made thereof, and allowed in all and every of our Courts whatſoever, as lawfully may be adjudged moſt advantageous and favourable to the ſaid Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Aſhley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Aſſigns, although expreſs Mention, &c.

WITNESS ourſelf, at Weſtminſter, the Thirtieth Day of June, in the Seventeenth Year of our Reign.

PER IPSUM REGEM.

GREAT DEED OF GRANT.

GEORGE Duke of Albemarle, Maſter of his Majeſty's Horſe; Edward Earl of Clarendon; William Earl of Craven; John Lord Berkeley; Anthony Lord Aſhley, Chancellor of the Exchequer; Sir George Carteret, Vice-Chamberlain of his Majeſty's Houſehold; Sir William Berkeley, Knight; and Sir John Colleton, Baronet; the true and abſolute Lords Proprietors of all the Province of CAROLINA.

To our truſty and well beloved SAMUEL STEPHENS, *Eſq; Governor of our County of Albemarle, and the Iſles and Iſlets within Ten Leagues thereof; and to our truſty and well beloved Councillors and Aſſiſtants to our ſaid Governor: Greeting.*

WHEREAS we have received a Petition from the Grand Aſſembly of our County of Albemarle, praying, That the Inhabitants of the ſaid County may hold their Lands upon the ſame Terms and Conditions that the Inhabitants of Virginia hold theirs; and foraſmuch as the ſaid County doth border upon Virginia, and is much of the ſame Nature, we are content, and do grant, that the Inhabitants of the ſaid County do hold their Lands of us, the Lords Proprietors, upon the ſame Terms and Conditions that the Inhabitants of Virginia hold theirs: WHEREFORE, be it known unto all Men, by theſe Preſents, That we, the ſaid Lords and abſolute Proprietors of the County within the Province aforeſaid, have given, granted, and by theſe Preſents do give and grant, full Power and Authority unto you, the ſaid Governor, by and with the Conſent of our Council, or the major Part thereof, or to any Governor for the Time being, or that ſhall hereafter be by us appointed, full Power and Authority, by and with the Conſent of our Council then being, or the major Part thereof, to convey and grant ſuch Proportions of Land, as by our Inſtructions and Conceſſions annexed to our Commiſſion, bearing Date in October, *Anno Dom.* 1667, we have appointed, to ſuch Perſons as ſhall come into our ſaid County to plant or inhabit; to be held of us, our Heirs and Aſſigns, upon the ſame Terms and Conditions, that Land is at preſent uſually granted in Virginia; any Thing in our Inſtructions and Conceſſions aforeſaid to the contrary notwithſtanding: And we do hereby declare and conſent, that the Warrant to the Surveyor for the laying out of ſaid Lands, and the Return thereon being regiſtered, and alſo the Grant of you our ſaid Governor and Council, that ſhall be where ſuch Land is due, having the Seal of the Country affixed to it, and ſigned by yourſelf, and major Part of our Council for the Time being, being regiſtered, ſhall be good and effectual in Law, for the Enjoyment of the ſaid Land or Plantation, and all the Benefits and Profits of, and in the ſame (except one Half of all Gold and Silver Mines) to the Party to whom it is granted, his Heirs and Aſſigns, for ever, he or they performing the Conditions aforeſaid.

GIVEN under our Hands, and Great Seal of our Province, the Firſt of May, *Anno Domini* One Thouſand Six Hundred and Sixty Eight.

ALBEMARLE, CRAVEN,
BERKELEY, ASHLEY,
CARTERET, COLLETON.

ANNO

A. D. 1715.

ANNO REGNI

GEORGII I,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

SECUNDO.

At a General Biennial ASSEMBLY, held at the Houſe of Capt. *Richard Sanderſon*, at *Little River*, begun the 17th Day of *November*, 1715, and continued, by ſeveral Adjournments, until the 19th Day of *January*, 1715.

CHARLES EDEN, Eſq; Governor.

CHAP. 1. *An Act, concerning Marriages.* OBSOLETE.

2. *An Act, concerning Transferring Rights.* OBS.

3. *An Act, concerning defraying the Charges of the Governor and Council.* OBS.

4. *An Act, prohibiting Strangers trading with the* Indians. OBS.

5. *An Act, for the ſpeedy Settlement of Lands.* OBS.

6. *An Act, exempting New-Comers from paying Levies for one Year.* OBS.

7. *An Act, for the better obſerving the Lord's Day called* Sunday, *the 30th of* January, *the 29th of* May, *and the 22d of* September; *and alſo for the ſuppreſſing Prophaneneſs, Immorality, and divers other vicious and enormous Sins.* Repeal by Act, April 4, 1741.

8. *An Act, for eſtabliſhing the Church, and appointing ſelect Veſtries.* Repeal. by Act, April 4, 1741.

9. *An Act, for Liberty of Conſcience, and that the ſolemn Affirmation of the People called* Quakers, *ſhall be accepted, inſtead of an Oath in the uſual Form.* The Subſtance of this Act provided for by ſeveral Statutes of England, then in Force in this Province.

10. *An Act, relating to the Biennial, and other Aſſemblies; and regulating Elections and Members.* Rep. by his Majeſty's Order.

A. D. 1715.

CHAP. XI. *Coroners appointed.*

Governor to appoint Coroners for every Precinct, by Commiſſion.

I. BE it *Enacted by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of this preſent General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted*, That there ſhall be one able and ſubſtantial Freeholder appointed, to be Coroner in every Precinct which now is, or hereafter ſhall be laid out within this Government; which Officer the Governor or Commander in Chief for the Time being is hereby deſired, authoriſed, and impowered, by Commiſſion, under his Hand and Seal, to commiſſionate and appoint; who ſhall, by Virtue of this Act, and ſuch Commiſſion granted thereupon, be fully inveſted with all ſuch Powers and Authorities as to the Office of a Coroner, by the Laws and Cuſtoms of the Kingdom of *Great-Britain* doth of Right belong or appertain.

Altered by the Fee Bill. Inquiſition 16 s. JurorsFee 1s. 4d. Conſtable 7 d.

II. *AND be it further Enacted, by the Authority aforeſaid*, That every Coroner ſo appointed, may, and he is hereby impowered, to take and receive, for every Inqueſt by him made and taken, and returned into the Secretary's Office (which he is hereby required, directed, and commanded, within three Months after the Date, to do) the Sum of Sixteen Shillings and Eight Pence, for his own Fee.

III. *AND be it further Enacted, by the Authority aforeſaid*, That each Juryman ſhall be paid the Sum of Twelve Pence *per Diem*, and the Conſtable who ſummoneth the Jury, the Sum of One Shilling for every Juryman; the Whole to be levied by a Warrant from the Coroner, upon the Eſtate of the Party on whoſe Body any Inqueſt ſhall be taken, if any ſuch can be found: Otherwiſe ſuch Charges to be paid out of the Public Treaſury.

CHAP. 12. *An Act, for Qualification of Public Officers.* OBS.

Rep. by Act, April 4, 1741.

13. *An Act, to appoint Conſtables.*

Rep. by Act, Dec. 5, 1746.

14. *An Act, relating to the Juſtices of the Court of Pleas, and to prevent the Commiſſioners, and other Inferior Officers of the ſaid Court, pleading as Attornies.*

Rep. by Act, Dec. 5, 1746.

15. *An Act, aſcertaining the Time and Method for the executing and Return of original Writs, and for the better regulating divers Proceedings in the Court of Pleas.*

CHAP. XVI.

An Act to direct the Method to be obſerved in the Examination and Commitment of Criminals.

No Perſon ſhall be committed without Examination.
Magiſtrate ſhall admit to Bail, if bailable.
Shall record the Examination, & the Matter given in Evidence, againſt, and for him.
Shall take Recognizance, to proſecute and give Evidence.

I. BE it *Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of this preſent General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted*, That from henceforward, no Perſon within this Province ſhall be committed to Priſon for any criminal Matter, until Examination thereof be firſt had before ſome Magiſtrate; which Magiſtrate ſhall admit the Party to Bail, if bailable, and ſhall record the Examination of the Party, and alſo the full Matter given in Evidence, both againſt him and for him, with all concurring Circumſtances; and ſhall take Recognizance, with good and ſufficient Securities, to our Sovereign Lord the King, for the Informer to appear and proſecute, as the Laws of the Kingdom of *Great Britain* and this Province do direct; and likewiſe for all Evidences for the King to appear, and give Evidence againſt the Criminal, at the next Court, where the Matter is cognizable, enſuing ſuch Examination: Which

Which Examination and Recognizances ſo taken, ſhall be returned to the Office of the Court wherein the Matter is to be tried, under the Penalty of Five Pounds for every Neglect; one Half to the Lords Proprietors, and the other Half to him or them that ſhall ſue for the ſame; to be recovered in any Court within this Government, by Action of Debt, Bill, Plaint, or Information; wherein no Eſſoin, Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of. *A. D.* 1715. And ſhall return all to the next Court where the Matter is to be tried, under the Penalty of 5 l. for every Neglect.

CHAP. 17. *An Act concerning Evidences.* Repeal by Act, Dec. 5, 1746, Chap 2.

18. *An Act for the Relief of ſuch Creditors, whoſe Debtors having Lands in this Government, depart, without leaving perſonal Eſtate ſufficient to pay their Debts.* Repeal. by Act, Dec. 5, 1746, Chap 2.

19. *An Act concerning Eſcapes of Perſons under Execution.* OBS.

20. *An Act to dire t the Diſpoſal of Goods taken upon Execution, and for the better Regulation of Diſtreſſes hereafter to be made for Levies and Quit Rents.* Provided for by the Act for appointing Sheriffs, and the Act for eſtabliſhing Superior Courts.

21. *An Act concerning Attornies from foreign Parts, and for giving Priority to Country Debts.* Rep by his Majeſty's Order, in Council.

CHAP. XXII.

An Act, concerning Appeals, and Writs of Error.

IX. *BE it Enacted by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of this preſent General Aſſembly, now met at* Little River, *for the* North-Eaſt *Part of the ſaid Province, and by the Authority of the ſame, it is hereby Enacted,* That in Caſe any Suit or Matter ſhould ariſe in the Court of Chancery, where the Governor or Commander in Chief of this Government for the Time being, may be a Party, or intereſted therein, it ſhall and may be lawful for any Four of the Members of the Court to ſit and act therein, as though the ſaid Governor or Commander were preſent, and not any Ways intereſted, or a Party therein. Repeal. by Act, Dec. 5, 1746, all but the 9th and 10th Sections; which are as follow.

X. *AND be it further Enacted, by the Authority aforeſaid,* That from and after the Ratification of this Act, every Member of the Council, or Lords Proprietors Deputy, ſhall, upon his entering into that Office, and before he preſumes to give his Opinion or Determination in any Cauſe that ſhall come before him, take an Oath, That he will do Right to all Manner of Perſons, according to the beſt of his Judgment and Underſtanding of the Laws and Uſages of the Kingdom of *Great-Britain*, under the Penalty and Forfeiture of One Hundred Pounds for every Month he ſhall neglect or refuſe to take the ſame; one half to the Lords Proprietors, the other to him or them that ſhall ſue for the ſame: To be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within the Government; wherein no Eſſoin, Injunction, Protection, or Wager of Law, ſhall be allowed or admitted of.

CHAP. 23. *An Act, to prevent the Inhabitants of* Bath *County bringing Actions in the General Court againſt one another, for leſs than Ten Pounds.* Repeal. by Act, March 6, 1738, Chap. 6.

24. *An Act, for the Tryal of ſmall and mean Cauſes.* Repeal. by Act, April 4, 1741, Chap. 15.

A. D. 1715.

25. *An Act, for the better Regulation of the Militia of this Government.*

26. *The Form of a Patent.*

CHAP. XXVII.

An Act, concerning old Titles of Lands; and for Limitation of Actions; and for avoiding Suits in Law.

Repeal'd by Act, April 4, 1740, Chap. 12. The ſubject Matter of this Act regulated by the King's Inſtructions and Orders of Government here, therefore Obſolete.

Preamble.

I. WHEREAS great Suit, Debate, and Controverſy, hath heretofore been, and may hereafter ariſe, by Means of ancient Titles to Land derived from Patents granted by the Governor of *Virginia*, the Condition of which Patents have not been performed, nor Quit-Rents paid, or the Lands have been deſerted by the firſt Patentees, or for, or by Reaſon or Means of former Entries or Patents granted in this Government; for Prevention whereof, and for quieting Mens Eſtates, and for avoiding Suits in Law;

Seven Years Poſſeſſion of Lands, declared a good Title.

II. *BE it Enacted, by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of this preſent General Aſſembly, now met at* Little River, *for the* North-Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That all Poſſeſſions of, or Titles to any Lands, Tenements, or Hereditaments whatſoever, derived from any Sales made either by Creditors, Executors or Adminiſtrators of any Perſon deceaſed, or by Huſbands and their Wives, or Huſbands in Right of their Wives, or by Indorſement of Patents, or otherwiſe, of which the Purchaſer or Poſſeſſor, or any claiming under them, have continued, or ſhall continue in Poſſeſſion of the ſame for the Space of Seven Years without any Suit in Law; be, and are hereby ratified, confirmed, and declared good and legal, to all Intents and Purpoſes whatſoever, againſt all, and all Manner of Perſons: Any former or other Title or Claim, Act, Law, Uſage, or Statute, to the contrary, in any-wiſe, notwithſtanding.

Claim to Lands, &c. to be made within 7 Years.

III. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon or Perſons, nor their Heirs, which hereafter ſhall have any Right or Title to any Lands, Tenements or Hereditaments, ſhall thereunto enter or make Claim, but within Seven Years next after his, her, or their Right or Title which deſcend or accrue; and in Default thereof, ſuch Perſon or Perſons ſo not entering or making Default, ſhall be utterly excluded and diſabled from any Entry or Claim thereafter to be made.

Perſons under Age, Feme Coverts, &c. may make Claim within 3 Years, after Diſability removed.

IV. *PROVIDED nevertheleſs*, That if any Perſon or Perſons that is, or hereafter ſhall be, intitled to any Right or Claim of Lands, Tenements, or Hereditaments, ſhall be, at the Time the ſaid Right or Title firſt deſcended or accrued, come or fallen within the Age of Twenty-one Years, Feme Covert, *Non compos mentis*, impriſoned, or beyond Seas, that then ſuch Perſon or Perſons ſhall and may, notwithſtanding the ſaid Seven Years be expired, commence his, her, or their Suit, or make his, her, or their Entry, as he, ſhe, or they might have done before this Act, ſo as ſuch Perſon or Perſons ſhall, within Three Years next after full Age, Diſcoverture, coming of ſound Mind, Enlargement out of Priſon, or Perſons beyond Seas, within Eight Years after the Title or Claim becomes due, take Benefit and ſue for the ſame, and at no Time after the Times or Limitations herein ſpecified; but that all Poſſeſſions held without ſuing ſuch Claim as aforeſaid, ſhall be a perpetual Bar againſt all, and all Manner of Perſons whatſoever; that the Expectation of Heirs may not, in a ſhort Time, leave much Land unpoſſeſſed, and Titles ſo perplexed, that no Man will know of whom to take or buy Land.

V. *AND*

A. D. 1715.

Limitation of Actions.

V. *AND be it further Enacted, by the Authority aforeſaid,* That all Actions of Treſpaſs, Detinue, Actions ſur Trover, and Replevin, for taking away of Goods and Chattels; all Actions of Accompt, and upon the Caſe; all Actions of Debt for Arrearages of Rent; and all Actions of Aſſault, Menace, Battery, Wounding, and Impriſonment, or any of them, which ſhall be ſued or brought at any Time after the Ratification of this Act, ſhall be commenced or brought within the Time and Limitation in this Act expreſſed, and not after: That is to ſay, Actions of Accompt Render, Actions upon the Caſe, Actions of Debt for Arrearages of Rent, Actions of Detinue, Replevin, and Treſpaſs *Quare Clauſum fregit*, within Three Years next after the Ratification of this Act, or within Three Years next after the Cauſe of ſuch Action or Suit, and not after; except ſuch Accompts as concern the Trade of Merchandize between Merchant and Merchant, and their Factors or Servants; and the ſaid Actions of Treſpaſs, Aſſault and Battery, Wounding, Impriſonment, or any of them, within One Year next after the Ratification of this Act, or within One Year after the Cauſe of ſuch Action or Suit, and not after; and the ſaid Actions upon the Caſe for Words, within Six Months after the Ratification of this Act, or within Six Months after the Words ſpoken, and not after.

Judgment for the Plaintiff, and reverſed, by Error, Plaintiff to have nothing by his Bill; and may commence another Suit within a Year after Judgment reverſed.

VI. *PROVIDED neverthelefs, and it is hereby further Enacted*, That if on any the ſaid Actions or Suits, Judgment be given for the Plaintiff, and the ſame be reverſed by Error, or a Verdict paſs for the Plaintiff, and upon Matter alledged in Arreſt of Judgment, the Judgment be given againſt the Plaintiff, that he take nothing by his Plaint, Writ, or Bill; or if any of the ſaid Actions ſhall be brought by original Writ, and the Defendant cannot be attached or legally ſerved with Proceſs, that in all ſuch Caſes, the Party Plaintiff, his Heirs, Executors, or Adminiſtrators, as the Caſe ſhall require, may commence a new Action or Suit, from Time to Time, within a Year after ſuch Judgment reverſed, or ſuch Judgment given againſt the Plaintiff, or till the Defendant can be attached or ſerved with Proceſs, ſo as to compell him to appear and anſwer.

In Actions of Treſpaſs, if Defendant diſclaim, Plaintiff to join Iſſue; if found for Defendant, Plaintiff barred.

VII. *AND be it further Enacted*, That in all Actions of Treſpaſs *Quare Clauſum fregit*, hereafter to be brought, wherein the Defendant or Defendants ſhall diſclaim in his or their Plea, to make any Title or Claim to the Lands in which the Treſpaſs is by the Declaration ſuppoſed to be done, and the Treſpaſs be by Negligence, or involuntary, the Defendant or Defendants ſhall be admitted to plead a Diſclaimer, and that the Treſpaſs was by Negligence, or involuntary, and a Tender or Offer of ſufficient Amends for ſuch Treſpaſs before the Action brought; whereupon, or upon ſome of them, the Plaintiff or Plaintiffs ſhall be inforced to join Iſſue, and the ſaid Iſſue be found for the Defendant, or the Plaintiff ſhall be Non-ſuited, the Plaintiff ſhall be clearly barred from the ſaid Action, and all other Suits concerning the ſame.

Actions of Slander, no more Coſts than Damages, if Damages under 40 s.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That in all Actions upon the Caſe for ſlanderous Words, to be ſued or proſecuted by any Perſon in the General or Precinct Courts of this Government, after the Ratification of this Act, if the Jury, upon the Trial of the Iſſue in ſuch Action, or the Jury that ſhall inquire of the Damages, do find or aſſeſs the Damages under Forty Shillings; then the Plaintiff or Plaintiffs in ſuch Action, ſhall have and recover only ſo much Coſts as Damages ſo given or aſſeſſed ſhall amount unto, without any further Increaſe of the ſame: Any Law, Statute, Uſage, or Cuſtom to the contrary, in any wiſe, notwithſtanding.

Proviſo, for Perſons beyond Sea, impriſoned, &c. to bring their Actions.

IX. *PROVIDED neverthelefs, and be it further Enacted*, That if any Perſon or Perſons, that is or ſhall be intitled to any ſuch Actions of Treſpaſs, Detinue, Actions ſur Trover, Replevin, Actions of Accompt, and upon the Caſe, Actions of Debt for Arrearages of Rent, Actions of Aſſault, Menace, Battery, Wounding, and Impriſonment, Actions of Treſpaſs *quare Clauſum fregit*, Actions upon the Caſe for ſlanderous Words, be, or ſhall be at the Time of any ſuch Cauſe of Action given

A. D. 1715. given or accrued, fallen or come within the Age of Twenty One Years, Feme Covert, *non compos Mentis*, impriſoned, or beyond the Seas; that then ſuch Perſon or Perſons ſhall be at Liberty to bring the ſame Actions, ſo as they bring the ſame within ſuch Times as are before limited, after their coming to or being of full Age, Diſcovert, of found Memory, at large, or returned from beyond the Seas, as other Perſons, having no ſuch Impediment, might have done.

CHAP. XXVIII.

Feme Coverts how to paſs Lands.

See Act paſſed Septemb. 1751, Chap. 3.

Preamble.

I. WHEREAS the legal Way of paſſing Lands where the Eſtate is in a Feme Covert, is by Fine and Recovery; and it having been formerly practicable in this Government (Fines and Recoveries not being in Uſe there) that Sales have been made by the Huſband with the Wife's Conſent, and ſometimes by Sales from them both, and acknowledged in Court, the Wife being firſt privately examined by the Court, whether ſhe acknowledged the ſame freely:

Sales made by Huſband and Wife, and acknowledged, the Wife being privily examined, declared good.

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lord Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That all ſuch Sales which have at any Time heretofore been made in Manner and Form aforeſaid, or which hereafter ſhall be made by the Huſband and Wife, and acknowledged before the Chief Juſtice, or in the Court of the Precinct where the Land lieth, the Wife having been firſt privately examined, before the Chief Juſtice or one of the Aſſociate Judges, or by ſome Member appointed by the Court of the Precinct, whether ſhe acknowledgeth the ſame freely, ſhall be good and effectual againſt the Huſband and Wife, and their and every of their Heirs and Aſſigns, and againſt all other Perſons claiming by, from, or under them, or any of them, and that to all Intents and Purpoſes, as if the ſame had been done by Fine and Recovery, or by any other Way or Means whatſoever.

Not conſtrued to cut off Intails.

III. *PROVIDED always, and it is hereby meant and intended*, That nothing in this Act contained, ſhall be conſtrued or meant to give any Power or Authority hereafter for cutting off intailed Lands: Any Thing herein before contained to the contrary, in any Wiſe, notwithſtanding.

CHAP. 29. *An Act for preventing Diſputes concerning Lands already ſurveyed.* REP.

30. *An Act concerning Eſcheat Lands, and Eſcheators.* REP.

This Act was provided for by ſeveral Statutes inforced in this Province, and the Repeal of it confirmed by Act, paſſed October 1749, Ch. 6.

31. *An Act for the more effectual obſerving the Queen's Peace, and eſtabliſhing a good and laſting Foundation of Government in* North Carolina. REP.

Rep by Navigation Act, March 6, 1738, Ch. 4.

32. *An Act for ſettling and maintaining Pilots at* Roanoke *and* Occacock *Inlets.*

33. *An Act to regulate divers Abuſes in the taking up of Lands, and to aſcertain the Method to be obſerved from henceforth in taking up and ſurveying Lands.* REP.

CHAP.

CHAP. XXXIV.

A. D. 1715.

An Act for entering of Veſſels, and to prevent the Exportation of Debtors.

I. BE it Enacted by his Excellency the Palatine, and the Reſt of the true and abſolute Lords Proprietors of the Province of Carolina, by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at Little River, for the North Eaſt Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame, That the Maſter of every Ship or Veſſel coming into this Government, ſhall, within Four Days next after his Arrival, and before he trade or land any Goods (living Creatures only excepted) enter into Bond in the naval Office, with one ſufficient Freeholder or well known Merchant, in the Sum of Five Hundred Pounds, with Condition that the ſaid Maſter ſhall not carry off any Perſon out of this Province without a Ticket firſt had and obtained from the Naval Officer, and ſigned by the Governor or Commander in Chief for the Time being (Perſons coming into this Province in the ſame Veſſel, Women whoſe Huſbands are reſident in the Country, Perſons under Age, and Sailors who have not reſided in the Government above Two Months, excepted) nor ſhall depart himſelf without Leave, under the Penalty of Fifty Pounds; one Third to the Lords Proprietors, one Third to the Governor or Commander in Chief, and the other Third to the Informer.

Maſter of Veſſel to give Bond not to carry Perſons out of the Country, without Licence, nor go himſelf without Leave.

II. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Bond ſhall be taken in the Name of the Governor or Commander in Chief for the Time being, payable to himſelf, his Succeſſors or Aſſigns, but ſhall be to the only Uſe of, and in Truſt for, ſuch Perſon or Perſons as ſhall appear to be injured by the ſaid Maſter's Non-Performance of the Condition above expreſſed; and ſhall be aſſigned to any Perſon or Perſons ſo injured petitioning for the ſame, who ſhall and may obtain an Action thereon.

Bond to be taken in the Name of the Governor, in Truſt for the Party injur'd.

III. *PROVIDED always, and it is hereby further Enacted,* That if the ſaid Bond or Bonds ſhall not be ſued within two Years after the Date thereof, then the ſame ſhall be null and void to all Intents and Purpoſes whatſoever, as if the ſame had never been made; any Thing herein before contained to the contrary, notwithſtanding.

To be ſued within two Years.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That no Ticket ſhall hereafter be granted to any Perſon intending to export his or herſelf out of this Government (except as before excepted) until ſufficient Security be firſt given to the Naval Officer, for the Payment of all ſuch Debts as the Party ſo intending to depart ſhall be chargeable with, and for which Actions ſhall be commenced within Four Months next after ſuch Security given, or until Certificate be firſt made to the Naval Officer, by the Clerk of the Precinct Court where the Party ſhall reſide, that he hath publiſhed his Intentions to depart the Government, by affixing a Note at the Court-Houſe Door, publickly to be read by all Perſons, during the ſitting and Continuance of the two Courts next preceding ſuch Certificate, without being under written, or any Demand made to hinder his or her Departure.

No Licence to be granted till Security be given, or Certificate produced of the Perſons Advertiſement to leave the Province.

V. *AND be it further Enacted,* That on Default of ſo doing, the Naval Officer ſhall be liable to ſatisfy the Creditors of all ſuch Perſons who ſhall depart the Government by Ticket from that Office; provided Actions for the ſame be entered within Four Months after the Date of ſuch Ticket ſo obtained; without Security given, or Certificate had and received from the Clerk of ſome Precinct Court, as before mentioned.

Or Naval Officer liable, provided Actions are commenced in Four Months.

CHAP. 35. *An Act for raiſing a Public Magazine of Ammunition, upon the Tonnage of all Veſſels trading to this Government.* Repeal by Act, April 6, 1748, Chap. 10

36. *An Act concerning Roads and Ferries.* Repeal'd by Act, paſſed Jan. 1704, Chap. 3.

37. *An Act to encourage the building of Mills.* Repeal. by Act, paſſed Nov. 1758, Chap. 5.

CHAP.

A. D. 1715.

CHAP. XXXVIII.

An Act to appoint Public Regiſters, and to direct the Method to be obſerved in conveying Lands, Goods, and Chattels; and for preventing fraudulent Deeds and Mortgages.

Grant from Lords Proprietors, to chooſe Public Regiſters.

I. WHEREAS his Excellency the *Palatine*, and the Reſt of the true and abſolute Lords Proprietors, amongſt other Privileges and Immunities, have given and granted to this their Province, to chooſe Public Regiſters: In Purſuance therefore to the ſaid Grant, and for the better and more effectual Prevention of fraudulent Deeds, Alienations, and Mortgages;

Public Regiſters how appointed.

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful for all, or the major Part of the Inhabitants and Freemen of each Precinct (who are qualified to vote in the Election of Burgeſſes) to meet the Firſt Day of *April* next, at the uſual Place for the Election of Burgeſſes, then and there, by a Majority of Votes, to elect three Freeholders, as Candidates for the ſaid Office; of which ſaid Candidates ſo to be elected, the Provoſt-Marſhal of each Precinct, or his Deputy (who are hereby required to attend ſuch Elections) ſhall, within Twenty Days after, make Return to the Governor or Commander in Chief for the Time being, under the Penalty of Five Pounds for every ſuch Neglect; and the Governor or Commander in Chief, with the Advice of the Lords Proprietors Deputies, ſhall make Choice of one of ſuch Candidates ſo elected as aforeſaid, who being commiſſionated under the Hand and Seal of the Governor or Commander in Chief, ſhall be thereby inveſted with the Office of Regiſter of Deeds; and, until there be a Clerk of the Pariſh Church, of Births, Burials, and Marriages.

Public Regiſter to give Bond in 3 Months, in 1000 Pounds, for faithful Diſcharge of his Office.
Bond to be given in Precinct Court, and recorded in Precinct and Secretary's Offices.
Original to be left with the Governor.
Penalty for not giving Bond.

III. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Publich Regiſter ſo choſen and commiſſioned, ſhall, within Three Months after he ſhall enter upon his Office, give Bond, with Two good and ſufficient Securities, to his Excellency the PALATINE, and the Lords Proprietors, in the Sum of One Thouſand Pounds, for the faithful Diſcharge of his Office; which Bond ſhall be given before the Juſtices of the Precinct whereof the Party ſhall be appointed Regiſter, and recorded in the Office of the ſaid Court, and alſo in the Secretary's Office, and the Original repoſited in the Hands of the Governor or Commander in Chief: And whoever, after the ſaid Firſt Day of *April*, ſhall officiate in the ſaid Office longer than Three Months without giving ſuch Security as aforeſaid, he or they ſo offending, ſhall forfeit and pay the Sum of Twenty Pounds; one Half to the Informer, and the other Half to the Poor of the Pariſh or Precinct.

Proviſo.

IV. *PROVIDED always*, That every Perſon or Perſons who now act in the aforeſaid Office within any Precinct of this Government, ſhall be and continue in the ſame, until ſuch Choice ſhall be made and confirmed, as is before by this Act directed; when they, and every of them, are hereby required and commanded to deliver to the Public Regiſter of their Precinct ſo elected and confirmed, all Papers and Records which ſhall be in their Cuſtody, that do, of Right, belong and appertain to the ſaid Office; under the Penalty of Fifty Pounds.

No Conveyance of Land, except Mortgage, good, unleſs acknowledged, &c. and regiſtered within two Months.

V. *AND be it further Enacted, by the Authority aforeſaid*, That no Conveyance or Bill of Sale for Lands, (other than Mortgage) in what Manner or Form ſoever drawn, ſhall be good and available in Law, unleſs the ſame ſhall be acknowledged by the Vendor, or proved by one or more Evidences, upon Oath, either before the Chief Juſtice for the Time being, or in the Court of the Precinct where the Land lieth, and regiſtred by the Public Regiſter of the Precinct where the Land lieth, within Twelve Months after the Date of the ſaid Deed; and that all Deeds ſo done and executed, ſhall be valid, and paſs Eſtates in Land, or Right

Deeds ſo executed to be valid.

to

to other Eſtate, without Livery of Seizin, Attournment, or other Ceremony in the Law whatſoever. *A. D.* 1715.

Deeds already paſſ'd, for valuable Conſiderations, and regiſtered within a Year, declared good.

VI. *PROVIDED always*, That all Deeds or Conveyances of Lands, Tenements, or Hereditaments, Goods or Chattels, which are already paſſed, and regiſtred, or which ſhall be regiſtred within One Year after the Ratification of this Act, for which a good and valuable Conſideration has been actually and *bona fide* paid, ſhall be good and available in Law and Equity, to Purchaſers, and their Heirs, againſt the Vendors, and their Heirs, and all others claiming by, from, or under them, in as full and ample Manner, to all Intents, Conſtructions, and Purpoſes, as if ſuch Title had been made either by Fine, Common Recovery, Livery of Seiſin, Attournment, or any other Ways uſed and practiſed within the Kingdom of *Great-Britain*.

Deeds made in Foreign Parts, and proved as before, or before the Chief Magiſtrate of any City, &c. or Governor of any Plantation, and atteſted under the Public Seal, and regiſtred within a Year, to be good and valid.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all Deeds and Conveyances of Lands lying within this Government, made in foreign Parts, which ſhall be remitted hither, and proved before the Chief Juſtice, or Court of the Precinct where the Land lieth, in Manner as before directed; or which ſhall be perſonally acknowledged or proved before the chief Magiſtrate of any City, Town, or Corporation, within the King of *Great Britain*'s Dominion; and an Atteſtation thereof affixed thereto; or which ſhall be acknowledged or proved before the Governor or Commander in Chief of any of his Majeſty's Plantations, and atteſted under the public Seal, and regiſtered in the aforeſaid Office of the Precinct where the Land lieth, within one Year after the Arrival of ſuch Deeds; ſhall be good and valid in Law, to all Intents and Purpoſes, as if made and executed within this Government.

Feoffments, Gifts &c. made for any fraudulent Intent, ſhall be good only againſt the Perſon making the ſame.

VIII. AND for the avoiding and aboliſhing of feigned, covinous, and fraudulent Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgments, and Executions, as well of Lands and Tenements, as of Goods and Chattels, which of late have been, and ſtill are deviſed and contrived, of Malice, Fraud, Covin, or Colluſion, to the End, Purpoſe, and Intent, to delay, hinder, and defraud Creditors and others, of their juſt and lawful Actions, Debts, and Accounts; *It is hereby further Enacted*, That all and every Feoffment, Gift, Grant, Alienation, Bargain, and Conveyance of Lands, Tenements, Hereditaments, Goods, and Chattels, or of any of them, by Writing or otherwiſe; and all and every Bond, Suit, Judgment, and Execution, at any Time had or made ſince the firſt Day of *January*, *Anno Dom.* 1714, or at any Time hereafter to be had or made, to or for any Intent or Purpoſe laſt before declared and expreſſed, ſhall be from henceforward deemed and taken (only as againſt that Perſon or Perſons, his or their Heirs, Executors, Adminiſtrators, and Aſſigns, and every of them, whoſe Actions, Suits, Debts, Accounts, Damages, Penalties, and Forfeitures, ſhall releaſe by ſuch covinous or fraudulent Devices and Practices, as is aforeſaid, or ſhall or might be, in any Wiſe diſturbed, hindered, delayed, or defrauded) to be clearly and utterly void, fruſtrate, and of no Effect; any Pretence, Colour, feigned Conſideration, expreſſing of Uſe, or any Matter or Thing to the contrary, notwithſtanding.

Parties to ſuch fraudulent Deeds to forfeit the Value thereof.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That all and every the Parties to ſuch feigned, covinous, or fraudulent Feoffments, Gifts, Grants, Alienations, Bargain, Conveyance, Bonds, Suits, Judgments, Executions, or other Things before expreſſed, and being Privy and knowing of the ſame, or any of them, which at any Time after the Firſt Day of *Auguſt* next coming, ſhall wittingly and willingly put in Uſe, maintain, avow, juſtify, or defend the ſame, or any of them, as true, ſimple, and done, had, or made *bone fide*, and upon good Conſideration; or ſhall alien or aſſign any the Lands, Tenements, Goods, or Things before mentioned, to him or them conveyed, as is aforeſaid, or any Part thereof; ſhall incur the Forfeiture of the real Value of the Lands and Tenements, Goods and Chattels: One Moiety thereof to the Lords Proprietors, and the other Moiety to the Party grieved, and intended to be defrauded thereby.

A. D. 1715.

Not to make void any Conveyance *bona fide* made.

X. *PROVIDED always, and be it further Enacted, by the Authority aforesaid,* That this Act, nor any Thing herein before contained, shall not extend, or be construed to impeach, defeat, or make void, any Conveyance or Assurance, Interest, Limitation of Use or Uses, of, in, to, or out of any Lands or Tenements heretofore at any Time had or made, or hereafter to be *bona fide* made, upon and for good Considerations, to any Person or Persons whatsoever; any Thing before mentioned to the contrary, notwithstanding.

Mortgage first registered, shall be deemed the first Mortgage.

XI. AND for the Prevention of Frauds by double Mortgages and Conveyances of Lands, Negroes, Goods, and Chattels, *Be it further Enacted, by the Authority aforesaid,* That every Mortgage of Lands, Tenements, Goods, or Chattels, which shall be first registered in the Register's Office of the Precinct where the Land lieth, or of Goods and Chattels where the Mortgager liveth, shall be taken, deemed, judged, allowed of, and held to be the first Mortgage, and to be good, firm, substantial, and lawful, in all Courts of Justice within this Government; any former or other Mortgage of the same Lands, Goods or Chattels, not before registered, notwithstanding; unless such prior Mortgage be registered within Fifty Days after the Date.

Unless first Mortgage be registered in 50 Days.

If more Mortgages than one, such as have not registred, may redeem those that are, paying Principal, &c.

XII. *PROVIDED always, and be it further Enacted by the Authority aforesaid,* That in Case more than one Mortgage shall happen to be made and be in Force at one Time, of the same Lands and Tenements, Goods and Chattels, the several Mortgagees which have not registred their Mortgages, their Heirs, Executors, Administrators, or Assigns, shall have Power to redeem any Mortgage or Mortgages registered, upon paying the principal Debt, Interest, and Costs of Suit, to the prior Mortgagee or Mortgagees, their Heirs, Executors, Administrators, or Assigns; and as a Punishment for such intended Fraud or Covin, every Person or Persons which shall mortgage the same Lands, Tenements, Goods or Chattels, a second Time, a former Mortgage being in Force and not discharged, shall have no Power or Liberty of Redemption in Equity or otherwise.

Persons making a second Mortgage, the first being in Force, to have no Relief in Equity.

Not to bar Widow from Dower, who did not join in the Deed, &c.

XIII. *PROVIDED also,* That nothing in this Act contained shall be construed, deemed, or extended, to bar any Widow of any Mortgager of such Lands or Tenements, from her Right of Dower to the said Land, who did not legally join with her Husband in such Mortgage, or otherwise bar or exclude herself from such her Dower or Right.

First Mortgagee not registring his Title before a 2d, to take no Advantage by his Purchase.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That every prior Purchaser, or Mortgagee, of any Lands or Tenements, Goods or Chattels, which shall not, before the First Day of *January*, 1716, register his Title or Mortgage as aforesaid, if after that Time a second Deed of Sale, Conveyance, or Mortgage, be registred before the Prior, such Person so neglecting shall take no Advantage or Benefit of such Purchase or Mortgage already signed and sealed.

Public Register, when there is no Parish Clerk, to register Births, Marriages, and Burials.

XV. *AND be it further Enacted, by the Authority aforesaid,* That the Register aforesaid of every Precinct, when there is no Clerk of the Church in that Precinct, shall register all Births, Marriages, and Burials, within the Precinct whereof he is Register; and that every Master or Mistress of a Family who shall neglect to register the Birth or Death of any Person born or dying within his or her House or Plantation, and every married Man who shall neglect to remit to the said Register a Certificate of his Marriage, and cause the same to be registred, for longer than one Month; each Master or Mistress, or married Man, so neglecting, shall forfeit and pay to the said Register One Shilling *per* Month, for every Month so neglected; provided the Whole do not exceed Twenty Shillings.

Persons neglecting to register, forfeit 1 s. per Month, to the Register; not to exceed 20 s.

Penalties how to be recovered.

XVI. *AND be it further Enacted, by the Authority aforesaid,* That all Penalties and Forfeitures in this Act mentioned, shall be recovered, by Bill, Plaint, or Information, in any Court of Record in this Government; wherein no Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

CHAP.

CHAP. 39. *An Act, concerning Weights and Measures.* — *A. D.* 1715.

40. *Staple Commodities Rated.* OBS. — Repeal'd by Act, April 4, 1741, Chap. 17.

41. *An Act, to aſcertain the Time for Payment of Pork, Wheat, and* Indian *Corn.* OBS.

42. *An Act, to aſcertain the Guage of Barrels, and to prevent Frauds in Pork, Beef, Pitch, and Tar.* — This Act provided for by the Inſpection Act.

43. *An Act, to appoint the Marking of Horſes, Cattle, and Hogs; and to prevent Injuries being done by killing, miſmarking, driving away or deſtroying Peoples Stocks.* — Repeal'd by Act, April 4, 1741, Chap. 8.

CHAP. XLIV.

An Act, to appoint Toll-Books to be kept at or near Catharine's *Creek, in* Chowan *Precinct, at the Head of* Perquimons *Precinct, and at the Mouth of the* North-weſt *River, in* Currituck *Precinct; and to prevent Perſons from tranſporting or driving Horſes, Cattle, or Hogs, to other Perſons Lands.* — See Act, Nov. 1729, Chap. 5. Nov 1766, Chap. 14.

I. WHEREAS divers Perſons, Inhabitants of *Virginia*, frequently coming into this Government to purchaſe Cattle or Hogs, it may be greatly feared they may drive away Cattle or Hogs which they have not purchaſed; and whereas divers Perſons, as well Inhabitants of this Government as of *Virginia*, do very often drive, lead, or carry Horſes, Cattle, or Hogs, to other Perſons Lands, where they ſuppoſe is better Herbage or Maſt than on that whereon they are Dwellers: For Prevention whereof;

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the reſt of the Members of the General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame,* That there ſhall be, at *Catharine's* Creek, in *Chowan* Precinct, at the Head of *Perquimons* River, and at the Mouth of the *North Weſt* River, in *Currituck* Precinct, Perſons appointed by the Governor or Commander in Chief for the Time being, to keep Toll-Books; and all Perſons, whether Drivers, Purchaſers, or Owners of Cattle or Hogs, ſhall be obliged to enter in the Toll-Book every Beaſt or Hog, with their Mark and Diſtinction, and of whom purchaſed: And that what Perſon ſoever ſhall drive Cattle or Hogs to *Virginia*, and ſhall neglect to enter the ſame in the reſpective Toll-Books, according to this Act, ſhall forfeit every ſuch Beaſt or Hog which ſhall be ſo omitted as aforeſaid; and if ſuch Beaſt or Hog be not to be had, the Perſon ſo omitting, ſhall forfeit and pay the Sum of Forty Shillings; to be recovered by a Warrant from the next Juſtice of the Peace.

Toll-Books to be kept.

All Cattle, &c. to be entered, on Penalty of ſuch Cattle, &c. or 40 s.

III. *AND be it further Enacted,* That every Purchaſer, Owner or Driver, of Cattle and Hogs, ſhall pay unto the Perſon ſo appointed to keep the ſaid Toll-Book Twopence for every Beaſt, and One Penny for every Hog, which ſhall be ſo driven and entered in the ſaid Toll-Book.

For entring every Beaſt, 2 d. and every Hog, 1 d.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That if any Perſon or Perſons whatſoever, either inhabiting in *Virginia* or this Government, ſhall, after the Ratification of this Act, preſume to drive, lead, tranſport, or carry any Cattle, Horſes, or Hogs, to range upon any Perſons Land, ſhall forfeit and pay the Sum of Ten Pounds: And that no Perſon or Perſons whatſoever, inhabiting in this

No Perſon to drive Stock to range on other Peoples Land; nor no Perſon to give Liberty; on Penalty of 10 l.

A. D. 1715. Government, ſhall give Leave to any other Perſon or Perſons, either Inhabitant or Foreigner, to turn looſe, drive, or put on his Land, any Horſes, Cattle, or Hogs, under the like Penalty of Ten Pounds.

No Perſon to bring Stock into this Province to Winter, on Penalty of 20 l.

V. *AND be it further Enacted, by the Authority aforeſaid*, That no Foreigner whatſoever, either by Conſent or Permiſſion of any other Perſon or Perſons inhabiting in this Government, or otherwiſe, ſhall preſume or offer to drive, lead, or bring into this Government, any Stocks of Cattle, Hogs, or Horſes, with Intention to winter them here, or to deſtroy the Herbage or Maſt, under the Penalty of Twenty Pounds: And it is hereby meant and intended, and ſo ſhall be underſtood and taken, that no Perſon ſhall be deemed an Inhabitant that holds Lands by Entry, Survey, or Patent, but ſuch as actually and conſtantly reſide on ſuch Lands, or keep the ſame always tenanted, cultivated, and improved.

None to be deemed Inhabitants who do not reſide on their Lands, or keep them tenanted.

Ranger, &c. to make Diſtreſs.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Ranger of each Precinct or Diviſion where ſuch Offence ſhall be committed, or on his Default, the Keeper of the Toll-Book, is hereby appointed to make Diſtreſs of ſuch Cattle, Hogs, or Horſes, of any Perſon or Perſons offending; the one Half of which Fine or Forfeiture ſhall be to the Ranger, or Keeper of the Toll-Book, whichſoever ſhall make the Diſtreſs, and the other Half to the Churchwardens and Veſtry, for the Uſe of the Pariſh where the Offence ſhall be committed.

Penalties how to be diſpoſed, and how recovered.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures in this Act mentioned, and not herein or hereby expreſsly and particularly mentioned to whom they ſhall be paid, and how to be recovered, ſhall be, one Half to the Churchwardens and Veſtry, for the Uſe of the Pariſh where the Offence ſhall be committed, and the other Half to him or them that ſhall ſue for the ſame, in any Court of Record in this Government, by Bill, Plaint, or Information: wherein no Eſſoin, Protection, Wager of Law, or Injunction, ſhall be allowed or admitted of.

CHAP. XLV.

What Fences are ſufficient.

I. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That every Planter ſhall make a ſufficient Fence about his cleared Ground, Five Feet high, and the End of every Rail not to be above four Inches aſunder, until the Fence be Three Feet high from the Ground; which if any Perſon be deficient in, whatſoever Treſpaſs or Damage ſuch Perſon ſhall ſuſtain, by Horſes, Hogs, or Cattle, the Owner of ſuch Horſes, Hogs, or Cattle, ſhall not be liable to any Action of Treſpaſs, or to make Satisfaction for ſuch Injury.

Fences how to be made.

Perſons not having lawful Fences doing Miſchief to Horſes, to make good the ſame.

How to be recovered.

Treſpaſs where the Fence is ſuf-

II. *AND be it further Enacted*, That if any Perſon, whoſe Fence is inſufficient, ſhall, with Guns, Dogs, or otherwiſe, unreaſonably chaſe, worry, maim, or kill, any Cattle, Hogs, or Horſes, or cauſe the ſame to be done, ſuch Perſon ſo offending ſhall make full Satisfaction for ſuch Damages or Injury, to the Owner of ſuch Horſes, Hogs, or Cattle, as he ſhall thereby ſuſtain; to be recovered, by Action of Debt, in the Court of the Precinct wherein ſuch Injury ſhall be committed, wherein the Teſtimony of one Witneſs ſhall be ſufficient Proof; provided the Damages do amount to above the Value of Forty Shillings; but in Caſe the Damages be leſs than Forty Shillings, then the ſame ſhall be triable and determinable by and before Juſtices of the Peace only, as by the Act, intituled, * *An Act, for the Tryal of ſmall and mean Cauſes*, is directed: But in Caſe any Horſe, Hogs, or Cattle, ſhall treſpaſs

* This Act repeal'd, but the Subſtance provided for by Act, Dec. 1770, Chap. 43.

treſpaſs upon any Perſons Land whoſe Fence ſhall be ſufficient, according to the Directions of this Act, which ſhall be determined by any Two ſufficient Freeholders of the Neighbourhood, indifferently choſen, and ſworn before ſome Magiſtrate; then the Owner of ſuch Horſes, Hogs, or Cattle, ſhall make full Satisfaction for the Treſpaſs, to the Party injured; to be recovered in ſuch Manner as is herein before by this Act directed.

A. D. 1715. ficient, to be made good by the Owner of the Horſe, &c.

III. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon whoſe Horſe, Mare, or Gelding, ſhall break into any incloſed Grounds, fenced according to the Directions of this Act, ſuch Perſon or Perſons ſhall be bound to keep up ſuch unruly Horſe, Mare, or Gelding, from the Tenth Day of *March*, until the Tenth Day of *November*, Yearly; under the Penalty of paying double Damages, with Coſts, to the Party injured, for the Second Offence or Treſpaſs; and for the Third Offence, treble Damages; to be recovered as aforeſaid.

Unruly Horſes, &c. breaking in to fenced Ground, to be kept up from March 10, to Nov. 10.

CHAP. XLVI.

An Act, concerning Servants and Slaves.

Repeal'd by Act, April 4, 1741, Chap. 24.

CHAP. XLVII.

Private Burials prohibited.

I. *BE it Enacted by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of this preſent General Aſſembly, now met at* Little River, *for the* North-Eaſt *Part of the ſaid Province, and by the Authority of the ſame, it is hereby Enacted*, That every Planter, Owner, Attorney, or Overſeer, of every ſettled Plantation in this Government, or that hereafter ſhall be ſettled, ſhall ſet apart a burial Place, and fence the ſame, for the interring of all ſuch Chriſtian Perſons, whether bond or free, that ſhall die on their Plantation; and that before the interring, there ſhall be called at leaſt Three or Four of the Neighbours to view the Corps: And if it appears to them that the Perſon came to his or her Death by any Violence or unlawful Means, Notice thereof ſhall be given forthwith to the Coroner of the Precinct, ſo that Proceedings may be had thereon according to Law: And in Caſe any of the Perſons ſo called ſhall refuſe to come and view, he or ſhe ſo refuſing, ſhall forfeit and pay the Sum of Five Shillings; to be levied by a Warrant from the next Juſtice of the Peace, and paid to the Churchwardens, for the Uſe of the Poor of the ſaid Pariſh.

Burial Places to be ſet apart.

Perſons how to be buried.
On Suſpicion of Violence, Coroner to be informed.
Perſons refuſing to come & view, to forfeit 5 s.

II. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſo dying, ſhall be buried contrary to the true Intent and meaning of this Act, the Perſon or Perſons occaſioning the ſame, ſhall forfeit and pay the Sum of Ten Pounds; one Third to the Informer, one Third to the Lords Proprietors, and the other Third to the Poor; to be recovered by Bill, Plaint, or Information, in the General Court of this Government; wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed; unleſs ſuch Perſons, in their Lifetime, ſignified their Deſire of being interred elſewhere; or unleſs the Perſon concerned in ſuch Burial can make it appear that ſo many of the Neighbourhood refuſed to come, on Notice given to them, to appear and view the Corps, or that he could not, without great Travel and Expence, or Damage to the Corps, keep it any longer.

Perſons burying contrary to this Act, to forfeit 10 l. unleſs the Deceaſed deſir'd to be buried elſewhere, &c.

CHAP. XLVIII.

An Act concerning proving Wills, and granting Letters of Adminiſtration; and to prevent Frauds in the Management of Inteſtates Eſtates.

See Act Nov. 23, 1723, Chap 10. Nov. 1766, Ch. 3.

I. *BE it Enacted by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at* Little River, *for*

A. D. 1715. Wills, &c. heretofore proved before the Governor, &c. declared good.

for the North East *Part of the said Province, and it is hereby Enacted by the Authority of the same*, That all Wills and Administrations heretofore proved and granted by the Council, General Court, Precinct Court, or by any Powers or Commissions heretofore granted by any Governor, Deputy Governor, President and Council, to any particular Person or Persons, shall be deemed, adjudged, and taken to be good and effectual, to all Intents and Purposes whatsoever, as if proved before, or granted by, any Ordinary or other Ecclesiastical Judge or Person.

How Wills, &c. may be proved.

II. *AND be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, the General Court, or Precinct Court, to have Wills proved before them, and to grant Orders for Administration.

Letters Testamentary, &c. how granted.

III. *PROVIDED always*, That the same be not repugnant to the Rules and Methods prescribed by this Act; and provided also, that the granting Letters Testamentary, or Letters of Administration, always excepted; which shall be always, from and after the Ratification of this Act, signed by the Governor or Commander in Chief for the Time being, and sealed with the Colony Seal, and only issuing out of the Secretary's Office, and counter-signed by the Secretary, or his Deputy.

No Person to administer till Letters granted by the Governor, on Penalty of 50 l.

IV. *AND be it further Enacted, by the Authority aforesaid*, That no Person do presume to enter upon the Administration of any deceased Person's Estate, until they have obtained such Commission of Administration, or Letters Testamentary, signed by the Governor, under the Penalty of Fifty Pounds; One Half to the Informer, and the other Half to the Governor or Commander in Chief for the Time being: To be recovered by Bill, Plaint, or Information, in the General Court of this Province; wherein no Essoin, Protection, or Wager of Law, shall be allowed or admitted of.

Secretary not to issue Letters Testamentary, till Executors are sworn; nor of Administration, till Administrators take the Oath, and give Bond.

V. *AND be it further Enacted, by the Authority aforesaid*, That the Secretary or his Deputy, shall not affix the Colony Seal, or sub-sign any Letters Testamentary, without taking the Executor's Oath for performing the Will of the Deceased, unless Certificate is made by a Justice of the Peace, that the same Oath is taken before him; or Letters of Administration, without the Administrator has taken the Oath of an Administrator, and has also given sufficient Bonds, with two or more able Sureties, taken either before the Secretary, or the Justices of the Precinct Court, and returned into the Secretary's Office (Respect being had to the Value of the Estate) in the Name of the Governor or Commander in Chief for the Time being, with the Condition in Form and Manner following, *mutatis mutandis*, *viz.*

Condition of the Bond.

THE Condition of this Obligation is such, That if the above bounden *A. B.* Administrator of all and singular the Goods and Chattels, Rights and Credits, of *C. D.* deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods and Chattels, Rights and Credits, of the said Deceased, which have, or shall come to the Hands, Possession, or Knowledge of him the said *A. B.* or into the Hands and Possession of any other Person or Persons for him, and the same so made do exhibit, or cause to be exhibited, into the Secretary's Office, and one attested Copy thereof to the Precinct Court where Orders for Administration passed, within Ninety Days after the Date of these Presents; and the same Goods, Chattels, and Credits, and all other the Goods, Chattels, and Credits, of the said Deceased, at the Time of his Death, or which at any Time after, shall come to the Hands or Possession of the said *A. B.* or into the Hands or Possession of any other Person or Persons for him, do well and truly administer according to Law; and further, do make, or cause to be made, a true and just Account of his said Administratian, within one Year after the Date of these Presents, and all the Rest and Residue of the said Goods, Chattels, and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed of by the Governor and Council, General Court, or Precinct Court, shall deliver and

and pay unto ſuch Perſon or Perſons, reſpectively, as the ſame ſhall be due unto, purſuant to the true Intent and Meaning of this Act; and if it ſhall appear that any laſt Will and Teſtament was made by the Deceaſed, and, by the Executor or Executors therein named, do exhibit the ſame into Court, making Requeſt to have it allowed and approved accordingly, if the ſaid *A. B.* above bound, being thereunto required, do render and deliver the ſaid Letters of Adminiſtration (Approbation of ſuch Teſtament being firſt had and made) in the ſaid Court; then this Obligation to be void, and of none Effect: Or elſe to remain in full Force and Virtue. A. D. 1715.

Which Bonds are hereby enacted and declared to be good, to all Intents and Purpoſes, and pleadable in any Court of Juſtice; and ſhall be transferred or aſſigned, by the Governor or Commander in Chief for the Time being, to any Perſon or Perſons injured, who ſhall and may maintain an Action thereon.* Bond to be aſſigned to the Party injur'd.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That no Executor or Adminiſtrator ſhall, hereafter, take, or hold himſelf (according to the Value of the Appraiſment) more of the Deceaſed's Eſtate, than amounts to his neceſſary Charges and Diſburſements, and ſuch Debts as he ſhall legally pay within Twelve Months after Adminiſtration granted; but that all ſuch Eſtate ſo remaining ſhall, immediately after the Expiration of Twelve Months, be equally and indifferently divided and paid to ſuch Perſons to whom the ſame is due by this Act, or the Will of the Deceaſed, ſuch Perſon or Perſons, or ſome other for them, giving good Security, that if any Debt or Debts truly owing by the Deceaſed, ſhall be afterwards ſued for and recovered, or otherwiſe duly made appear, that then, and in every ſuch Caſe, he or they ſhall reſpectively refund and pay back to the Executor, or Adminiſtrator, his or her ratable Part of that Debt or Debts, with the Charges of the Executor or Adminiſtrator, by Reaſon of ſuch Debt or Debts, out of the Part or Share ſo as aforeſaid allotted to him or her, thereby to enable the ſaid Executor, or Adminiſtrator, to pay and ſatisfy the ſaid Debt or Debts, ſo diſcovered after Diſtribution made as aforeſaid.

Executors or Adminiſtrators, not to hold more of any Eſtate than the Charges, &c.

Eſtate to be divided in Twelve Months.

Security to be given, to refund in Caſe of Debts.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That where any Perſon ſhall die Inteſtate, Adminiſtration ſhall be granted to the next of Kin to the Deceaſed, provided ſuch Perſon make Claim for the ſame, in the Secretary's Office, or Precinct Court, before the next General Court following the Death of the Inteſtate, before which Time Adminiſtration ſhall not be granted to any Perſon; and for Want of ſuch, to the greateſt Creditor, proving his Debt, upon Oath, before the Governor or Commander in Chief for the Time being, the General, or Precinct Court: And in Caſe any pretending a Right to Adminiſtration ſhall, before the next General Court following the Death of ſuch Inteſtate, enter a Caveat, in the Secretary's Office, againſt any other Perſon's having Adminiſtration, the Secretary, or his Deputy, ſhall forbear to ſeal or counter-ſign any Letters of Adminiſtration, till the Caſe in Controverſy ſhall be heard and determined by the Governour or Commander in Chief, and Council, for the Time being.

Adminiſtration to whom granted.

Perſons pretending a Right to Adminiſtration, and entering a Caveat in the Secretary's Office, Adminiſtration not to be granted till the Caſe is determined before the Governor and Council.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That Creditors of any Perſon deceaſed, ſhall make their Claim within ſeven Years after the Death of ſuch Debtor; otherwiſe ſuch Creditor ſhall be for ever barred: And if it ſhall happen that any Sum or Sums of Money ſhall hereafter remain in the Hands of any Adminiſtrator, after the Term of Seven Years ſhall be expired, and not recovered by any of Kin to the Deceaſed, or by any Creditor in that Time; the ſame ſhall be paid to the Churchwardens and Veſtry, to and for the Uſe of the Pariſh where the ſaid Money ſhall remain.

Creditors to make their Claim in 7 Years, or be barred.

Money left after 7 Years, to go to the Pariſh.

CHAP.

* The VIth Clauſe of this Act repealed, and provided for, by Act paſſed Nov. 1766. Chap. 3.

A. D. 1715.

Repeal'd, and otherwiſe provided for by the Orphan Act, paſſed Novemb. 1762, Chap. 5.

CHAP. XLIX.

An Act, Concerning Orphans.

50. *An Act, to encourage the deſtroying of Vermin.* EXP.

Repeal'd by Act, April 2, 1743, Chap. 2.

51. *An Act, to aſcertain what Perſons are Tithables; and to direct the Method to be obſerved in the taking the Liſts of them.*

CHAP. LII.

An Act, for appointing a Town in the County of Bath, *and for ſecuring the Public Library belonging to St.* Thomas's *Pariſh, in* Pamplico.

Preamble.

I. WHEREAS, at the Requeſt of Mr. *John Lawſon*, Mr. *Joel Martin*, and others, a certain Tract or Parcel of Land, purchaſed by them, lying on the Old-Town-Creek, in *Pamplico*, and containing, by Eſtimation, Sixty Acres, be the ſame more or leſs, being Part of a larger Tract then belonging to *David Perkins*, but now in the Poſſeſſion, and of Right belonging, to Col. *Thomas Cary*, and divided from thence by a Line of marked Trees from the Old-Town-Creek, to Mr. *Barrow*'s Line, now alſo the Right and Poſſeſſion of the ſaid *Cary*, was incorporated and made a Townſhip, by an Act of the General Aſſembly, made and ratified, at the Houſe of Captain *John Hecklefield*, the Eighth Day of *March*, *Anno Domini* One Thouſand Seven Hundred and Five, with divers Privileges and Immunities therein, and thereby inveſted in the ſaid *John Lawſon*, *Joel Martin*, and *Nicholas Daw*, to and for the Uſes therein mentioned: To promote therefore the Settlement of the ſaid Town, and for ſecuring the Public Library of St. *Thomas*'s Pariſh, in *Pamplico*,

Lands inveſted in Commiſſioners by the Name of *Bath-Town*.

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lord Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That the ſaid Land be, and it is hereby henceforward inveſted in Mr. *John Porter*, Mr. *Joel Martin*, Mr. *Thomas Harding*, and Capt. *John Drinkwater*, or any Two of them, to and for the Uſes aforeſaid, and Declared, Confirmed, and Incorporated into a Townſhip, by the Name of BATH-TOWN; with all Privileges and Immunities hereafter expreſſed, for ever.

Ground ſet apart for a Church, Town-Houſe, and Market-Place.

III. PURSUANT to which, *It is hereby Enacted*, That convenient Places and Proportions of Land be laid out and preſerved, for a Church, a Town-Houſe, and a Market-Place; and that the reſt of the Land which is not already laid out, be forthwith laid out into Lots, of half an Acre each, with convenient Streets and Paſſages, by the ſaid Truſtees, or any Two of them.

Any Perſon may take up Lots.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon whatſoever, who is deſirous to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not before taken up; which Lot or Lots the Commiſſioners aforeſaid, or any Two of them, are hereby directed, required, and impowered, to grant, convey, and acknowledge, to the Perſons ſo taking up the ſame, and to his Heirs and Aſſigns, for ever, in Fee-Simple, upon Payment of Thirty Shillings, Conſideration-Money, for each Lot; out of which Money the firſt Purchaſers ſhall be re-imburſed the firſt Purchaſe, with their reaſonable Charges and Diſburſements, and the Overplus ſhall be appropriated to the Uſe of the Church, to be diſpoſed of as by the Veſtry of the Precinct of *Beaufort*, ſhall, from Time to Time, be directed and appointed.

V. *PRO-*

A. D. 1715.

Perſons taking up Lots to build a Houſe thereon in 12 Months.

V. *PROVIDED always*, That what Perſon ſoever, ſhall take up, and have conveyed to him, any Lot or Lots as afore-mentioned, and ſhall not build, or cauſe to be built thereon, within Twelve Months after the Date of the ſaid Conveyance, a good, ſubſtantial, habitable Houſe, or make ſuch Preparations for ſo doing as the Court of the Precinct, by View of any two or more of the Juſtices, ſhall judge reaſonable to ſecure the ſame, every ſuch Conveyance ſhall be, and is hereby declared void and of no Effect, as if the ſame had never been made; and the ſaid Lot or Lots ſhall be free and clear for any other Perſon to take up and purchaſe.

No Hogs to run at large, on Penalty of Forfeiture to the Poor.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *April* next, no Perſon or Perſons whatſoever, Inhabitant, or claiming any Right or Title to any Lots in the ſaid Town, ſhall keep, raiſe, or permit or ſuffer to run at large in the ſaid Town, any Hogs or Shoats, under the Penalty of forfeiting the ſaid Hog or Shoat; one half to the Perſon taking up ſuch Hog or Shoat, and the other half to the Poor of the Pariſh: And that no Perſon, Inhabitant of the ſaid Town, or holding Lots there, ſhall incloſe the ſame, or keep the ſame incloſed, under a common Stake Fence; but every Lot or Lots incloſed, ſhall be either paled in, or done with Poſts and Rails.

Lots how to be incloſed.

Commiſſioners to remove Nuſances.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners aforeſaid, or any two of them, have full Power and Authority, and they are hereby impowered and required, to remove all Nuſances within the Limits of the aforeſaid Town.

Re ſurvey to be made.

VIII. AND becauſe in the former Survey of the Lots that are already ſurveyed, each Lot contains Four Pole more than was warranted by the Act of Aſſembly for laying out the aforeſaid Land, and the Truſtees for granting the aforeſaid Lots having ſigned Sales for the Lands lying before the Fronts of the Lots, contrary to the Authority granted them; wherefore, that the ſame may be regulated, and a Plat thereof made, ſo as the Streets in the ſaid Town may anſwer with the Lots intended to be laid out of the Land belonging to Col. *Thomas Cary*, adjoining thereto: *Be it Enacted*, That a Re-ſurvey be made of the aforeſaid Town Land, by Order of the Commiſſioners afore-mentioned; and that each and every Perſon holding Lands or Lots in the Town aforeſaid, ſhall have no more in their Lots than juſt half an Acre, purſuant to the firſt Intention and Deſign of ſettling the aforeſaid Town; ſtill reſerving to the Owners or Poſſeſſors of all Lots in the aforeſaid Town, the Land lying before the Front of their Lots, upon Payment of Ten Shillings for every Front, to the Commiſſioners in this Act appointed; who are hereby authoriſed and required, to grant, ſeal, and deliver Deeds of Sale for the ſame.

Owners of Front Lots to have the Fronts, for 10 s.

Principal Streets to be ten Feet wide.

IX. *PROVIDED always*, That the Principal Streets in the ſaid Town ſhall be One Hundred Feet wide at leaſt; and that no Perſon ſhall build or erect any Edifice, Houſe, or Building, on the Lands before the Fronts, other than Cellars or Vaults, whoſe Covering ſhall not be above Ten Feet above the Ground, that the Proſpect of ſuch as build in the ſaid Town may not be incommoded or hindred.

Church & Court Houſe to be built in the Town.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Church for the Pariſh of St. *Thomas*, and the Court-houſe for the Precinct of *Beaufort* and *Hyde*, ſhall be built in the ſaid Town, on the ſeveral Proportions or Lots of Land laid out for thoſe Purpoſes; and that the Provoſt-Marſhal of the County of *Bath*, and the Clerk of the Court for the Precinct of *Beaufort*, ſhall keep their reſpective Offices in the ſaid Town; under the Penalty of Five Pounds for every Month he or they ſhall omit or neglect ſo to do; one half to the Informer, and the other half to the Juſtices of the ſaid Court, towards the finiſhing or repairing the Court-houſe: To be recovered by Action of Debt, Bill, Plaint, or Information; wherein no Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of.

Provoſt-Martial, and Clerk of the Court, to keep their Offices in Town, on Pen. of 5 l.

A. D. 1715. Juſtices to lay a Tax, not exceeding 100 l. for building a Court Houſe.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the Court aforeſaid, ſhall have full Power and Authority to levy, or cauſe to be levied, any Sum or Sums of Money, not exceeding One Hundred Pounds in the Whole, upon the Inhabitants or Eſtates in the Precinct aforeſaid, for and towards the erecting and building the Court-houſe afore-mentioned; which the ſaid Juſtices are hereby required to cauſe to built and finiſhed, as ſoon as the Circumſtances of the Inhabitants will admit raiſing the aforeſaid Sum.

Muſters, &c. to be in Town.

XII. AND as a further Encouragement to the Settlement of the ſaid Town, *Be it Enacted, by the Authority aforeſaid*, That all Muſters for the Precinct of *Beaufort*, Elections of Burgeſſes, and all Buſineſs and Affairs of the like Nature, which properly belongs to the ſaid Precinct, ſhall be had, taken, done, and tranſacted within the ſaid Town of *Bath*, and in no other Place or Places whatſoever.

Liquors of the Growth of *Bath* County, may be retailed in Town, without Licenſe, for 10 Years.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Liquors which are *bona fide* the Growth, Produce, and Manufacture of the County of *Bath*, ſhall and may be retailed in Town, for the Space of Ten Years next after the Ratification of this Act, by any Freeholder or Inhabitant of the ſaid Town, without any Licenſe or other Permit for ſo doing; ſubject nevertheleſs to the ſeveral Penalties, Forfeitures, and Reſtrictions, as by the Law intituled, *Ordinary Keepers how to ſell*, are made and provided.

Owners of Lots to clear them, & keep them ſo.

XIV. AND whereas divers Perſons poſſeſſed of Lots in the ſaid Town do neglect clearing the ſame, and others do permit ſuch as have been cleared to grow up with Bruſh and Under-Wood, to the great Annoyance of the Inhabitants of the ſaid Town: *Be it Enacted, by the Authority aforeſaid*, That all Perſons, Poſſeſſors or Owners of Lots in the ſaid Town, ſhall, and they are hereby obliged, within One Month after the Ratification of this Act, to clear all ſuch Lots ſo held or poſſeſſed by them, from all Manner of Wood, Under-Wood, Bruſh, or Grubs, that are, or may be offenſive to the Inhabitants of the ſaid Town, and ſhall ſo keep the ſame, from Time to Time, and at all Times hereafter, as often as Need ſhall require; under the ſeveral Penalties and Forfeitures hereafter in this Act provided.

Owners of Lots not clearing the ſame, to pay the Charge thereof:

To be adjudged by 2 Freeholders of the Town.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Proprietor, Owner, and Poſſeſſor, of any Lot or Lots in the ſaid Town, who ſhall omit to clear the ſame within the Time before limited, ſhall be liable and obliged to pay the full Value of the Charge of clearing the ſaid Lots, to the Truſtees or Commiſſioners aforeſaid, who are hereby appointed, authoriſed, and impowered, to cauſe all ſuch Lots to be cleared as ſhall, after the Time before limited, lie uncleared and neglected; the Value of which Work ſhall be adjudged by two Freeholders, Inhabitants of the ſaid Town (being firſt ſworn before ſome Magiſtrate) and ſhall be recoverable in any Court of Record within this Government, or before Juſtices of the Peace, if under the Sum of Forty Shillings, as in the Act for ſmall and mean Cauſes is provided, by Bill, Plaint, or Information; wherein no Eſſoin, Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of.

Commiſſioner dying, &c. how to be re-placed.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe of the Death, or Departure out of the Government, of any of the aforeſaid Commiſſioners for the ſaid Town, at any Time hereafter, the remaining Part of the ſaid Commiſſioners, together with the Juſtices of the Court, are hereby authoriſed and impowered to make Choice of ſome other Perſon or Perſons to ſucceed ſuch Commiſſioner ſo dying or departing as aforeſaid; which Perſon or Perſons ſo elected and choſen, ſhall, and they are hereby inveſted with as full Power and Authority, to all Intents and Purpoſes whatſoever, as the preſent Commiſſioners now in this Act nominated and appointed; that ſo the full Number of Commiſſioners may be always kept up and full. *

XXXI. *AND*

* The 14 remaining Clauſes of this Law, relating to the Library of *St. Thomas*'s Pariſh, obſolete, as the Books are moſtly ſquandered, and no Library-Keeper appointed for many Years.

XXXI. *AND be it further Enacted, by the Authority aforeſaid*, That for the further Encouragement of the Town of *Bath*, and all other Towns now, or hereafter to be built within this Government, it ſhall and may be lawful for the Freeholders of the ſaid Town of *Bath*, and of all other Towns now, or hereafter to be built within this Government, at all Times hereafter when Repreſentatives or Burgeſſes are to be choſen for the Precinct wherein the Town lies, to elect one Burgeſs to repreſent the ſame in all ſucceeding Aſſemblies. *A. D.* 1715. All Towns to elect one Burgeſs.

XXXII. *PROVIDED always*, That this Election for Members of Aſſembly to ſerve for the Town of *Bath*, or any other Town whatſoever, ſhall not begin or commence till ſuch Town ſhall have at leaſt Sixty Families. Proviſo.

XXXIII. *PROVIDED alſo*, That nothing in this Act contained, ſhall be held or taken to limit or hinder the Inhabitants of *Newbern* from ſending a Repreſentative to the Aſſembly, being hereby allowed, although there ſhould not be Sixty Families inhabiting in the ſaid Town. Proviſo.

CHAP. 53. *An Act concerning Ordinary Keepers and Tippling Houſes.* Repeal'd by Act, April 4, 1741; Chap. 20.

54. *An Act aſcertaining the Currency of Dollars.* OBS.

55. *An Act aſcertaining the Damage upon proteſted Bills of Exchange.* Repeal'd by Act, April 4, 1741; Chap. 16.

56. *Publick Letters how to be conveyed.* OBS.

57. *An Act to prevent taking Boats, Canoes, and Pettiaguas, from Landings, without Leave.* Repeal'd by Act, April 4, 1748, Chap. 13.

58. *An Act to aſcertain Officers Fees.* Repeal'd by Act, April 6, 1748, Chap. 2.

CHAP. LIX.

An Act, for reſtraining the Indians *from moleſting or injuring the Inhabitants of this Government, and for ſecuring to the* Indians *the Right and Property of their own Lands.*

I. WHEREAS before the late War, daily and grievous Complaints of the Depredations and Inſults of the *Indians* were exhibited againſt them, by divers Perſons bordering upon, and reſiding near to the Habitations of the ſaid *Indians*: For the Prevention of the like Diſorders for the Time to come, and for the cultivating a better Underſtanding with the ſaid *Indians*, the Want of which has been ſo injurious to the Government; Preamble.

II. *BE it Enacted, by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of this preſent General Aſſembly, now met at* Little River, *for the* North-Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame*, That whoever ſhall diſcover or find any *Indian* or *Indians* killing, hunting, or in Purſuit of any Horſes, Cattle, or Hogs, the Right and Property whereof is in any white Man, inhabiting within this Government; every ſuch Perſon or Perſons, on Diſcovery or Sight thereof, may, and he is hereby impowered, to apprehend and ſeize every ſuch *Indian* or *Indians*, and him or them ſo apprehended and taken, to convey before ſome Indians killing Peoples Cattle, &c. to be puniſhed.

A. D. 1715. one of the Commiſſioners to be appointed for *Indian* Affairs, and for Want of ſuch before the next Magiſtrate; which ſaid Commiſſioner or Magiſtrate, together with the Ruler or Head Man of the Town to which ſuch *Indian* Delinquent may belong, is and are hereby impowered to puniſh every ſuch Delinquent in ſuch Manner as the Nature of the Offence may require, and to award Reſtitution to the Party injured for all Damages by him ſuſtained; ſaving always the Right of Appeal to the Governor and Council, if either Party ſhall think themſelves aggrieved or wronged thereby.

Right to appeal.

Differences between Indians and white Men, how to be determined.

III. *AND be it further Enacted, by the Authority aforeſaid*, That if any Difference ſhall, for the future, ariſe between any white Man and *Indian*, concerning Trade, or otherwiſe howſoever, every ſuch Difference ſhall be heard, tried, and determined by ſuch Commiſſioners as the Governor or Commander in Chief for the Time being ſhall appoint, together with the Ruler or Head Man of the Town to which the *Indian* belongs; ſaving only the Right of Appeal, as is herein before ſaved and excepted.

No Perſon to buy Lands of Indians without Conſent of Governor and Council.

IV. AND whereas there is great Reaſon to believe, that Diſputes concerning Land has already been of fatal Conſequence to the Peace and Welfare of this Colony; *Be it further Enacted, by the Authority aforeſaid*, That no white Man ſhall, for any Conſideration whatſoever, purchaſe or buy any Tract or Parcel of Land, claimed or actually in Poſſeſſion of any *Indian*, without ſpecial Liberty for ſo doing from the Governor and Council firſt had and obtained, under the Penalty of Twenty Pounds for every Hundred Acres of Land ſo bargained for and purchaſed; one Half to the Informer, and the other Half to him or them that ſhall ſue for the ſame: To be recovered by Bill, Plaint, or Information, in any Court of Record within this Government; wherein no Eſſoin, Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of.

White Men not to moleſt Indians.

V. *AND be it further Enacted, by the Authority aforeſaid*, That whatever white Man ſhall defraud or take from any of the *Indians* his Goods, or ſhall beat, abuſe, or injure his Perſon, each and every Perſon ſo offending, ſhall make full Satisfaction to the Party injured, and ſhall ſuffer ſuch other Puniſhment as he ſhould or ought to have done, had the Offence been committed to an *Engliſhman*.

Provided for by the Act for appointing Treaſurers, and other Acts in Relation to Taxes. Repeal'd by Act, Nov. 23, 1725, Chap. 12.

CHAP. 60. *Public Treaſurers to give Account.*

61. *An Act for a Town on* Roanoke *Iſland, for the Encouragement of Trade from Foreign Parts.*

62. *An Act for raiſing Corn, to ſatisfy the Debt due from this Government to the Honourable* Charles Craven, *Eſq; Governor of* South Carolina; *and for the Subſiſtance of ſuch Forces as ſhall be raiſed for the neceſſary Defence of the Frontiers of this Government.* OBS.

63. *An Act for raiſing the Sum of Two Thouſand Pounds, Annually, till the Public Debts are anſwered and paid, for the better encouraging the Currency of the Public Bills of Credit.* OBS.

CHAP. LXIV.

An Act impowering Johanna Peterſon, *Widow of* Thomas Peterſon, *late of* Albemarle *County, Eſq; to make Sale of certain Lands, late belonging to the ſaid* Thomas Peterſon; *and to make other Proviſion for* Anna, *the Daughter of the ſaid* Thomas Peterſon, *to whom the ſaid Lands do deſcend.*

Private.

I. WHEREAS *Thomas Peterſon*, late of *Albemarle* County, Eſq; died ſeized and poſſeſſed in his Demeſne, of Fee, of, in, and to a certain Plantation

or

or Tract of Land, lying in the Fork of *Queen Anne*'s Creek, in *Chowan* Precinct, containing by Eſtimation Four Hundred Acres, be the ſame more or leſs, butted and bounding to the Eaſtward on the Town Land, and to the Weſtward on *Slocomb*'s Creek; and alſo of, in, and to, one Half Acre or Lot of Land in *Bath* Town, butting and bounding to the Southward on the Lot of Col. *Chriſtopher Gale*, and to the Northward on one of the Croſs Streets; which ſaid Plantation and Lot of Land do deſcend unto *Anna*, an Infant, the Daughter of the ſaid *Thomas*: And whereas *Johanna*, the Mother of the ſaid *Anna*, by her Petition preferred to this Aſſembly, is very willing, for the Advancement of the ſaid *Anna*'s Portion, to relinquiſh her Right of Dower of, in, and to the ſaid Lands and Lot, provided that the ſame Lands and Lot may be ſold, to and for the Uſe, Benefit, and Intereſt of the ſaid *Anna*, the ſaid Lands and Lot now having conſiderable Improvements thereon, which makes them valuable, which otherwiſe will be very much impaired and ruined before the ſaid *Anna* ſhall come of Age: Wherefore, *A. D.* 1715.

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lord Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That the ſaid *Johanna* be, and ſhe is hereby impowered, to bargain, ſell, alien, enfeoff, and transfer the ſaid Plantation or Tract of Land lying in the Fork of *Queen Anne*'s Creek, in *Chowan* Precinct, containing by Eſtimation Four Hundred Acres, be the ſame more or leſs, butting and bounding to the Eaſtward on the Town Land, and to the Weſtward on *Slocomb*'s Creek; alſo one Half Acre or Lot of Land in *Bath* Town, butting and bounding to the Southward on the Lot of Col. *Chriſtopher Gale*, and to the Northward on one of the Croſs Streets; or any Part or Parcel of the ſame, to any Perſon or Perſons that ſhall be willing to give moſt Money for the ſame; to have and to hold the ſame to ſuch Purchaſer or Purchaſers, his or their Heirs and Aſſigns, for ever. *Johanna Peterſon impowered to ſell Lands.*

III. AND for the better ſecuring the Money ariſing by ſuch Sale, to and for the Uſe, Benefit, and Intereſt of the ſaid *Anna*, her Heirs and Aſſigns; *It is hereby further Enacted*, That immediately at and upon the Sale of the aforeſaid Plantation, or Tract of Land, and Lot, or any Part of the ſame, the ſaid *Anna* ſhall ſtand and be ſeized in her Demeſne, as of Fee, of, in, and to one certain Plantation or Tract of Land, whereof the ſaid *Johanna* is and now ſtands ſeized and poſſeſſed of, in *Perquimons* Precinct, containing by Eſtimation One Hundred and Seventy Acres, be the ſame more or leſs, ſituate, lying, and being, on *Caſtleton*'s or *Laker*'s Creek, butting and bounding on the Lands of *Inliana Lakers* and *Richard Skinner*; to have and to hold the ſame Plantation or Tract of Land, to her the ſaid *Anna*, her Heirs and Aſſigns, in Fee-Simple; with Condition, that if the ſaid *Johanna* do pay the Monies ariſing by ſuch Sale to the ſaid *Anna*, at and upon her Arrival to the Age of Eighteen Years, or Day of Marriage, or otherwiſe appropriate the Monies ariſing by the Sale of the aforeſaid Plantation or Tract of Land at the Fork of *Queen Anne*'s Creek, and Lot aforeſaid, by purchaſing young Female Slaves for the Uſe of the ſaid *Anna*; then the aforeſaid Eſtate of the ſaid *Anna*, of, in, and to the afore-mentioned Plantation or Tract of Land in *Perquimons* Precinct, to be invalid, and of no Force or Effect. For the Benefit of the Orphan.

CHAP. LXV.

An Act confirming the Titles of ſundry Perſons who have, or hereafter may, purchaſe Lands of Col. Thomas Cary, *in* Bath *County.*

I. WHEREAS Col. *Thomas Cary* taking up and purchaſing divers Lands and Plantations in *Bath* County, the Deeds or Patents paſſed for the ſame have been taken in the Name of *John Cary*, an Infant, Son of the ſaid *Thomas*, although the Purchaſe Money, or Conſideration paid for the ſame, was actually and *bona* Private.

A. D. 1715. *bona fide* the Monies of the ſaid *Thomas*, and by him, the ſaid *Thomas*, paid: And whereas the ſaid *Thomas Cary* having bargained, ſold, alienedd, and transferred unto divers Perſons, and their Heirs, ſeveral Tracts or Parcels of Land, in *Bath* County aforeſaid, and is intended to bargain, ſell, and transfer the remaining Part of the aforeſaid Lands in *Bath* County: Wherefore, for avoiding Diſputes that may hereafter ariſe concerning the aforeſaid Title, taken in the aforeſaid *John Cary*'s Name, and for eaſing and quieting the Minds of ſuch Perſons as have purchaſed the ſame, or may hereafter purchaſe from the ſaid *Thomas Cary*, and purſuant to the Petition of the ſaid *Thomas Cary*;

Sales of Lands declared good.

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the reſt of the Members of the General Aſſembly, now met at* Little River, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame*, That all and ſingular the Bargains, Sales, Alienations, and Conveyances, already made and paſſed, or hereafter to be made and paſſed, by the ſaid *Thomas Cary*, unto any Perſon or Perſons whatſoever, their Heirs and Aſſigns, of, in, and to any of the Lands, Tenements, and Plantations, in *Bath* County, which lately were, or now are, in the Poſſeſſion or Occupation of the ſaid *Thomas Cary*, and for which Deeds or Conveyances have been made and paſſed, to and for the Uſe of the ſaid *John Cary*, an Infant, Son of the ſaid *Thomas Cary*, or in the Name of the ſaid *John*, ſhall ſtand, be, and for ever remain, firm and available in Law and Equity, to ſuch Purchaſer or Purchaſers, their Heirs and Aſſigns, having, or hereafter to have, from the ſaid *Thomas Cary*, any Bargains, Sales, Alienations, or Conveyances for the ſame; any ſuch Deeds of Sale, Conveyance, or Alienation formerly made in the ſaid *John Cary*'s Name, or to or for his Uſe and Behoof, notwithſtanding.

CHAP. LXVI.

An Act for the Confirmation of the Laws paſſed this Seſſion of Aſſembly, and for repealing all former Laws not herein particularly excepted. OBS.

SIGNED by

CHARLES EDEN, Eſq; Governor.

N. Chevin, *W. Reed*,

Chr. Gale, *Tobias Knight*,

Francis Forſter,

Lords Proprietors Deputies.

Edward Moſeley, Speaker.

Anno

A. D. 1720.

ANNO REGNI

GEORGII I,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

SEXTO.

At a General Biennial ASSEMBLY, held at the Court-Houſe in *Chowan* Precinct, the Second Day of *Auguſt*, One Thouſand Seven Hundred and Twenty, and continued, by ſeveral Adjournments, to the Twentieth Day of the ſame Month.

CHARLES EDEN, Eſq; Governor.

CHAP. I.

An Act for leſſening the Poll and Land Tax, and for preventing of Concealments.
REPEALED.

CHAP. 2. *An additional Act, to the Act, intituled,* An Act for eſtabliſhing the Church, and appoining Select Veſtries. Repeal'd by Act, April 4, 1741, Chap. 23.

3. *An Act, in Addition to the Act,* For making a Town at *Queen Anne*'s Creek. Repeal'd by Act, Aug. 21, 1740, Chap. 1.

4. *An additional Act to an Act, intituled,* An Act concerning Ordinary-keepers and Tippling-houſes. Repeal'd by Act, April 4, 1741, Chap. 19.

5. *An Act, in Explanation of the Act,* Concerning Servants and Slaves. Repeal'd by Act, April 4, 1741, Chap. 24.

CHAP. VI.

An Act, to confirm a Decree made in the Court of Chancery of this Province, upon a Bill of Complaint exhibited by William Duckenfield, *Eſq;*

I. WHEREAS at a Court of Chancery, held the Eleventh Day of *May*, One Thouſand Seven Hundred and Thirteen, upon the Complaint of *William Duckenfield*, Eſq; a Decree was paſſed in theſe Words, *viz.* Private.

NORTH-CAROLINA, ſſ.
At a Court of Chancery held at the Houſe of Capt. *Thomas Lee*, in *Chowan* Precinct, on *Monday May* the 11th, *Anno Domini* 1713.

PRESENT,

A. D. 1720.

PRESENT,

The Honourable THOMAS POLLOCK, Esq; PRESIDENT,

The Honourable { *Thomas Boyd*, *William Reed*, *Chr. Gale*, *Tobias Knight*, } Esqrs. Lords Proprietors Deputies.

'Upon reading the Bill of Complaint of *William Duckenfield*, of the Precinct of *Chowan*, Esq; this Day, therein setting forth, That he the said *William Duckenfield*, about Sixteen Years last past, was, and yet is, lawfully seized, in his Demeine, as of Fee, of and in one large Tract or Parcel of Land, in the Precinct aforesaid, containing by Estimation Four Thousand Acres, bounding on *Albemarle* Sound Eastward, and on *Salmon* Creek Westward, and being thereof so seized, one *John Arderne*, Esq; coming into this Government, and being something related to him the said *Duckenfield*, by Intermarriage, and the said *John Arderne* being in low Circumstances, and not in Possession of any visible Estate, he the said *Duckenfield*, the better to give Credit and Reputation to him the said *Arderne*, and to put him in Possession of a visible Estate, thereby to advance himself, upon especial Trust and Confidence which he then reposed secretly in the said *Arderne*, by his Deed, sufficient in the Law, bearing Date the Thirty First Day of *July*, *Anno Domini* 1702, did grant, bargain, and sell, unto the said *Arderne*, the aforesaid Tract or Parcel of Land, containing Four Thousand Acres; to have and to hold the same unto him the said *Arderne*, his Heirs and Assigns, for ever: Which said Deed mentions, that the same was for and in Consideration of the Sum of Two Hundred Pounds, in Hand paid, when in Truth the said Two Hundred Pounds was not paid, nor any Part or Parcel thereof, nor intended to be paid, nor indeed could the said *Arderne* pretend to pay the same; but the said Deed was passed for no other Reason than what is above alledged: And further, that the said Deed was not only meant and intended to be in Trust, to the Use of him the said *Duckenfield*, Esq; but, at the Time of making thereof, it was to declared and expressed, as well by the said *Duckelfield*, as by the said *Arderne*, in Presence and Hearing of divers Witnesses, and not to the Use of the said *Arderne*, other than in Case the said *Arderne* should out-live him, *&c* And further, that the said *John Arderne* did, as well at the signing the said Deed as at divers Times since, declare to divers Persons, that he did not pay the Two Hundred Pounds, and that the same Deed was passed to him for no other Use, Intent, or Trust whatsoever, than that the same should absolutely return to him the said *Duckenfield*, in Case he should out-live the said *Arderne*; and also, that the said *Arderne*, willing to make known to the World the many and uncommon Favours which he had received from him the said *Duckenfield*, by his last Will and Testament, in Writing, bearing Date the 22d Day of *October*, 1707, doth make ample Mention of the same, and that his Intention was, to give all his Estate, both real and personal, that he was possessed of, or should have Right to, to him, which he confirms by divers Asseverations in the said Will mentioned, as by the same will and may appear: Notwithstanding which, divers Persons, injuriously designing to bring in Question his the said *Duckenfield*'s Title to the aforesaid Four Thousand Acres of Land, although he was never out of Possession thereof, do give out, that the Fee-Simple of the said Land is not in him, but in the Heirs of the said *John Arderne*, and the Trust reposed by him the said *William Duckenfield*: And forasmuch as the said Deed, in Writing, is absolutely without any Use declared or expressed therein, and without any Trust in the same mentioned, and that the aforesaid Will of the said *John Arderne* doth not make express Mention, that the same Four Thousand Acres, commonly known by the Name of *Salmon* Creek, were given, devised, and bequeathed, unto him the said *Duckenfield*, and his Heirs, for lack and want of Knowledge in the Law of the said *John Arderne*, how to use apt and express Words for the granting and conveying the same back again to him, pursuant to the Trust reposed in the said *John Arderne*, although the Intent and Meaning of the said *Arderne* so to do may be sufficiently proved

'and

'and obſerved; and the ſaid *John Arderne* being now dead, who could make appear 'that the Allegations in this Bill of Complaint are true and certain, and divers 'Evidendes or Witneſſes, as well to the ſaid Deed, who could prove the aforeſaid 'Uſe or Truſt declared, and divers other Witneſſes which he could have produced 'to prove the ſame, are ſome dead, others removed to Parts unknown, ſome aged 'and impotent, and living far off, and not able to travel to this Court, and others 'being tranſient Perſons, *&c.* do therefore pray, That a Commiſſion may be iſſued 'out of this Court, directed to ſuch Perſons as may be thought fitting, to examine 'ſuch Witneſſes, *in perpetuam rei Memoriam*, as ſhall be produced by him the ſaid '*Duckenfield*, for the Proof of the aforeſaid Uſe or Truſt, *&c.* and alſo, that by the 'Decree of this Court, he may be relieved in the Premiſes, and the Fee-Simple of 'the aforeſaid Land be adjudged and decreed to him, *&c.* And upon reading the 'ſeveral Depoſitions taken by Virtue of the aforeſaid Commiſſion out of this Court, 'as alſo the Will of the ſaid *John Arderne*, and upon due and mature Conſideration 'thereon, this Court are of Opinion, That the ſaid Deed mentioned in the ſaid Bill 'was made only in Truſt, and that no Conſideration was ever paid and ſatisfied, 'or intended to be paid or ſatisfied, for the ſame; and it is the Opinion of this 'Court likewiſe, that the ſaid *John Arderne*'s Intent and Deſign, by his laſt Will 'and Teſtament, was to give and bequeath the ſame Lands back again to him the 'ſaid *William Duckenfield*, and his Heirs, for ever, although expreſs Mention thereof 'be not made therein. *A. D.* 1720.

'WHEREUPON this Court do Declare, Adjudge, Order, and Decree, 'That the aforeſaid Deed be null and void, and that the aforeſaid Four Thouſand 'Acres of Land do revert, come, and remain unto the ſaid *William Duckenfield*, 'Eſq; and to his Heirs and Aſſigns, for ever, without the leaſt Lett, Moleſtation, 'or Hinderance of any Perſon or Perſons, claiming from, by, or under the afore-'ſaid *John Arderne*, or his Heirs, Executors, Adminiſtrators, or Aſſigns, or any 'from or under them, or either of them.'

Ordered, Decreed, and Entered, by us, and our Order, the above-ſaid 11th Day of *May*, *Anno Domini* 1713.

Which Decree, upon the Prayers of the ſaid *William Duckenfield*, having been carefully and duly conſidered by this Aſſembly;

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at the General Court-houſe, at* Queen Anne's *Creek, in* Chowan *Precinct, for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That the Decree, upon the Bill of Complaint of *William Duckenfield*, Eſq; recited, paſſed, and inrolled in the Court of Chancery, the Eleventh Day of *May*, One Thouſand Seven Hundred and Thirteen, and every Part and Parcel, Article and Clauſe therein contained, ſhall be and remain firm and available in Law and Equity, to all Intents and Purpoſes whatever contained therein, without being liable to any Bill of Reverſe, or other Proceſs whatever, to reverſe and annul the ſame.

SIGNED by

CHARLES EDEN, Eſq; Governor.

Thomas Pollock, *W. Reed*,

Francis Forſter, *John Lovick*,

Lords Proprietors Deputies.

William Swann, Speaker.

A. D. 1722.

ANNO REGNI

GEORGII I,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

OCTAVO.

WILLIAM REED, Esq; President.

At a General Biennial ASSEMBLY, held at *Edenton*, in *Chowan* Precinct, the 2d Day of *October*, One Thousand Seven Hundred and Twenty-two, and continued, by several Adjournments, to the Nineteenth Day of the same Month.

CHAP. I.

Provided for by the Road Act, passed January 1764, Chap. 3.

An Act, for a Road from Core-Point, *on* Pamplico, *to* Newbern, *on* Neuse *River.*

CHAP. 2.

An Act, for making the Sum of Twelve Thousand Pounds, Public Bills of Credit, for exchanging such of the Public Bills of Credit as are now current, thereby to render them the more useful to the Goverment; and for regulating the Taxes. OBS.

CHAP. III.

An additional Act to an Act, intituled, An Act, appointing Toll-Books.

Preamble.

I. WHEREAS an Act, intituled, *An Act for appointing Toll-Books to be kept in this Government*, has been passed; and the said Act has been rendered useless by Reason of the Places appointed by it for Toll-Books to be kept being inconvenient, and the Fees allowed to such Persons as are appointed to keep them, so small, that no Person will take the Trouble of the said Office on himself: Wherefore it is prayed, that an Act may be made for the Continuance of the said Act, and that there be fixed Places appointed for the Toll-keepers in the several Precincts, and that the said Toll-keepers Fees be raised.

II. *BE it therefore Enacted, by his Excellency the* Palatine, *and the rest of the true and absolute Lords Proprietors of* Carolina, *by and with the Advice and Consent of this present General Assembly, now met at* Edenton, *on* Queen Anne's *Creek, in* Chowan *Precinct, for the* North East *Part of the said Province, and it is hereby Enacted, by the Authority of the same,* That the Toll-Office for the Precinct of *Chowan,*

wan, be kept at the Head of *Catherine*'s Creek, near Mr. *Thomas Speight*'s, at the Head of *Perquimons*, and at *Mayock* Creek, in *Currituck* Precinct: For *Bertie* Precinct, at *Boon*'s Ferry, and ſuch other Places as the Precinct Court ſhall appoint: And that every Toll-keeper ſhall be allowed the Sum of Four-pence for each Hog, and Six-pence a Head for all Cattle, carried or tranſported out of this Government, by all Perſons carrying or tranſporting the ſame, under the like Penalty as in the ſaid Act is mentioned; and the ſaid Toll-keepers are to obſerve all Articles and Clauſes in the ſaid Act mentioned; under the like Pains, Fines, and Penalties therein expreſſed.

A. D. 1722.

Toll-Offices where to be kept.

Toll-Keepers Fees.

CHAP. IV.

An Act, for enlarging and Encouragement of the Town called Edenton, *in* Chowan *Precinct.*

Repeal'd by Act, Aug. 21, 1740, Chap. 1.

CHAP. V.

An Act, appointing that Part of Albemarle *County, lying on the* Weſt *Side of* Chowan *River, to be a Precinct, by the Name of* Bertie *Precinct.*

This Act repealed, but the Bounds of the County eſtabliſhed, by Act paſſed Sept. 1756, Chap. 9.

II. BE it Enacted, *by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the reſt of the Members of the General Aſſembly, now met at* Edenton, *at* Queen Anne's *Creek, in* Chowan *Precinct, for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame,* That that Part of *Albemarle* County lying on the *Weſt* Side of *Chowan* River, being Part of *Chowan* Precinct, bounded to the *Northward* by the Line dividing this Government from *Virginia*, and to the *Southward* by *Albemarle* Sound, and *Morattuck* River, as far up as *Welch*'s Creek, and then including both Sides of the ſaid River, and the Branches thereof, as far as the Limits of this Government, be, and the ſame is hereby declared to be erected into a Precinct, by the Name of *Bertie* Precinct, in *Albemarle* County; with all and every the Rights and Privileges, and other Benefits and Advantages whatſoever, as any other of the Four Precincts in *Albemarle* County can or may have, uſe, or enjoy.

See Act, April 4, 1741, Chap. 7, for Edgcomb County; and 1741, ch. 1, for Northampton County.

CHAP. VI.

An Act, concerning Fees and Officers.

Repeal'd by Act, April 6, 1748, Chap. 2.

CHAP. VII.

An Act, appointing that Part of the South-Weſt *Pariſh of* Chowan, *that lies on the* South *Shore, and* Alligator, *to be a diſtinct Pariſh, by the Name of the* South *Pariſh of* Chowan; *and for appointing Veſtrymen for the ſaid Pariſh.*

I. WHEREAS the Inhabitants of that Part of *Chowan*, and *Alligator*, have petitioned the General Aſſembly, to be a ſeparate Pariſh from the *Weſt* Shore of *Chowan*, and it being apparent that it is very much to the Prejudice of the ſaid Inhabitants to remain as Part of the aforeſaid Pariſh;

Private.

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lord Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at* Edenton, *at* Queen Anne's *Creek, in* Chowan *Precinct, for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame,* That the *South* Shore of *Chowan*, from *Alligator* River to the *Eaſt* Side of *Welch*'s Creek, including all the

Pariſh divided.

A. D. 1722. Land on the Sound, and *Morattuck*, lying within the Bounds aforeſaid, ſhall be, and is hereby appointed a ſeparate Pariſh, by the Name of the *South* Pariſh of *Chowan*; and that the ſaid Pariſh do enjoy all ſuch Liberties and Immunities as all other Pariſhes in this Government can or may have. *

* The 3d and 4th Sections of this Law for appointing Veſtrymen, Obſolete.

CHAP. VIII.

An Act for ſettling the Precinct Courts and Court-Houſes.

Preamble. I. WHEREAS through the great Taxes and Charges this Government hath laboured under, by Means of the late *Indian* War, there has been no Care taken by preceding Aſſemblies, to ſettle the ſeveral Precinct Courts to any fixed or certain Place, but have always hitherto been kept and held at private Houſes, where they have been, and are liable to be removed, at the Pleaſure of the Perſon or Perſons owning ſuch Houſes, to the great Annoyance of the Magiſtrates and People: For the Prevention of which for the future,

Juſtices to purchaſe Lands to build Court-houſes on. II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the reſt of the Members of the General Aſſembly, now met at* Edenton, *at* Queen Anne's *Creek, in* Chowan *Precinct, for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame*, That from and after the Ratification of this Act, the Juſtices of the Peace that are now appointed for and in every reſpective Precinct in this Government, or ſhall hereafter be appointed within the Time limited in this Act for building the Precinct Court-Houſes, or the greateſt Part of them, are hereby required and impowered to purchaſe the Quantity of one Acre of Land, in ſuch Place and Places of their ſeveral Precincts, as in and by this Act is hereby nominated and appointed, for the erecting the ſaid Court-Houſes on.

Juſtices to lay a Tax, for building the ſaid Court-houſes. III. AND for the better enabling the ſaid Juſtices, or the greateſt Part of them, to purchaſe ſuch Lands, and build the ſaid Court-Houſes; *Be it Enacted, by the Authority aforeſaid*, That the ſaid Juſtices, or the greateſt Part of them, ſhall have full Power and Authority to raiſe Money, by a Poll-Tax on the ſeveral Inhabitants of their reſpective Precincts, for the purchaſing ſuch Lands, and building the ſaid Court-Houſes thereon, not exceeding the Sum of Five Shillings *per* Poll, *per Annum*; which ſaid Tax or Levy ſhall be paid to them the ſaid Juſtices, or whom they, or the greateſt Part of them, ſhall appoint to receive the ſame, by each and every Perſon reſpectively, in the ſame Manner and Form as they do their Public Levy, and under the ſame Fines and Forfeitures.

Perſons refuſing to ſell Land to the ſaid Juſtices for a reaſonable Price, C. Juſtice to iſſue his Warrant to 3 Freeholders to value the ſame; which Valuation ſuch Perſons ſhall be obliged to take, and the Land to be inveſted in the Public. IV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall refuſe to ſell to the ſaid Juſtices, or the greateſt Part of them, ſuch Lands as by this Act is appointed to be purchaſed for the Uſe of the Court-Houſe, for what the ſaid Juſtices ſhall think to be the full Value thereof, that then, and in ſuch Caſe, it ſhall and may be lawful for the Chief Juſtice to iſſue his Summons, under his Hand, directed to Three Freeholders of the Precinct where ſuch Refuſal ſhall be made; which Freeholders are hereby required, on Oath, to appraiſe the ſaid Land: And in Caſe the Owner of the ſaid Land ſhall, after a Tender made him of the Money which the ſaid Land was appraiſed to, refuſe to give a lawful Conveyance for the ſame, ſuch Lands ſhall, nevertheleſs, be inveſted in the Public, for the Uſes aforeſaid; provided that no Perſon's Orchard, Garden, or incloſed Ground, be injured thereby.

Juſtices neglecting to build Court-houſes, V. *AND be it further Enacted, by the Authority aforeſaid*, That if the Juſtices, or the major Part of them, in their ſeveral Precincts, ſhall neglect or refuſe to purchaſe the Land by this Act directed for building the ſeveral Court-Houſes on, or to agree

agree with Workmen to build and finiſh the ſame (which ſhall not be leſs than Twenty Four Feet long and Sixteen Feet wide) within Six Months after the Ratification of this Act; that then, and in ſuch Caſe, the Governor or Commander in Chief for the Time being, ſhall, and he is hereby impowered and directed, to nominate and appoint ſuch Perſon or Perſons in each and every Precinct ſo neglecting or refuſing; which Perſons ſo appointed, ſhall have the ſame Power and Authority to lay the ſaid Tax, purchaſe ſuch Land, and build the ſaid Court-houſes, as the ſaid Juſtices might or ought to have had by this Act.

A. D. 1722. Governor to appoint other Perſons to do it.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Lands hereafter mentioned be, by the ſeveral Juſtices, or the major Part of them, in each reſpective Precinct, purchaſed, to and for the building and erecting the ſeveral Court-Houſes on: That is to ſay;

Places appointed for building Court-houſes on.

For the Precinct of *Chowan*, at *Edenton*.

For the Precinct of *Perquimons*, at *Jonathan Phelps*'s Point, at the Mouth of the *Narrows*.

For the Precinct of *Currituck*, on the Land of Mr. *William Peyner*, next to the Land of Mr. *William Parker*; or at Mr. *Parker*'s, as the Juſtices ſhall appoint.

For the Precincts of *Beaufort* and *Hyde*, at *Bath* Town.

For the Precinct of *Craven*, at *Newbern*.

For the Precinct of *Carteret*, at *Beaufort* Town.

For the Precinct of *Bertie*, now by this Aſſembly laid out, at ſome convenient Place at *Abotſkey*, where the Juſtices ſhall appoint.

For the Precinct of *Paſquotank*, at ſuch Place as the Juſtices ſhall appoint. *(c)*

SIGNED by

WILLIAM REED, Eſq; Preſident.

Chr. Gale, *Richard Sanderſon*,

John Lovick, *Thomas Lovick*.

Lords Proprietors Deputies.

Edward Moſeley, Speaker.

Anno

(c) The laſt Clauſe of this Act for preventing the Courts falling, provided for by the Court Laws.

A. D. 1723.

ANNO REGNI

GEORGII I,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

NONO.

WILLIAM REED, Esq; Presidt.

At a General Biennial ASSEMBLY, held at *Edenton*, in *Chowan* Precinct, the Twenty Third Day of *November*, One Thousand Seven Hundred and Twenty Three.

CHAP. I.

Repeal'd by Act, April 6, 1748, Chap. 8.

An Act, to provide indifferent Jurymen in all Causes, Civil and Criminal.

CHAP. 2. *An Act, intituled,* An additional Act to the Act, relating to Biennial and other Assemblies, and regulating Elections; and divers other Things relating to Towns. REP.

3. *An Act, for appropriating Part of the Impost Duty on Vessels, or Powder Money, to beacon out the Channels from* Roanoke *to* Occacock *Inlets, and several other Things, to facilitate the Trade and Navigation of this Government.* EXP.

CHAP. IV.

An Act for settling the Titles and Bounds of Lands. (a)

Persons Lands to be processioned, and Marks renewed once in 3 Years.

I. BE it *Enacted, by his Excellency the* Palatine, *and the rest of the true and absolute Lords Proprietors of* Carolina, *by and with the Advice and Consent of this present General Assembly, now met at* Edenton, *for the* North-East *Part of the said Province, and it is hereby Enacted, by the Authority of the same,* That the Lands belonging to every Person in this Government shall be processioned, and the Marks renewed once in every Three Years; and that the Justices of each and every Precinct Court within this Government, between the First Day of *June* and the First Day of *August*, One Thousand Seven Hundred and Twenty-four, and so between the First Day of *July* and the First Day of *August*, in every Three Years hereafter, by an Order of the said Court, shall direct and order the Vestry of each Parish in their Precinct, to divide their said Parishes into as many Districts as to them shall seem

(a) See Act Nov. 1729, Chap. 6, for amending this Act.

ſeem moſt eaſy and convenient, for proceſſioning every particular Perſon's Land within their Pariſh; and that the ſaid Veſtry ſhall appoint the particular Times ſometime between the Firſt Day of *October* and the laſt Day of *April*, following the Date of the ſaid Court's Order, and ſhall nominate and appoint Two able and intelligent Freeholders within every Canton or Diſtrict, to ſee ſuch Proceſſioning performed: And the ſaid Freholders ſo appointed, are hereby obliged to make a due Return, and give an Account of their Proceedings to the Precinct Court next following ſuch Proceſſioning, of every particular Perſon's Land by them proceſſioned, and who were preſent at the Time, and alſo to give a particular Account of what Lands, within their Cantons or Diſtricts, they ſhall have failed to proceſſion, together with their Reaſons for ſuch Failure.

A. D. 1723.

Veſtry to appoint the Times of proceſſioning.

Proceſſioners to make Return of their Proceedings to the next Court.

II. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of every reſpective Precinct Court, is hereby enjoined and directed to deliver to the Church-Wardens of every Pariſh within his Precinct, a Copy of the ſaid Court's Order, within Fifteen Days after the paſſing the ſame; and that the ſaid Church-Wardens ſhall be obliged, within Ten Days after the Receipt of ſuch Order, to appoint a Veſtry to meet; and the ſaid Church-Wardens and Veſtrymen are to lay out their ſaid Pariſh in as many Cantons or Diſtricts as to them ſhall ſeem convenient, and to nominate and appoint two indifferent Freeholders as aforeſaid: Which Freeholders ſo appointed, are required to go with the Freeholders and Inhabitants, within their Diſtricts or Cantons, round the Bounds of every Perſon's Land within the ſame, and renew the Marks of the ſaid Land.

Clerk to deliver the Churchwardens a Copy of the Courts Order in 15 Days; in 10 Days after which, Veſtry to lay out the Pariſh into Diſtricts, & to appoint Proceſſioners.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of each Precinct are hereby required to cauſe the Returns ſo made by the ſaid Proceſſioners to be fairly entered into well bound Books, kept for that Purpoſe, by the Clerk of the Precinct Court; and to prevent Miſtakes in the recording the ſaid Return, the Clerk of the ſaid Court ſhall be obliged, at the next ſucceeding Court, to produce and compare the Return with the Record, and afterwards to file the ſaid Return in his Office: And as an Encouragement for the ſaid Clerk's faithful Diſcharge of the ſeveral Duties above mentioned, it ſhall and may be lawful for him to aſk and demand the Sum of Twelve Pence of every Perſon for all his or her Lands that are returned proceſſioned, and recorded within that Precinct.

Clerk to regiſter all Returns.

Clerk's Fee 12d.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That where the Juſtices of any of the Precinct Courts, Veſtry and Church-Wardens, Freeholders or Clerk, ſhall fail or neglect doing their Duty herein, or hereby enjoined, each and every Juſtice ſo failing, ſhall forfeit and pay the Sum of Five Pounds; the Church-Wardens and Veſtry failing to do their Duty as aforeſaid, ſhall forfeit and pay the Sum of Five Pounds; and the Freeholders who ſhall be nominated by the Veſtry in their ſeveral Diſtricts or Cantons, refuſing to do their Duty, ſhall forfeit and pay the Sum of Five Pounds; and the Clerk of each reſpective Precinct Court neglecting or refuſing to do his Duty as by this Law required, ſhall forfeit and pay the Sum of Ten Pounds: All which aforementioned Forfeitures and Fines ſhall be, one Half to the Informer, the other Half to the Church-Wardens and Veſtry, for and towards the Uſe and Benefit of that Pariſh in which ſuch Default happened: To be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Government; wherein no Eſſoin, Injunction, or Wager of Law, ſhall be allowed or admitted of.

Perſons mentioned in this Act, what to forfeit for Neglect of their Duty.

How recoverable.

V. AND foraſmuch as no Proviſion has been made in this Act, to compell ſuch Perſons who, out of an obſtinate Temper, ſhall refuſe to have their Lands proceſſioned, to the Damage of the Owners of adjacent Lands; *Be it Enacted*, That then, and in ſuch Caſe, all and every Perſon or Perſons ſo refuſing to have ther Lands proceſſioned, purſuant to the Directions in this Act given them, the two Freeholders Proceſſioners as aforeſaid, ſhall cauſe ſuch Refuſal to be certified, in Writing, to the next ſucceeding Precinct Court; which Court is hereby impowered and required

Perſons refuſing to have their Lands proceſſioned, Court to order the Surveyor, &c. to lay it out at the Charge of the Perſon refuſing.

to

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to command the Surveyor-General, or his Deputy, attended with four reputable Freeholders, who ſhall be nominated and appointed by the ſaid Court for that Purpoſe, and ſworn, to lay out the Bounds of the ſaid Lands, to the beſt of their Judgment and Underſtanding; and according as it ſhall appear to them by Deeds, Writings, or other Evidences, they ſhall proceed to ſettle the Bounds of the ſaid Lands, at the proper Coſts and Charges of the Perſon refuſing to have the ſaid Bounds laid out; and the ſaid Surveyor General, or his Deputy, ſhall return the Survey thereof, with the Proceedings thereon, to the next Precinct Court, there to be recorded, by the Clerk of the ſaid Court, in a Book for that Purpoſe; which Bounds and Survey made in Manner aforeſaid, ſhall be taken and deemed a ſufficient proceſſioning, as if the ſame had been done by the Conſent of the Party: And if any of the ſaid Juſtices, or the Surveyor, Clerk, or Freeholders, not having a lawful Excuſe, ſhall fail in his or their Duty, as by this Act is enjoined and directed, he or they ſo failing, ſhall forfeit and pay the ſame Penalties as before in this Act is laid on the ſaid Juſtices, Church-Wardens, Veſtry, and Proceſſioners, failing in their Duty; to be recovered in like Manner, and to the ſame Uſes.

To be entered on Record the next Court.

Perſons failing their Duty, liable to the before mentioned Penalties.

Perſons whoſe Lands have been twice proceſſioned, deemed ſole Owners.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Perſon whoſe Lands ſhall be proceſſioned to him, according to the Directions of this Act, at two ſeveral Times, ſuch Perſon ſhall be deemed and adjudged to be the ſole Owner of the ſaid Lands; and that upon any Suit commenced for any ſuch Lands, the Party in Poſſeſſion may plead the General Iſſue, and give this Act in Evidence.

Not to bar Perſons under Age, Feme Coverts, &c.

VII. *PROVIDED always*, That the proceſſioning of the Lands of a Tenant for Life, ſhall not bar or preclude the Heir in Reverſion or Remainder; neither ſhall any proceſſioning bar or preclude Perſons under Age, Feme Coverts, *non compos Mentis*, impriſoned, or out of the Government: But that all ſuch Perſon or Perſons ſhall have free Liberty to ſue for, and diſpute the Title and Bounds of any Lands within this Province; provided that the ſaid Perſon or Perſons commence Suit, and proſecute the ſame, within the Time already limited by the Laws of this Government, after the Removal of ſuch Diſability.

VIII. AND whereas lapſe Patents are accuſtomed to be granted to the firſt Petitioners for all ſuch Lands which are not ſeated and planted according to the Condition or Proviſion mentioned in the reſpective Patents, which has often proved to be the Ruin of Orphan Children (whoſe Parents have died, leaving Lands unſeated) by Neglect of Guardians and Truſtees, in not ſettling and ſecuring the ſame in due Time: For Prevention whereof for the future, *Be it Enacted, by the Authority aforeſaid*, That whoſoever, for the future, ſhall petition for the lapſing of any Land belonging to any Orphan or Orphans, ſuch Perſon ſo petitioning ſhall, and he is hereby required and commanded, to give, at leaſt, Thirty Days Notice of ſuch Petition's being lodged, to the Guardian or Truſtee of ſuch Orphan, before the next Council after the Petition is lodged; and in Caſe the ſaid Guardian or Truſtee, after ſuch Notice given, ſhall refuſe and neglect to appear at the ſaid Council, and there take out a Patent for the ſaid Land, in the Name of, and to the Uſe of ſuch Orphan or Orphans (who ſhall, *de futuro*, have the Preference in lapſing ſuch Lands as are hereditary to him or her) ſuch Guardian or Truſtee ſhall be removed by the Governour and Council, or Precinct Court, from his Guardianſhip, and ſhall be ſubject to the Suit of the Orphan, and to anſwer all Damages which the Orphan ſhall ſuſtain by Reaſon of his Neglect.

Perſons petitioning to lapſe Lands belonging to Orphans, to give the Guardian 30 Days Notice; & if he refuſes to take it up for the Orphan, he ſhall be removed from his Guardianſhip by the Governor, and liable for all Damages to the Orphan.

CHAP. V.

An Act, for an additional Tax on all free Negroes, Mulattoes, Muſtees, and ſuch Perſons, Male and Female, as now are, or hereafter ſhall be, intermarried with any ſuch Perſons, reſident in this Government.

Preamble.

I. WHEREAS Complaints have been made by divers Freeholders, and other Inhabitants of this Goverment, of great Numbers of free Negroes, Mulattoes, and other Perſons of mixt Blood, that have lately removed themſelves into

into this Government, and that ſeveral of them have intermarried with the white Inhabitants of this Province; in Contempt of the Acts and Laws in thoſe Caſes made and provided: A. D. 1723.

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of the reſt of the Members of this preſent General Aſſembly, now met at* Edenton, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame,* That all free Negroes, Mulattoes, and other Perſons of that Kind, being mixed Blood, including the Third Generation, who are, or hereafter ſhall be, Inhabitants or Reſidents in this Government, both Male and Female, who are of the Age of Twelve Years and upwards, ſhall, from the Ratification of this Act, be deemed and taken for Tithables; and as ſuch, each and every of them ſhall, Yearly, pay the ſame Levies and Taxes, as the other tithable Inhabitants do; and ſhall, and are hereby made liable to pay the ſame yearly, to ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Times and Places, and to be ſubject to ſuch Fines and Penalties, as in and by an Act, intituled, *An Act for making the Sum of Twelve Thouſand Pounds, Public Bills of Credit, for exchanging ſuch of the Public Bills of Credit as are now current, thereby to render them the more uſeful to the Government; and for regulating the Taxes*; which the other Inhabitants of this Province, being Tithables, are obliged and ſubject to. Free Negroes, Mulattoes, &c. deemed Tithables at the Age of 12 Years. This Act obſolete; to pay according to Act 1760, chap. 2.

III. *AND be it further Enacted, by the Authority aforeſaid,* That from and after the Ratification of this Act, any white Perſon or Perſons whatſoever, Male or Female, Inhabitant of this Government, or that may or ſhall remove themſelves hither from other Parts, that now is, or hereafter ſhall be, married with any Negro, Mulatto, Muſtee, or other Perſon being of mixed Blood, as aforeſaid, ſhall be, and are hereby made liable to the ſame Levies and Taxes, as the Negroes, Mulattoes, and other mixed Blood, as herein above is expreſſed; and it is the true Intent and Meaning of this Act, that all and every of the aforeſaid Tithables, removing themſelves into this Government, ſhall pay the Levies and Taxes aſſeſſed for the Year they come hither; provided they come before the Tenth Day of *June* in that Year. *(b)* White Perſons intermarrying with Negroes, &c. liable to the ſame Taxes.

CHAP. VI.

An Act, for the better aſcertaining Naval Officers and Collectors Fees. Repeal'd by Act, April 6, 1748, Chap. 2.

CHAP. 7. *An additional Act, to an Act, intituled,* An Act, for Qualification of Public Officers. OBS.

8. *An Act, for deſtroying of Squirrels.* REP.

9. *An Act, for regulating Proceedings on original Attachments.* Repeal'd by Act, Dec. 5, 1746, Chap. 2.

CHAP. X.

An additional Act, to an Act, intituled, An Act, concerning proving Wills, and granting Letters of Adminiſtration; and to prevent Frauds in the Management of Inteſtates Eſtates. See Acts paſſed 1715, chap. 48. 1766, chap. 3.

I. WHEREAS it has been cuſtomary for Executors or Adminiſtrators to bring the Eſtates of deceaſed Perſons to Appraiſments; which Appraiſments have generally been much ſhort of the true Value of the ſame; to the great Preamble.

(b) The 4th, 5th, and 6th Sections of this Act, relative to Slaves being ſet free, repealed by the Servant and Slave Act.

A. D. 1723. Detriment of the Creditors and Kindred of the Perſon deceaſed: For Prevention of the like for the Future;

Deceaſed Perſons Eſtates, how to be ſold.

II. *BE it Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of the General Aſſembly, now met at* Edenton, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That from and after the Ratification of this Act, all and every Executor or Executrix, Adminiſtrator or Adminiſtratrix, ſhall, ſome Time before, or at the next Precinct Court after his, her, or their entering on the Adminiſtration of any deceaſed Perſon's Eſtate, draw, or cauſe to be drawn, a juſt, true, and perfect Inventory of all the Goods and Chattels of the Deceaſed, (ſuch only excepted as by the afore-mentioned former Law are reſerved to remain to the Uſe of Orphans not of Age till they arrive to full Age, or ſuch as are by ſpecial Legacies particularly bequeathed;) which Inventories ſhall be exhibited at the reſpective Courts of the Precinct in which the ſaid Goods are, and atteſted, on Oath, by the Perſons exhibiting the ſame; and a Copy of which Inventory ſo exhibited and atteſted, the Executor or Adminiſtrator ſhall cauſe to be affixed at the Court-houſe Door of the Precinct, during the Court's ſitting, giving Notice, that on the —— Day of —— (which ſhall be ſome Days before the next ſucceeding Court) the ſaid Goods will be expoſed to public Sale, to the higheſt Bidder, at the Place where the ſaid Goods are reſerved and kept; and the Executors or Adminiſtrators ſhall, on Oath, render a true Account of ſuch Sale to the next Court immediately ſucceeding ſuch Sales, and ſhall accordingly be accountable for the ſame to ſuch Perſons as in the aforementioned former Law is provided.

All the Eſtate of deceaſed Perſons to be ſold, if required, to pay their Debts.

III. AND in Caſe the Eſtate of any Perſon deceaſed ſhall be ſo far indebted as that the Debts cannot be diſcharged by the Sale of what are deemed periſhable Commodities; *Be it further Enacted*, That then and in ſuch Caſe, the Executor or Adminiſtrator ſhall, and they are hereby impowered and required, to expoſe to Sale, in like Manner as aforeſaid, by the Directions of the Precinct Court, ſuch Part of, and ſo many of the unperiſhable Goods, directed by the before-mentioned Act to be kept and reſerved in Kind, as will pay and ſatisfy all ſuch Debts and Demands.

Legacies, &c. how to be recovered.

IV. AND whereas ſome Doubts have ariſen concerning the Manner of Recovery of Legacies, filial Portions, and other Parts of deceaſed Perſons Eſtates; *Be it further Enacted*, That it ſhall and may be lawful to recover the ſame by Petition, according to the reſpective Sums ſued for, in the General or Precinct Courts of this Province, as well as in any Excleſiaſtical or other Court whatſoever.

CHAP. XI.

See Act Novem. 1768, chap. 9.

An Act to reſtrain the keeping too great a Number of Horſes and Mares, and for amending the Breed.

No Perſon, not having a Freehold of 50 Acres, &c. to keep a Stallion or Mare, or more than 1 Gelding or ſpayed Mare, running at large.

I. BE it *Enacted, by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the reſt of the General Aſſembly, now met at* Edenton, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame*, That no Perſon, being an Inhabitant of this Government, and not having a Freehold of Fifty Acres of Land, or poſſeſſed of, or occupying Lands or Tenements, ſhall keep, as Owner, a Stone Horſe or Horſes, or unſpayed Mare or Mares, or any more than one Gelding, or ſpayed Mare to run at large.

Perſons keeping Stallions, &c.

II. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon, not qualified as aforeſaid, ſhall keep any Horſe or Mare running at large, except one Gelding, and one ſpayed Mare, as aforeſaid, it ſhall and may be lawful for any

any Perſon to take up the ſame, who is hereby obliged and directed to give Notice thereof, in Writing, to the Owner, within Three Days after ſuch taking up; which Owner ſhall have Liberty to appear at the next ſucceeding Court of the County wherein he dwelleth, and if he can prove, to the Satisfaction of the ſaid Court, that he is qualified according to the Meaning of this Act, to keep ſuch Horſe or Mare ſo taken up, he ſhall have the ſame reſtored; but if he ſhall fail in his Proof aforeſaid, he ſhall pay to the Perſon taking up, Twenty Shillings for every Horſe or Mare ſo taken up: And if the Owner of ſuch Horſe or Mare ſhall refuſe to pay the aforeſaid Sum of Twenty Shillings, that then it ſhall and may be lawful for the Taker up of ſuch Horſe or Mare, to ſell the ſame, at public Vendue, to the higheſt Bidder; and one Half of the Money ariſing by ſuch Sale to take to himſelf, and the other Half he ſhall deliver to the Owner of ſuch Horſe or Mare. *A. D.* 1723. contrary to this Act, what to forfeit.

III *AND be it further Enacted, by the Authority aforeſaid*, That where the Information of the taking up of ſuch Horſes or unpayed Mares as aforeſaid, ſhall happen to be made to the Owner or Owners within leſs than Ten Days before the Time of the ſitting of the Court of the Precinct where ſuch Owner reſides, in ſuch Caſe he ſhall have Liberty to appear at the next ſucceeding Court after ſuch Court, to prove himſelf a Freeholder, or poſſeſſed of, or occupying Lands or Tenements. If Notice be given in leſs than Ten Days before the Court, Owner may appear at next ſucceeding Court.

(a) IV. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon or Perſons whatſoever, Inhabitants of this Government, ſhall ſuffer, or let go at large, any Stone Horſe or Stone Horſes of Two Years old, unleſs ſuch Horſe or Horſes ſhall be, at leaſt, Thirteen Hands in Height, upon Penalty of forfeiting ſuch Horſe or Horſes, or the Sum of Three Pounds, to the Taker up of every ſuch Stone Horſe; provided the ſame be found running at large, and not within the Confine of any Fence, Water, Marſh or Swamp. No Perſon to let Stallions leſs than 13 Hands high, go at large.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Taker up of ſuch Stone Horſe ſhall, within Ten Days after the taking up thereof, carry the ſame Horſe, and make Oath, before ſome Juſtice of the Peace, of his taking up the ſame; which Proof being made, the Juſtice ſhall cauſe ſuch Stone Horſe to be meaſured, and upon finding him not full Thirteen Hands high at Two Years old as aforeſaid, the Juſtice ſhall give a Cerficate, from under his Hand, certifying the ſame; and thereupon the Taker up of ſuch Horſe or Horſes ſo doing ſhall keep the ſame, until the Owner ſhall redeem ſuch Horſe or Horſes, by paying the Sum of Three Pounds aforeſaid to ſuch Taker up. Taker up of ſuch Stallions to carry the ſame before a Juſtice, within Ten Days, and make Oath of the ſame.

VI. *PROVIDED neverthelefs, and it is hereby required*, That ſueh Taker up ſhall ſet up Advertiſements, deſcribing the ſaid Horſe or Horſes, with his or their Colour and Brand, at the Precinct Court-Houſe Door where ſuch Owner ſhall live or reſide; and if the Owner of ſuch Horſe or Horſes ſhall, within Ten Days after ſuch Notice given, tender to the Taker up thereof, by paying the Sum of Three Pounds, or giving Security for the Payment thereof, that then, and in ſuch Caſe, ſuch Owner ſhall recover and redeem ſuch Horſe or Horſes; otherwiſe the Taker up thereof is hereby intitled to the Right and Property of ſuch Horſe or Horſes: Any Law, Uſage, or Cuſtom to the contrary notwithſtanding. Taker up to ſet up Notes, deſcribing ſuch Horſe, and the Owner, within 10 Days, paying 3 l. to have him reſtored; otherwiſe to loſe him.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That no Part, Clau e or Thing, contained in this Act, ſhall take Place, or be in Force, till after the Firſt Day of *July* next, after the Ratification hereof. Commencement of this Act.

CHAP. XII.

An Act for enlarging and Encouragement of the Town at the Iſland of Roanoke, *now called* Carteret. OBS.

(a) The 4th Clauſe of this Act altered, by Act *Nov.* 1768, Chap. 9.

A. D. 1723.

CHAP. XIII.

An Act for the better ſettling the Town of Newbern, *in the Precinct of* Craven.

Private.

I. WHEREAS a certain Plot of Ground, being Part of a Tract of Land, lying in the Fork of *Neuſe* River, late belonging to the Honourable Colonel *Thomas Pollock*, deceaſed, but now the Property of Mr. *Cullen Pollock*, was formerly laid out into a Townſhip, by the Name of *Newbern*, with proper Allotments for a Church, Court-Houſe, and Market-Place; as by a Plot or Draught, upon Record in the Clerk's Office of *Craven* Precinct Court, will more plainly appear: Therefore, for the Advancement of the ſaid Town,

Town of Newbern eſtabliſhed.

II. *Be it Enacted, by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the reſt of the Members of the General Aſſembly, now met at* Edenton, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame*, That the ſaid Land, as it is already laid out by the ſaid Draught, together with as much other Land lying contiguous and moſt convenient to the ſaid Town, to compleat a Townſhip, as ſhall make the whole Two Hundred and Fifty Acres, reſerving to the Owners thereof the Property of ſuch Lots as are ſold already by *William Hancock*, Attorney of the ſaid Col. *Thomas Pollock*, is hereby and henceforward inveſted in Mr. *Cullen Pollock*, Mr. *William Hancock*, Jun. and *Richard Graves*, or any of them, for the Uſe aforeſaid, declared, confirmed, and incorporated into a Townſhip, by the Name of *Newbern*; with all Privileges which ever have belonged to the ſaid Town, or ſhall hereafter be expreſſed, for ever.

Places for Court Houſe, &c. reſerved.

III. PURSUANT to which, *It is hereby Enacted, by the Authority aforeſaid*, That the Places already laid out for a Church, Court-Houſe, and Market-Place, be reſerved for thoſe Uſes; and that the Reſt of the Land not already laid out, be forthwith laid out into Lots of Half an Acre each, with convenient Streets and Paſſages, with Fronts belonging to the ſaid Lots, by the ſaid Truſtees, or any of them. *(a)*

Perſons dying poſſeſſed of Lots, leaving no Heirs, to revert to the Proprietor.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall die poſſeſſed of any of the ſaid Lot or Lots, without leaving Heirs, or without making of a Will of the ſaid Lot or Lots, that then, and in ſuch Caſe, the abſolute Fee ſhall come and revert unto the ſaid *Cullen Pollock*, his Heirs and Aſſigns, for ever; notwithſtanding any Thing contained in an Act, intituled, *An Act concerning Eſcheat Lands and Eſcheators*, or any other Law, Cuſtom, or Uſage, to the contrary.

CHAP. XIV.

An additional Act to an Act, intituled, Staple Commodities rated. OBS.

CHAP. XV.

This Act repealed, but the Town re-eſtabliſhed by Act, Septemb. 1756, Chap 9.

An Act for incorporating the Sea Port of Beaufort, *in* Carteret *Precinct, into a Townſhip, by the Name of* Beaufort.

SIGNED by WILLIAM REED, Eſq; Preſident.
T. Pollock, *Chr. Gale*,
M. Moore, *John Lovick*.
Lords Proprietors Deputies.
Edward Moſeley, Speaker.

ANNO

(a) The 4th, 5th, 6th, 8th, and 9th Sections of this Act, provided for by Act Sept. 1756, Chap. 12.

A. D. 1727.

ANNO REGNI

GEORGII II,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

PRIMO.

At a General Biennial ASSEMBLY, held at *Edenton*, in *Chowan* Precinct, the Sixth Day of *November*, One Thousand Seven Hundred and Twenty Seven.

Sir RICHARD EVERARD, Governor.

CHAP. I.

An Act to encourage the tanning of Leather in this Province.

Repeal'd by Act, Nov. 27, 1729, Chap. 8.

CHAP. 2. *An Act for regulating Towns, and Elections of Burgesses.* REP.
3. *An Act to regulate Trade in* Bath *County.* REP.
4. *An Act for encouraging and facilitating Navigation in this Province.* REP.
5. *An Act to encourage destroying of Vermin.* EXP.
6. *An Act for enlarging and confirming the Power of the Precinct Courts, and to prevent Actions and Indictments, of small Value, being brought in the General Court.* EXP.

CHAP. VII.

An Act to appoint the North-West *Part of* Bertie *Precinct a distinct Parish, by the Name of the* North-West *Parish of* Bertie *Precinct, and for appointing Vestrymen for the said Parish; and to appoint Commissioners in every Parish in this Government, to call the Church-Wardens and Vestry to Account, for the Parish Money by them received.*

This Parish again divided, by Act Novemb. 1758, Chap. 15.

I. WHEREAS many Inconveniences attend the Inhabitants of *Bertie* Precinct, by Reason of the Largeness of the Parish, it including the whole Precinct:

Obsolete, all but the first 2 Sections.

II. *BE it Enacted by his Excellency the* Palatine, *and the Rest of the true and absolute Lords Proprietors of* Carolina, *by and with the Advice and Consent of the Rest of the Members of the General Assembly, now met at* Edenton, *for the* North East *Part of*

A. D. 1727. *of the ſaid Province, and it is hereby Enacted by the Authority of the ſame,* That the ſaid Precinct be divided into two Pariſhes, as follows: From the Mouth of *Wreſtann*'s Greek, up the ſaid Creek, to the Head of *Ahatſkey* Swamp, from thence a direct Courſe to the Head of *Bridger*'s Creek, thence down the ſaid Creek to *Roanoke* River, and from thence a South Weſt Courſe to the outer Inhabitants upon *Fiſhing* Creek.

CHAP. VIII.

Repeal'd by Act, April 6, 1748, Chap. 8.

An Act for regulating the Act, For appointing indifferent Jurymen, and to repeal that Part thereof as relates to Precinct Courts.

SIGNED by

Sir RICHARD EVERARD, Governor.

Chr. Gale,	*John Lovick,*
Edmond Gale,	*Ed. Moſeley,*
Richard Sanderſon,	*Robert Weſt,*
T. Pollock,	*Thomas Harvey,*

Lords Proprietors Deputies.

John-Baptiſta Aſh, Speaker.

A. D. 1729.

ANNO REGNI

GEORGII II,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TERTIO.

At a General ASSEMBLY, held at *Edenton*, in *Chowan* Precinct, the 27th Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Twenty-Nine.

Sir RICHARD EVERARD, Bart. Governor.

CHAP. I.

An Act for the making and emitting the Sum of Forty Thousand Pounds, Public Bills of Credit of North-Carolina. OBS.

CHAP. II.

An Act for the more quiet settling the Bounds of the Meherrin Indians *Lands.*

Private.

I. WHEREAS Complaint is made by the *Meherrin Indians*, that the *English* People disturb them in their Settlements, by coming to inhabit and tend Corn among them; and also, that their Bounds allowed by Order of Council, dated *October* the Twenty Sixth, One Thousand Seven Hundred and Twenty Six, did not extend high enough up from the Fork of *Meherrin* Neck: For Remedy whereof,

Bounds of the Indian Lands.

II. *BE it Enacted, by his Excellency the* Palatine, *and the rest of the true and absolute Lords Proprietors of* Carolina, *by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at* Edenton, *for the* North East *Part of the said Province, and by the Authority of the same*, That the said Order of Council be vacated, and that the *Indian* Bounds and Limits shall be extended as followeth, *viz.* Beginning at the Mouth of *Meherrin* River, and so up the River to the Mouth of *Horse Pasture* Creek, formerly called *Indian* Creek; then by the said Creek up to the Fork of it; then by the North East Branch thereof to the Head of the same; then by a straight Line across to *Chowan* River, by the upper Line of *Mulberry* Old Field Survey, to *Samuel Powers* Lands; then along the various Courses of the River, to the first Station.

White People

III. *AND be it also Enacted, by the Authority aforesaid*, That all *English* People, or any other, living in the said Bounds, shall move off, and that no Person but

A. D. 1729. to move off.

but the ſaid *Indians* ſhall inhabit or cultivate any Lands within the Limits aforeſaid, while the ſaid *Indians* remain a Nation, and live thereon: And if any Perſon ſhall offend againſt this Act, on Complaint made to Mr. *John Boude*, who is hereby appointed Commiſſioner for the ſaid *Indians*, he ſhall grant his Warrant to the Conſtable, requiring him, with Aid (if Need be) to remove ſuch Perſon, at or before the Twenty Fifth of *December* next enſuing; and any Perſon refuſing to remove, ſhall be brought before the ſaid Commiſſioner, and upon his Conviction of the ſame, ſhall forfeit, for the firſt Offence, Five Pounds: And if he ſtill perſiſt, and refuſe to go off from the ſaid Lands, after Warning from the Commiſſioner, or by his Order, for the ſecond Offence ſhall forfeit the Sum of Ten Pounds, and for the third Time of his ſo offending, ſhall forfeit Twenty Pounds, and two Months Impriſonment, and give Security for his or their good Behaviour: To be recovered by Bill, Plaint, or Information, in any Court of Record in this Government; wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed or admitted of.

Commiſſioner to re-inſtate them.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioner is hereby impowered and ordered to re-inſtate and ſettle the ſaid *Indians*, in giving them peaceable Poſſeſſion of the ſaid Lands, and to turn off any other Perſon or Perſons inhabiting within the ſaid Bounds, unleſs ſuch Perſon have ſpecial Leave from the Governor and Council, for continuing thereon; provided that this Act ſhall not inveſt the Fee-Simple of the ſaid Lands in the *Indians*, but ſuch as have Patents for the ſame, or any Part thereof, their Title ſhall be good and valid; neither ſhall the ſaid *Indians* have Liberty or Leave to rent, ſell, or any Ways diſpoſe of the ſaid Lands.

CHAP. III.

An Act to make Hyde *Precinct ſeparate from* Beaufort *Precinct, with Power of erecting a Court-Houſe, and holding Courts.*

Private.

I. WHEREAS the Precinct of *Hyde*, being united to *Beaufort* Precinct, is found very inconvenient for the Inhabitants of *Hyde* Precinct to travel to *Bath* Town, where the Courts are now held:

Hyde ſeparate from Beaufort Precinct.

II. *BE it therefore Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of this General Biennial Aſſembly, now met at* Edenton, *for the* North-Eaſt *Part of the ſaid Province, and it is hereby Enacted by the Authority of the ſame*, That, for the future, *Hyde* Precinct ſhall be ſeparate, in all Reſpects, from *Beaufort* Precinct, with Power of having a Court and Court-Houſe erected in the ſaid Precinct, and other Powers and Privileges to a Precinct belonging; and that the Juſtices to be appointed for the ſaid Precinct, ſhall be, and are hereby inveſted with full Power to purchaſe Ground for erecting the ſaid Court-Houſe, in the ſame Manner as by Law in ſuch Caſes is already provided: And to the End that the ſame may be built in the moſt convenient Place for the Inhabitants of the ſaid Precinct, the Juſtices thereof are hereby directed to cauſe the ſaid Court-Houſe to be erected at or near *William Webſter*'s Plantation; and alſo to cauſe a Poll-Tax, not exceeding Ten Shillings *per* Poll, to be levied in ſuch Manner as by Law is already provided in ſuch Caſes, for defraying the Charges of buying the ſaid Land, and building a Court-Houſe.

CHAP. IV.

Repealed, but the Bounds of the County re-eſtabliſhed by Act paſſed September 1756, Chap. 9.

An Act, to appoint that Part of Albemarle *County, lying on the* South *Side of* Albemarle *Sound, and* Morattuck *River, as high as the* Rain-bow *Banks, to be a Precinct, by the Name of* Tyrrel *Precinct.*

II. WHEREFORE, *Be it Enacted, by his Excellency the* Palatine, *and the reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of the Members of this preſent General Aſſembly, now met at* Eden-

ton,

ton, *for the* North-East *Part of the said Province, and by the Authority of the same,* That that Part of *Albemarle* County, lying on the South Side of *Albemarle* Sound, and *Moratuck* River, being Part of the several Precincts before mentioned, bounded to the Westward by *Thomas Hoskins*'s upper Line, beginning at his upper Corner Tree, on *Rain-bow* Banks, on *Moratuck* River, and by a Line running South from his outer Corner Tree, to the Southward by the Bounds of *Albemarle* County, to the Eastward by the Sound, between *Roanoke* Island, and *Croatan*, and to the Northward by *Albemarle* Sound and *Moratuck* River, as high as the *Rain-bow* Banks, in *Moratuck* River, shall be, and the same is hereby declared to be erected into a Precinct, by the Name of *Tyrrel* Precinct, in *Albemarle* County, with all and every the Rights, Privileges, and other Benefits and Advantages whatsoever, which any other Precinct in *Albemarle* County can or may have, use, or enjoy. *A. D.* 1729.

VII. *BE it Enacted*, That the whole Precinct now appointed by the Name of *Tyrrel* Precinct, be, and is hereby erected into one Parish, by the Name of St. *Andrew*'s; and that the same Vestry be continued in the said Parish of St. *Andrew*'s, which now is appointed to the said South Parish of *Chowan*, with all and every the Rights and Privileges, and other Benefits and Advantages whatsoever, which any other Parish in *Albemarle* County can or may have, use, or enjoy.

CHAP. V.

An additional Act to an Act, for appointing Toll-Books, and for preventing People from driving Horses, Cattle or Hogs, to other Persons Lands.

See Act passed 1715, Chap. 44.

I. WHEREAS in and by the said Act, the Remedy appointed for recovering the Penalty of Twenty Pounds for the Inhabitants of any other Government's Cattle, Horses or Hogs, ranging on Peoples Lands in this Government, is by Distress to be made by the Toll-keeper or Ranger, but no Method appointed for disposing such Distress, or Proceeding thereon: Preamble.

II. *BE it therefore Enacted by his Excellency the* Palatine, *and the rest of the true and absolute Lords Proprietors of* Carolina, *by and with the Advice and Consent of the rest of the Members of this General Assembly, now met at* Edenton, *for the* North-East *Part of the said Province, and it is hereby Enacted, by the Authority of the same,* That when such Distress is made, or which may hereafter be made by the Owner of the Land, as well as the Officers aforesaid, the Stock so distrained shall be kept Four Days, unless sooner redeemed or replevied by the Owner, who, on paying the Penalty, and the reasonable Charges, shall have them at any Time within Four Days after Seisure; otherwise, after the Expiration of the said Four Days, they shall be appraised by Three Indifferent Freeholders, to be appointed and sworn by some Magistrate, and the Property shall be immediately vested in the Person or Persons seising the same, he or they returning the said Appraisment to the Clerk of the Precinct Court, with an exact Account of the Marks or Brands of such Horses, Cattle or Hogs, which shall be set up at the Court-house the next Court; and any Person proving the Right to such Cattle, Horses, or Hogs, at any of the Four next Courts in the said Precincts, after such Return of that Appraisment, having given the Distrainer Notice, shall have an Order or Judgment of the said Court for the Overplus, according to the Appraisment, the Penalty and Charges deducted. Proceedings to be had on distrained Stock.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Penalty of Ten Pounds in the said Act for appointing Toll-Books, may be recovered by Distress in like Manner, provided that no Guardian or Executor shall be excluded by the said Act from bringing any Stock, under their Care, on their Land. Penalty how to be recovered Guardian, &c. not to be excluded.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the Stock of any Inhabitant of another Government being found on People's Lands in this Government, Foreigners Stock found on Lands in this Province,

A. D. 1729.

deemed to be driven thither, unleſs otherwiſe proved.

vernment, contrary to the ſaid Act, ſhall be deemed to be driven thither by the Owners, unleſs it can be proved they ſtrayed by ſome unavoidable Accident, and were purſued, and have not ranged above Four Days; provided ſuch Diſtreſs be made Four Miles to the Southward of the Line betwixt this Government and *Virginia*.

No Perſon ſhall drive, hunt, or kill, any Stock, Deer, or Game, on others Lands, without Leave; on Penalty of 5l. one half to the Owner, and the other to the Informer.

V. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon within this Government, ſhall preſume to hunt, drive or kill, any Stock, Deer, or Game, on any Perſon's Land within this Government, except Neighbours whoſe Lands are very near adjacent, without Leave firſt had and obtained from the Owner of the ſaid Land whereon he or they ſhall be found ranging or hunting, contrary to this Act, under the Penalty of Five Pounds for each and every Time he or they ſhall be found ranging; the one Half to the Owner of the Land, the other Half to the Informer: To be recovered by a Warrant from Two Juſtices, whereof one to be of the *Quorum*; which ſaid Juſtices are hereby impowered finally to hear and determine the ſame.

No Ranger ſhall take up any unmarked Cattle, &c. without Leave from the Owner of the Land; but ſuch Owner may convert them to his own Uſe, unleſs the Property be proved in Three Months.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That no Ranger or other Perſon, on any Pretence, ſhall range or hunt, kill or take up, any unmarked Cattle, Horſes, or Hogs, on other Perſons Lands, without Leave of the Owner of ſuch Land or Lands; any Law, Uſage, or Cuſtom, to the Contrary, notwithſtanding: But that every Perſon ſhall have free Liberty to take up and kill all ſuch unmarked Cattle, Hogs, and Horſes, as he ſhall find running on his own Land, and the ſame to convert to his own Uſe, unleſs the Property thereof be proved within Three Months, by any Perſon claiming the ſame; who paying for the taking up, ſhall have the ſaid Beaſt, or its Value, as it is in the Law directed for Rangers.

No Slave to hunt on any Land but his Maſter's, except in Company with a white Man; nor travel from his Maſter's Land without keeping the main Road; on Penalty of being whipped.

VII. AND whereas great Damages are frequently done, by Slaves being permitted to hunt or range with Dogs or Guns: For Prevention whereof, *Be it Enacted, by the Authority aforeſaid*, That it ſhall not be lawful for any Slave, on any Pretence whatſoever, to go, range or hunt, on any Perſon's Land other than his Maſter's, with Dog or Gun, or any Weapon, unleſs there be a white Man in his Company; under the Penalty of Twenty Shillings, to be paid by his Maſter, for every Offence, unto the Owner of the Land whereon ſuch Slave ſhall range or hunt; and that no Slave ſhall travel from his Maſter's Land by himſelf to any other Place, unleſs he ſhall keep the moſt uſual and accuſtomed Road: And if any Slave ſhall offend contrary hereto, it ſhall be lawful for the Owner of the Land whereon any Slave ſhall be found, to give him a ſevere Whipping, not exceeding Forty Laſhes: And if any looſe, diſorderly, or ſuſpected Perſon, be found drinking, eating, or keeping Company with Slaves in the Night Time, ſuch Perſon ſhall be apprehended and carried before a Juſtice of the Peace; and if he cannot give a good and ſatisfactory Account of his Behaviour, ſuch Perſon ſhall be whipped, at the Diſcretion of the Juſtice, not exceeding Forty Laſhes.

If any diſorderly Perſon be found in Company with Slaves, and cannot give a good Account of himſelf, he ſhall be whipped.

Negroes traveling in the Night, or found in Kitchens, to be whipped.

VIII. AND for the better ſuppreſſing of Negroes travelling and aſſociating themſelves together in great Numbers, to the Terror and Damage of the white People; *Be it Enacted, by the Authority aforeſaid*, That if any Negro or Negroes ſhall preſume to travel in the Night, or be found in the Quarters or Kitchens among other Perſons Negroes, ſuch Negroes ſo found ſhall receive Correction, not exceeding Forty Laſhes, as aforeſaid; and ſuch Negroes in whoſe Company they ſhall be found, ſhall receive Correction, not exceeding Twenty Laſhes.

Proviſo.

IX. *PROVIDED always*, That nothing in this Act ſhall be conſtrued to prevent any Perſon from ſending his Slaves on his lawful Buſineſs, with a Paſs, in Writing; nor to hinder Neighbours Negroes intermarrying together, ſo that Licence being firſt had and obtained of their ſeveral Maſters.

CHAP.

CHAP. VI.

A. D. 1729.

An Act for the more effectual and ſpeedy putting in Execution the Act for ſettling the Titles and Bounds of Peoples Lands.

See Act paſſed 1723, Chap. 4.

I. WHEREAS the ſaid Act for the proceſſioning Peoples Lands, although very neceſſary for the aſcertaining Peoples Bounds, and preventing Diſputes hereafter, hath not been duly and effectually put in Execution: Wherefore, that the ſaid Law may, for the future, be better obſerved;

Preamble.

II. *Be it Enacted, by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of* Carolina, *by and with the Advice and Conſent of the reſt of the Members of the General Aſſembly, now met at* Edenton, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame,* That the ſeveral and reſpective Veſtries, when ſummoned to meet for that Purpoſe by the Churchwardens, ſhall, without any Order of Court, divide the Pariſh into convenient Cantons, and appoint two able honeſt Freeholders in each Canton, to proceſſion the Lands within the ſame; and that the Churchwardens in each Pariſh ſhall, immediately after the Firſt Day of *March* next, ſummon the Veſtry to meet for that Purpoſe, under the Penalty of Five Pounds for each Churchwarden neglecting the ſame; and the Clerk of the Pariſh ſhall, after ſuch Appointment by the Veſtry, immediately give Notice to the ſaid Freeholders appointed in each Canton, and of their reſpective Diviſions, under the Penalty of Five Pounds for every Canton ſo neglected; for which Notice the ſaid Veſtry ſhall allow the ſaid Clerk Twenty Shillings out of the Pariſh Monies; and the Freeholders ſo appointed, on Notice given them, ſhall forthwith (being firſt ſworn to act juſtly and impartially, to the beſt of their Knowledge) proceſſion Peoples Lands, as in and by the ſaid Act is already provided, under the Penalty of Five Pounds each; and the ſeveral Penalties by the ſaid Act, and hereby provided, ſhall be recovered and received by the Churchwardens only, and to the Uſe of the Pariſh: And any Churchwarden failing in their Duty by the ſaid Act provided, or hereby required, ſhall be anſwerable for their Penalties in their Accompts with the Veſtry; and if they do not receive or proſecute the Penalties forfeited by any others for not performing their Duties in the ſaid Act, or hereby provided, ſuch Churchwardens ſhall be anſwerable for the ſame themſelves, in their Accompts with the Veſtry.

Veſtries to divide their Pariſhes into Cantons, and appoint 2 Freeholders to proceſſion the Lands, on Pen. of 5 l.

Clerk to give Notice to the Freeholders.

Freeholders to proceſſion, upon Oath, on Penalty of 5 l.

Penalties to be received by the Churchwardens, to the Uſe of the Pariſh.

III. *AND be it further Enacted, by the Authority aforeſaid,* That where the Bounds cannot be fully aſcertained by ſuch Freeholders appointed, they ſhall make Return thereof accordingly, that in ſuch Caſes the Surveyor may be ordered to run the Bounds, at the Charge of both Parties, in the ſame Manner as is before in the ſaid Act provided to be done, where one Party utterly refuſes to have his Lands proceſſioned.

Where Bounds are not known, Surveyor to run them out.

CHAP. VII.

An Act to confirm Bath *Town Common.*

See Act paſſed 1745, Chap. 11.

I. WHEREAS a Tract of Land, adjacent to *Bath* Town, was granted and ſurveyed for a Common, for the Uſe of the ſaid Town, and is bounded as followeth, *viz.* beginning at a marked Pine at the Eaſt Branch of the Old Town Creek, running up Captain *Barrow*'s Line to a Bound Oak, Weſt Eight Degrees North, Two Hundred Pole; thence to a marked Pine at *David Perkins*'s Corner, North Eight Degrees Eaſt, One Hundred and Three Pole; thence to a Hickory at the Branch, North Ten Degrees Eaſt, One Hundred and Seventy Two Poles; thence down the Windings of the Branch and Creek to the firſt Station; which ſaid Land contains One Hundred and Forty Five Acres, but the Title thereof hath never been fully confirmed:

Preamble.

A. D. 1729.

Bath Town Common confirmed.

II. *BE it therefore Enacted by his Excellency the* Palatine, *and the Reſt of the true and abſolute Lords Proprietors of the Province of* Carolina, *by and with the Advice and Conſent of the Reſt of the Members of this General Biennial Aſſembly, now met at* Edenton, *for the* North Eaſt *Part of the ſaid Province, and it is hereby Enacted, by the Authority of the ſame,* That the ſaid Land ſhall be, and is hereby appointed a Common, to lie perpetually for the Uſe and Benefit of the Inhabitants of *Bath* Town, under ſuch Reſtrictions and Regulations as is or ſhall be appointed for Town Commons; and that the Inſpection and immediate Care of looking after the ſaid Common, be in the Commiſſioners of the ſaid Town for the Time being.

CHAP. VIII.

An Act to repeal the Act, intituled, An Act for Encouragement of tanning Leather in this Province. OBS.

Repealed by Act, April 4, 1741, Chap 15.

CHAP. 9. *An additional Act to the Act,* For the Trial of ſmall and mean Cauſes.

Repealed by Act, April 4, 1741, Chap. 23. except that Part which erects New Hanover into a Precinct.

10. *An Act for regulating Veſtries in this Government, and for the better inſpecting the Veſtrymen and Churchwardens Accompts of each and every Pariſh in this Government.*

SIGNED by

Sir RICHARD EVERARD, Governor.

Clr. Gale, *John Lovick,*
Edmond Gale, *Ed. Moſeley,*
Richard Sanderſon, *Robert Weſt,*
T. Pollock, *John Paulin,*
J. Worley,

Lords Proprietors Deputies.

Thomas Swann, Speaker.

A. D. 1734.

ANNO REGNI

GEORGII II,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

OCTAVO.

At a General ASSEMBLY, held at *Edenton*, in *Chowan* Precinct, in the Year of our Lord One Thouſand Seven Hundred and Thirty Four.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act for ſtamping and exchanging the preſent Bills of Currency of this Province, and for the better explaining an Act of the General Aſſembly, paſſed the Twenty Seventh Day of November, One Thouſand Seven Hundred and Twenty Nine, intituled, An Act for making and emitting the Sum of Forty Thouſand Pounds, Public Bills of Credit of *North Carolina.* OBS.

CHAP. 2. *An Act for repealing a Clauſe in an Act, intituled,* An Act relating to Biennial and other Aſſemblies, which impowers Freemen of of the ſeveral Precincts to vote for Members of Aſſembly, and declaring what Perſons ſhall be qualified to vote for Members to ſit in the General Aſſembly, and alſo Qualification of Members for the future. Repealed by Act, April 2, 1743, Chap. 1.

3. *An Act for reviving an Act, intituled,* An additional Act to the Act for the Trial of ſmall and mean Cauſes. Repealed by Act, April 4, 1741, Chap. 15.

4. *An Act for laying a Duty on Liquors, for and towards defraying the contingentCharges of the Government; and to make a Poll-Tax on poorer Inhabitants more eaſy.* EXP.

5. *An Act to aſcertain the Allowance of his Majeſty's Council, and the Members of Aſſembly of this Province.* EXP.

6. *An additional Act to the Act, concerning Roads and Ferries.* This Act provided for by the Road Act, paſſed January 1764, Chap. 3.

CHAP.

A. D. 1734. CHAP 7. *An Act for laying out, making, altering, and keeping in Repair, the Roads and Highways within the ſeveral Precincts of the County of* Bath, *and for building Bridges, and cleanſing and keeping clean the ſeveral Rivers and Creeks within the ſame.* REP.

CHAP. VIII.

This Act repealed, but the Counties re-eſtabliſhed, by Act paſſed September 1756, Chap. 9.

An Act to confirm and eſtabliſh the Precincts of Onſlow *and* Bladen, *and for appointing them diſtinct Pariſhes.*

Private.

I. WHEREAS by an Act, intituled, *An Act for regulating Veſtries in this Government, and for the better inſpecting Veſtrymen and Churchwardens Accompts of each and every Pariſh in this Government*, it is Enacted, That the Southern Part of this Province ſhall be erected into a Precinct, by the Name of *New-Hanover* Precinct, and bounded to the Northward by the *Haulover*, and *Little Inlet*, and to the Southward by the Southermoſt Bounds of the Province; and as the Precinct of *New-Hanover* is now become very populous, and the Extent thereof being found too incommodious to many of the Inhabitants thereof, particularly thoſe of *New-River*, and the upper Part of the *Northweſt* River:

Onſlow Precinct erected.

II. WE therefore pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted by the Authority of the ſame*, That a Precinct be erected at *New-River*, by the Name of *Onſlow* Precinct; and that the ſaid Precinct be bounded to the Northward by *Whiteoak* River, from the Mouth to the Head thereof; and to the Southward by a Creek that comes out of the Sound, and comes acroſs *New-River* Road, called the *Bay-Swamp*, or *Beaſley*'s Creek.

Bladen Precinct erected.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the upper Part of the *Northweſt* River be erected into a Precinct, by the Name of *Bladen* Precinct; and that the ſaid Precinct be bounded Southward, as follows, *viz.* Beginning at the Mouth of *Levingſton*'s Creek, and bounded by the ſaid Creek to the Head thereof; and then by a *Weſt* Line, to the Bounds of the Government; and that the ſaid Precinct be bounded to the Northward by *Black-River*, as follows, *viz.* Beginning at the Mouth of the ſaid River, and bounded by the Main River up to the Fork, and that then the *Weſtermoſt* Branch be the Bounds to the Head thereof.

CHAP. 9. *An Act for granting to his Majeſty the Sum of Fourteen Thouſand One Hundred and Fifty Pounds, Three Shillings and Twopence, for the Service of the Public of this Province, and for laying a Tax on the Inhabitants of the ſame for the Payment thereof; and for ſtamping the Sum of Ten Thouſand Pounds, Bills of Credit, for the more immediate Diſcharge of Part thereof.* OBS.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

William Smith, Preſident.

William Downing, Speaker.

ANNO

A. D. 1738.

ANNO REGNI

GEORGII II,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DUODECIMO.

At a General ASSEMBLY, held at *Newbern*, the Sixth Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Thirty Eight.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act, for providing his Majeſty a Rent-Roll, for ſecuring his Majeſty's Rents, for the Remiſſion of Arrears of Quit-Rents, and for quieting the Inhabitants in their Poſſeſſions; and for the better Settlement of his Majeſty's Province of North-Carolina.

Repealed by his Majeſty's Order in Council.

CHAP. 2. *An Act, to prevent Concealment of Tithables, in the ſeveral Counties within this Province, for declaring what Perſons ſhall be deemed Tithables, and for defraying the ſtanding and contingent Charges of Government, and appointing Public Treaſurers for this Province; and for granting to his Majeſty a Poll-Tax of Five Shillings* per *Head, to be levied on the Tithable Inhabitants of this Province.*

Repealed by Act, April 2, 1743, Chap. 2.

CHAP. III.

An Act, for appointing Sheriffs in the Room of Marſhals of this Province, for preſcribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein, and for aboliſhing the Office of Provoſt-Marſhal of this Province; and for altering the Names of the Precincts into Counties.

This Act, all but the 22d Section, repealed.

XXII. AND *be it further Enacted, by the Authority aforeſaid*, That from and after the Twenty Fifth Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Thirty Nine, the Office of Provoſt-Marſhal in this Province ſhall be aboliſhed, and totally ceaſe and determine, as if ſuch Office had never been: And that from and after the Ratification of this Act, the ſeveral Precincts within this Province ſhall be called Counties.

CHAP.

A. D. 1738.

CHAP. IV.

Repealed by Act, April 6, 1748, Chap. 10.

An Act, for facilitating the Navigation of the ſeveral Ports of this Province, and for Buoying and Beaconing the Channels leading from Ocacock *Inlet, to* Edenton, Bath *Town, and* Newbern, *and from* Topſail *Inlet to* Beaufort *Town, and other Ports and Inlets within the ſaid Province herein mentioned; and for providing ſufficient Pilots for the ſafe Conduct of Veſſels.*

Repealed by his Majeſty's Order in Council.

CHAP. 5. *An Act, declaring what ſhall be deemed a ſufficient Cultivation of Lands already granted, or hereafter to be granted, by his Majeſty; and for aſcertaining the Manner of granting lapſed Lands.*

Repealed by Act, Dec. 5, 1746, Chap. 2.

6. *An Act, for appointing Circuit Courts, and for enlarging the Power of the County Courts.*

7. *An Act, to appropriate Two Thouſand Pounds, current Bill Money, to erect a ſufficient Jail, and Office or Place for the Safe-keeping the Records of the General Court, and for repairing the Court-Houſe at* Edenton; *and for other Purpoſes therein mentioned.* OBS.

Repealed by Act, Auguſt 21, 1740, Chap. 1.

8. *An Act, for the Encouragement and better Regulation of the Town of* Edenton.

9. *An Act, for deſtroying Vermin in this Province.* EXP.

CHAP. X.

An Act, to prevent killing Deer, at unſeaſonable Times. (b)

No Deer to be killed between Feb. 15, and July 15, on Penalty of 5 l.

I. *BE it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted by the Authority of the ſame,* That it ſhall not be lawful to kill or deſtroy any Deer, running wild in the Woods, or unfenced Ground, in this Government, by Gun, or any other Ways or Means whatſoever, between the Fifteenth Day of *February*, in each Year, and the Fifteenth Day of *July* ſucceeding, after the Ratification of this Act: And if any Perſon, not being a Servant or Slave, ſhall kill any Deer contrary to this Act, and be thereof lawfully convicted, the ſaid Perſon for every Deer ſo killed or deſtroyed, ſhall forfeit and pay the Sum of Five Pounds current Money.

Servant or Slave killing Deer by Maſter's Command, Maſter liable to the Penalty.

II. *AND be it further Enacted, by the Authority aforeſaid,* That if any Servant or Slave, by Order or Command of his or her Maſter, Miſtreſs, or Overſeer, ſhall kill or deſtroy any Deer, contrary to this Act, the Maſter, Miſtreſs, or Overſeer, giving ſuch Order or Command, and being thereof lawfully convicted, for every Deer ſo killed or deſtroyed, as aforeſaid, ſhall forfeit and pay the aforeſaid Penalty of Five Pounds, as if the ſaid Maſter, Miſtreſs, or Overſeer, had actually committed the Offence.

Servant or Slave killing Deer, to have 30 Laſhes, unleſs they give Security for the Fine.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if any Servant or Slave of his own Accord, without any Order or Command from his or her Maſter, Miſtreſs, or Overſeer, ſhall kill, deſtroy, or buy any Deer, contrary to this Act, and be thereof convicted, by the Oath of one creditable Witneſs, before a Juſtice of the Peace of the County wherein the Offence is committed, for every Deer ſo killed or deſtroyed as aforeſaid, the ſaid Servant or Slave ſhall have and receive, on his or her bare Back, Thirty Laſhes, well laid on, to be inflicted by Order of the ſaid Juſtice before whom the ſaid Conviction ſhall be; unleſs ſome ſufficient Perſon will become bound to pay, for the ſaid Servant or Slave, the Sum of Five

(b) See Act April, 1745, Chap. 3, Nov. 1762, Chap. 13, for amending this Act.

Five Pounds current Money, within Six Months, in Lieu of the ſaid Puniſhment aforeſaid, to the Churchwardens of the Pariſh where the Offence is committed, for the Uſes directed by this Act. A. D. 1738.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That one Moiety of the Forfeitures of this Act ſhall be to the Churchwardens of the Pariſh where ſuch Offence is committed, for the Uſe of the Pariſh, and the other Moiety to the Informer; to be recovered, with Coſts, by a Warrant from any Juſtice of the Peace within this Government; ſaving unto all free People, the Right of Appeal to the County Court where the Offence is committed: Which ſaid Court is finally to determine the ſame; wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed or admitted of. Fines appropriated. Right of Appeal allowed.

CHAP. XI.

An Act for appointing a Town on the Plantation where William Webſter *now dwelleth, in* Hyde *County, on the Weſt Side of* Matchapungo *River.*

I. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council and General Aſſembly of this Province, and by the Authority of the ſame*, That all the Land from a Creek next to *William Denmark*'s, running to another Creek next to *Richard Lenimont*'s, on a direct Line on the River Side, running from the high Land on each Creek, One Hundred Yards back, on a direct Line, is hereby declared to be a Townſhip, by the Name of *Woodſtock*, with all Privileges and Immunities hereafter mentioned and expreſſed, for ever; and that the Property of the ſaid Plantation or Townſhip be, and it is hereby henceforward inveſted in *Samuel Sinclair*, Gentleman, Mr. *William Harris*, and Mr. *John Smith*, or any Two of them, who are hereby impowered to lay out the ſaid Land into Lots, of Half an Acre each, with convenient Streets, not leſs than Sixty Feet wide. Private.

II. *AND be it further Enacted*, That Mr. *John Smith* be, and is hereby appointed Treaſurer and Receiver of all ſuch Sum and Sums of Money, which ſhall ariſe on the Sale of the ſaid Lots, for the Uſe hereafter mentioned; and on the Death or Departure out of the Government, or Refuſal of the ſaid Treaſurer to act, then the next ſucceeding Commiſſioner or Truſtee ſhall officiate in his Stead and Place, and ſhall give Security to the Juſtices of the Court, that he will be accountable for the Money he ſhall receive by Virtue of this Act. Treaſurer appointed.

III. *AND be it further Enacted*, That every Perſon whatſoever, who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not before taken up; which Lot or Lots the ſaid Commiſſioners, or any Two of them, are hereby directed and impowered to grant, convey, and acknowledge, to the Perſon or Perſons ſo taking up the ſame, and to his or their Heirs and Aſſigns, for ever, in Fee-Simple, upon the Payment of Forty Shillings current Money; and the ſaid Conſideration Money ſhall be paid unto *William Webſter*, the Proprietor of the ſaid Land, his Heirs and Aſſigns. Commiſſioners to grant Lots.

IV. *PROVIDED always*, That if any Perſon whatſoever ſhall take up, and have conveyed to him, any Lot or Lots as aforeſaid, and ſhall not build, or cauſe to be built thereon, within two Years after the Date of the ſaid Conveyance, a good, ſubſtantial, habitable Houſe, not of leſs Dimenſions than Twenty Feet in length, and Fifteen Feet wide, beſides Sheds or Leantoes, or make Preparation for ſo doing, as the Court of the ſaid County, by View of any Two or more of them, ſhall judge reaſonable to ſecure the ſame, every ſuch Conveyance ſhall be, and is hereby declared void and of none Effect, as if the ſame had never been made; and that the ſaid Lot or Lots ſhall be free and clear for any other Perſon to take up and purchaſe, on the Conditions aforeſaid. To be built on within 2 Years.

A. D. 1738.

Monies appropriated for building a Church.

V. *PROVIDED alſo*, That all Monies ariſing by the ſecond or other Sale of the ſaid Lots, ſhall be, and is hereby appropriated and applied, for the building of a Church; and what ſhall be more than will build the ſaid Church, ſhall be applied to ſuch other Uſes as the ſaid Commiſſioners, or the major Part of them, ſhall think fit, for the Encouragement of the ſaid Town.

Commiſſioners to remove Nuſances.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or any Two of them, ſhall have Power and Authority, and they are hereby required and impowered, to remove all Nuſances within the Limits of the ſaid Town; and that no Perſon, Inhabitant of the ſaid Town, or holding Lots there, ſhall incloſe the ſame, or keep the ſame incloſed, under a common Stake Fence, but every Lot therein ſhall be paled in, or done with Poſts and Rails ſet up.

Muſters, &c. to be in Town.

VII. AND for the further Encouragement of the ſaid Town, *Be it Enacted, by the Authority aforeſaid*, That all Muſters for the ſaid County, Election of Burgeſſes, and all Buſineſs and Affairs of the like Nature, which belong to the ſaid County, ſhall be taken, done, and tranſacted, within the ſaid Town, and at no other Place or Places whatſoever.

Owners of Lots to clear them.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons, Poſſeſſors or Owners of Lots in the ſaid Town, ſhall, and they are hereby obliged, within Two Years next after the Ratification of this Act, to clear all ſuch Lots by them held and poſſeſſed, from all Manner of Wood, Underwood, Bruſh and Grubs, that are or may be offenſive to the ſaid Inhabitants, and ſhall ſo keep and maintain the ſame, from Time to Time, and at all Times hereafter, under the Penalty of Ten Shillings *per* Month; to be recovered by a Warrant from one Juſtice of the Peace: One Half to the Informer, and the other Half to the Commiſſioners, for the Uſe of the ſaid Town.

Commiſſioners to be kept up.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe of the Death, or Departure out of the Government, of any of the ſaid Commiſſioners, at any Time hereafter, the remaining Commiſſioners, together with the Juſtices of the County Court, are hereby authorized and impowered to make Choice of ſome other Perſon or Perſons, to ſucceed ſuch Commiſſioner or Commiſſioners ſo dying or departing as aforeſaid; which Perſon or Perſons ſo elected and choſen, ſhall be, and they are hereby inveſted with as much Power and Authority, to all Intents and Purpoſes whatſoever, as the preſent Commiſſioners herein appointed are inveſted with, by Virtue of this Act.

Ground for a Church.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners are hereby impowered to make Choice of one Acre of Ground in the ſaid Town, wherever they ſhall think fit and moſt convenient, for a Church and Church Yard.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

William Smith, Preſident.

William Downing, Speaker.

ANNO

A. D. 1738.

ANNO REGNI

GEORGII II,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DUODECIMO.

At a General ASSEMBLY, held at *Newbern*, the Eighth Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Thirty Eight. GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act to ſupply the Defect of an Act, paſſed laſt Seſſion of Aſſembly, intituled, An Act for appointing Sheriffs in the Room of Marſhals of this Province, for preſcribing the Method of appointing them, and for limitting the Time of their Continuance in Office, and directing their Duty therein, and for aboliſhing the Office of Provoſt-Marſhal of this Province; and for altering the Names of the Precincts into Counties. REP.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

William Smith, Preſident.

William Downing, Speaker.

A. D. 1739.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DECIMO TERTIO.

GABRIEL JOHNSTON, Esq; Governor.

At a General ASSEMBLY, held at *Newbern*, the 25th Day of *February*, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine.

CHAP. I.

An Act appointing a Treasurer for the several Counties herein mentioned, in the Room of William Downing, *Esq; deceased.* OBS.

CHAP. 2. *An Act to ascertain the Allowance of his Majesty's Council, and the Members of Assembly of this Province, and for Payment of all Claims; and to prevent letting out any more of the Loan Money on Interest.* EXP.

3. *An Act prescribing the Manner of proving Book Debts.* REP.

This Act repealed, but the Town re-established, by Act passed Sept. 1756, Chap. 9.

4. *An Act for erecting the Village called* Newton, *in* New-Hanover *County, into a Town and Township, by the Name of* Wilmington; *and regulating and ascertaining the Bounds thereof.*

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

William Smith, President.

John Hodgson, Speaker.

ANNO

A. D. 1740.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DECIMO QUARTO.

At a General ASSEMBLY, held at *Edenton*, the Twenty Firſt Day of *Auguſt*, in the Year of our Lord One Thouſand Seven Hundred and Forty.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act for confirming Titles to the Town Lands of Edenton, *for ſecuring the Privileges heretofore granted to the ſaid Town, and for further Encouragement and Regulation thereof.*

This Act repealed, but the Town re eſtabliſhed, by Act paſſed Sept. 1756, Chap 9.

CHAP. II.

An Act to enable the Commiſſioners herein after appointed to erect and finiſh a Church in Newbern, *in* Craven *County and Pariſh, in the Province aforeſaid, and for the better regulating the ſaid Town, and other Purpoſes therein mentioned.*

XII. AND whereas in and by the aforeſaid Act of Aſſembly, there was a Lot laid out in the ſaid Town for a Church, which ſaid Lot being inſufficient, and not ſo commodious for the ſaid Uſe; and all the adjacent Lots being taken up and ſaved, wherefore the ſaid Veſtry have taken up Four Lots, more convenient and commodious, for erecting a Church, and for a Church Yard, and other Pariſh Uſes: *Be it therefore Enacted, by the Authority aforeſaid*, That as ſoon as the ſaid Church ſhall be fit to celebrate Divine Service in, the ſaid Four Lots ſhall be ſaved to the Pariſh for the Purpoſes afore-mentioned, in as full and ample a Manner, as if the ſaid Pariſh had erected a Houſe on each of the ſaid Lots, of the Quality and Dimenſions preſcribed by the ſaid Act for ſaving Lots in the ſaid Town.

The firſt Part of this Act, relating to building the Church, has had its Effect.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners aforeſaid are hereby impowered and directed to make Sale and diſpoſe of the above-

A. D. 1740. above mentioned Lot, at public Vendue, after Four Days Notice given, and to apply the Money arising from such Sale towards the building of the said Church: Any Law to the contrary in any wise notwithstanding.

CHAP. III.

An Act to enable the Commissioners herein after mentioned to finish the Church already begun at Edenton. OBS.

CHAP. 4. *An Act for the further and better Regulation of the Town called* Wilmington, *in* New-Hanover *County; and to establish the Church of the Parish of* St. James, *to be built in the said Town.* REP.

5. *An Act to establish and confirm* John Hodgson, *Esq; Treasurer of the Counties herein after mentioned.* OBS.

Repealed by his Majesty's Order in Council.

6. *An Act to appoint able and skilful Clerks for the several County Courts within this Province, and for the better securing and safe keeping the Records of the same.*

Repealed by the Road Act, passed January 1764, Chap. 3.

7. *An Act for the more effectual establishing a Ferry from* Bath *Town to* Core *Point, and from* Core *Point to* Bath *Town; and for preventing any other Ferry within Ten Miles of the said Town of* Bath, *or* Core *Point, on the same Sides of the River.*

8. *An Act to enable the Parish of* St. Andrew's, *in* Tyrell *County, and the* Southwest *Parish of* Pasquotank *County, to elect Vestries.* OBS.

CHAP. IX.

An Act to exempt the Inhabitants of Bath *Town from working on the public Roads, and to oblige the said Inhabitants to clear and keep the Streets of the said Town clear and in good Order.*

Private.

I. WHEREAS there is no Provision made by any Law of this Province, to oblige the Inhabitants of *Bath* Town to clear and keep clear the Streets of the said Town:

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnston, *Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted by the Authority of the same,* That from and after the Ratification of this Act, it shall and may be lawful for the Justices of *Beaufort*, yearly, to appoint some proper Person, Inhabitant of the said Town, Overseer of the same; which Overseer so appointed shall, as often as there shall be Occasion, summons the Male tithable Inhabitants of the said Town, to clear the Streets thereof, and remove any Nusance or Nusances within the said Town: And if any such Male tithable Inhabitant shall fail or refuse to appear on such Summons, and work in the said Town, at such Times and Places as the said Overseer shall direct, such Person so neglecting or refusing, shall forfeit and pay the Sum of Two Shillings and Sixpence, Proclamation Money, for every Day he shall so neglect or refuse; to be recovered by a Warrant from any Justice of the Peace of the said County, and applied to the Use of employing Persons to work and keep the Streets of the said Town clear and in good Order. *(a)*

CHAP.

(a) The 3d Clause provided for by Act, April 1745, Chap. 11.

CHAP. X. *A. D.* 1740.

An Act to enable the Juſtices of Tyrell *County to build a Warehouſe on* Scopernongs, *for receiving of his Majeſty's Quitrents.* OBS.

CHAP. 11. *An Act to enable the Commiſſioners herein after named to build a Bridge over* Levingſton's *Creek, between* New-Hanover *and* Bladen *Counties.* OBS.

12. *An Act for the better regulating the Militia of this Government.* Repealed by Act, June 28, 1746, Chap. 1.

13. *An Act for granting an Aid to his Majeſty, to defray the Expence of tranſporting the ſeveral Troops inliſted in his Majeſty's Service in this Colony, and to aſcertain the Method of paying all Taxes and Levies in Commodities; and for other Purpoſes therein mentioned.* OBS.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

William Smith, Preſident.

John Hodgſon, Speaker.

A. D. 1741.

ANNO REGNI GEORGII II. REGIS MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ, DECIMO QUINTO.

GABRIEL JOHNSTON, Esq; Governor.

At a General ASSEMBLY, held at *Edenton*, the Fourth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty One.

CHAP. I.

An Act concerning Marriages.

See Act, Nov. 1766, Chap. 9. Decemb. 1770, Chap. 28.

Minister or Justice to marry persons.

I. FOR preventing clandestine and unlawful Marriages, we pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnston, *Esquire, Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted by the Authority of the same*, That every Clergyman of the Church of *England*, or for Want of such, any lawful Magistrate, within this Government, shall, and they are hereby directed, to join together in the Holy Estate of Matrimony, such Persons who may lawfully enter into such a Relation, and have complied with the Directions herein after contained.

No Justice to marry when a Minister is in the Parish, on Penalty of 5l.

II. *AND be it further Enacted, by the Authority aforesaid*, That no Justice of the Peace of any County in this Government, shall join together in Marriage any Persons whosoever in any Parish where a Minister shall reside and have a Cure, without Permission first had and obtained from such Minister; under the Penalty of Five Pounds Proclamation Money, to the Use of the Minister.

No Minister or Justice to marry without Licence, or Publication of Banns, on Penalty of 50l.

III. *AND be it further Enacted, by the Authority aforesaid*, That no Minister or Ministers, Justice or Justices of the Peace, within any of the Parishes of this Government, shall celebrate the Rites of Matrimony between any Persons, or join them together as Man and Wife, without Licence first had and obtained for that Purpose, according to the Directions of this Act, or Thrice Publication of the Banns, as prescribed by the Rubrick in the Book of Common Prayer: And if any Minister

Miniſter or Miniſters, Juſtice or Juſtices of the Peace, ſhall, contrary to the true Intent and Meaning of this Act, celebrate the Rites of Matrimony between any Perſons, or otherwiſe join them in Marriage, he or they ſo offending, ſhall forfeit and pay the Sum of Fifty Pounds Proclamation Money; to be recovered and applied as herein after is directed: And if any Miniſter ſhall go out of this Government, and there, contrary to the true Intent and Meaning of this Act, join together in Matrimony any Perſon or Perſons belonging to this Government, without ſuch Licence, or Publication of Banns, as is herein preſcribed, every Miniſter ſo offending, ſhall incur the ſame Penalties and Forfeitures, as if the ſame had been done in this Government. *A. D.* 1741.

Miniſter going out of the Government, and marrying Perſons of this Government, without Licence, or Banns publiſhed, to incur the ſame Penalty.

IV. *PROVIDED always, and be it further Enacted, by the Authority aforeſaid*, That where any Pariſh or Pariſhes have not a Miniſter, it ſhall and may be lawful for the Clerk or Reader which ſhall be appointed by the Veſtry of the ſaid Pariſh, to publiſh the Banns between any Perſons deſiring the ſame, and if no Objection be made, to grant a Certificate thereof; and ſuch Certificate ſhall be ſufficient for any Miniſter or Juſtice of the Peace, to ſolemnize the Rites of Matrimony between the Parties ſo publiſhed.

Clerk or Reader may publiſh the Banns, and give Certificate.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Miniſter, Clerk, or Reader, ſhall grant a falſe Certificate, he or they ſo offending, ſhall be liable to ſuch Puniſhment as in Caſe of Forgery at Common Law; and all ſuch Offences ſhall be proſecuted, tried, and determined, in the General Court of this Province.

If they grant a falſe Certificate, to ſuffer as in Caſe of Forgery.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all Licences for Marriages ſhall be iſſued by the Clerk of the Court of that County where the Feme ſhall have her uſual Reſidence, and by him only, and in ſuch Manner, and under ſuch Rules and Directions, as are herein after provided; that is to ſay, He ſhall take Bond, to our Sovereign Lord the King, his Heirs and Succeſſors, with good Sureties, in the Penalty of Fifty Pounds, Proclamation Money, under Condition, That there is no lawful Cauſe to obſtruct the Marriage for which the Licence ſhall be deſired: And if either of the Perſons intended to be married ſhall be under the Age of Twenty One Years, and not theretofore married, the Conſent of the Parent or Guardian ſhall be perſonally given before the ſaid Clerk, or ſignified under the Hand and Seal of the ſaid Parent or Guardian, and atteſted by two Witneſſes; all which being done, the Clerk ſhall write the Licence, and ſhall certify ſpecially the ſaid Bond: And if the Perſons in the Licence, or either of them, be under the Age of Twenty One Years, he ſhall alſo certify the Conſent of the Parent or Guardian of ſuch Perſon ſo under Age, and the Manner thereof, to the firſt Juſtice in Commiſſion of the Peace for that County, or to ſuch other Perſon as ſhall be thereto commiſſionated by the Governor or Commander in Chief for the Time being; which Premiſes being performed, the Juſtice of the Peace, or other Perſon commiſſionated as aforeſaid, is hereby authorized, impowered, and required, to ſign and direct the ſaid Licence; and a Licence ſo obtained and ſigned, and no other whatſoever, is declared to be a lawful Licence, according to the true Intent and Meaning of this Act: And if any County Court Clerk ſhall, in any Manner, iſſue any Licence of Marriage, or, contrary to this Act, make Certificate of any Licence of Marriage; and if any Perſon whatſoever ſhall ſign or direct a Licence in any other Manner than is by this Act permitted and allowed, all and every Perſon or Perſons ſo offending, ſhall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered and applied as herein after is directed.

This Clauſe, ſo far as relates to iſſuing Licences, repealed, by Act, Dec. 1770, Ch. 28.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Miniſter or Reader ſhall willingly publiſh, or cauſe or ſuffer to be publiſhed, the Banns of Matrimony between any Servants, or between a free Perſon and a Servant; or if any Miniſter or Juſtice of the Peace ſhall wittingly celebrate the Rites of Matrimony between any ſuch, without a Certificate from the Maſter or Miſtreſs of every

Miniſter or Reader wittingly publiſhing Banns between Servants without Maſter's Leave, to forfeit 5 *l.*

A. D. 1741. Servant marrying without Leave, to ſerve 1 Year.

ſuch Servant, that it is done by their conſent; he ſhall forfeit and pay Five Pounds, Proclamation Money, to the Uſe of the Maſter or Owner of ſuch Servant; to be recovered by Action of Debt, Bill, Plaint or Information: And every Servant ſo married, without the Conſent of his or her Maſter or Miſtreſs, ſhall, for his or her ſaid Offence, ſerve his or her ſaid Maſter or Miſtreſs, their Executors, Adminiſtrators or Aſſigns, one whole Year, after the Time of Service by Indenture or Cuſtom is expired.

Clerk to account with the Governor for Marriage Licences.

VIII. *AND be it further Enacted, by the Authority aforeſaid* That the Clerk of each County, annually, at or before the Twenty Fifth Day of *March*, ſhall ſend or deliver to the Governor or Commander in Chief for the Time being, an exact Account of the Marriage Licences iſſued by him; and each Clerk failing herein, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be levied and applied as herein after is directed.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Fees upon the ſaid Marriages, ſhall be as followeth; that is to ſay,

Fees.

To the Governor or Commander in Chief for the Time being, for each Licence of Marriage, Twenty Shillings, Proclamation Money.

To the Clerk of the County Court, for iſſuing the ſame, and taking the Bond, Five Shillings, of the like Money.

Altered to 20s. by the Clergy Act.

To the Miniſter for marrying, if by Licence, Ten Shillings, if by Banns, Five Shillings, of the like Money.

To the Juſtice of the Peace, for marrying, Five Shillings.

To the Miniſter or Reader, for publiſhing the Banns, and granting Certificate, One Shilling and Six Pence, of the ſame Money.

Miniſter or Juſtice refuſing to marry for lawful Fees, to forfeit, if by Licence, 10l. if by Banns, 5l.

X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Miniſter or Juſtice of the Peace of any County or Pariſh where a Clergyman doth not reſide, ſhall refuſe to celebrate the Rites of Matrimony, for the Fees herein ſet down and allowed, or ſhall demand or receive, for marrying, either by themſelves, or by any other Perſon for them, any larger Fees than before mentioned to be allowed to the Miniſter or Juſtice of the Peace, he ſhall forfeit and pay, for every ſuch Offence, that is to ſay, if the Marriage was to have been by Licence, Ten Pounds, or if by Banns, Five Pounds, Proclamation Money; One Moiety of all the Fines and Forfeitures in this Act before mentioned and not particularly appropriated, to be paid to the Churchwardens of the Pariſh for the Time being, for the Uſe of the Pariſh where the Offence ſhall be committed, the other Moiety to him or them that will inform or ſue for the ſame; to be recovered with Coſts, by Action of Debt, Bill, Plaint or Information.

Miniſter or Reader refuſing to publiſh Banns for lawful Fees, to pay the Party grieved 10l.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That if the Miniſter or Reader of any Pariſh within this Government, ſhall refuſe to publiſh and certify the Banns, for the Fees herein ſet down, and allowed him for the ſame, he ſhall, for every ſuch Offence, forfeit and pay, to the party grieved, Ten Pounds, Proclamation Money; to be recovered as before mentioned.

Miniſter of the Pariſh to have the Fee, if he doth not refuſe, tho' another be employed.

XII. *PROVIDED always*, That the Miniſter ſerving the Cure of any Pariſh, ſhall have the Benefit of the Fee for Marriages in the ſaid Pariſh, if he do not neglect or refuſe to do the Service thereof, although any other Perſon performed the Marriage Ceremony.

XIII. AND for Prevention of that abominable Mixture and ſpurious Iſſue, which hereafter may increaſe in this Government, by white Men and Women intermar-

marrying with *Indians*, Negroes, Muſtees, or Mulattoes; *Be it Enacted, by the Authority aforeſaid*, That if any white Man or Woman, being free, ſhall intermarry with an *Indian*, Negro, Muſtee, or Mulatto Man or Woman, or any Perſon of mixed Blood, to the third Generation, bond or free, he ſhall, by Judgment of the County Court, forfeit and pay the Sum of Fifty Pounds Proclamation Money; to the Uſe of the Pariſh. *A. D.* 1741. White Perſons intermarrying with Negroes, &c. to forfeit 50 l.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That no Miniſter of the Church of *England*, or other Miniſter, or Juſtice of the Peace, or other Perſon whatſoever within this Government, ſhall hereafter preſume to marry a white Man with an Indian, Negroe, Muſtee, or Mulattoe Woman, or any Perſon of mixed Blood, as aforeſaid, knowing them to be ſo, upon pain of forfeiting and paying, for every ſuch Offence, the Sum of Fifty Pounds, Proclamation Money; to be applied as aforeſaid. Miniſter or Juſtice knowingly marrying white Perſons to Negroes, &c. to forfeit 50 l.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Fines and Forfeitures in this Act, which exceed the Sum of Twenty-ſix Pounds Thirteen Shillings and Four Pence, Proclamation Money, ſhall be heard, tried, and determined, in the General Court of this Province; and all under the aforeſaid Sum, ſhall be heard, tried, and determined in the Court of the County where the Offence ſhall be committed. All Fines exceeding 26 l. 13 s. & 4 d. to be tried in the General Court. All under in the County Court.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts, and every Clauſe and Article thereof, heretofore made, ſo far as relates to any Matter or Thing whatſoever within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made. Repealing Clauſe.

CHAP. II.

An Act, to impower the ſeveral Commiſſioners herein named, to make, mend, and alter the ſeveral Highways, Roads and Bridges, and to clear and cleanſe Creeks and Water-Courſes; and alſo to cut ſuch Cuts as they ſhall think convenient, in the ſeveral Counties herein after named. EXP.

CHAP. 3. *An Act, to give further Time for collecting the Aid granted to his Majeſty, for Subſiſtance of the Forces raiſed in this Province; and for the better collecting Taxes and Levies, and to direct the Method of accounting for the ſame, and other Public Monies herein mentioned.* OBS.

CHAP. 4. *An Act, to make and confirm that Part of the main Road leading from* Bennet's *Creek Bridge to* Virginia, *joining to Mr.* Henry Baker's, *in* Chowan *County, altered, for the Convenicncy of the Public, by the adjacent Inhabitants, to be the main and Public Road.* Provided for by the Road Act, paſſed Jan. 1764, Chap. 3.

CHAP. V.

An Act, to appoint Conſtables.

I. TO the End that Conſtables may be regularly appointed, throughout this Government;

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That the Courts of the ſeveral Counties which now are, or here- County Courts yearly to appoint Conſtables.

A. D. 1741. after ſhall be, within this Government, ſhall, at the Court to be holden for each reſpective County in this Government, next after the Firſt Day of *January*, Yearly, and every Year, nominate and appoint as many Perſons of their ſaid County as they ſhall judge neceſſary, to be Conſtables within the ſame, for the then enſuing Year; which Conſtables ſo appointed, ſhall have the following Oath adminiſtered to them; that is to ſay,

Conſtable's Oath.

YOU *ſhall ſwear, That you will well and truly ſerve our Sovereign Lord the King, in the Office of a Conſtable; you ſhall ſee and cauſe his Majeſty's Peace to be well and duly preſerved and kept, according to your Power; you ſhall arreſt all ſuch Perſons as, in your Sight, ſhall ride or go armed offenſively, or ſhall commit or make any Riot, Affray, or other Breach of his Majeſty's Peace; you ſhall do your beſt Endeavour, upon Complaint to you made, to apprehend all Felons and Rioters, or Perſons riotouſly aſſembled; and if any ſuch Offenders ſhall make Reſiſtance with Force, you ſhall make Hue and Cry, and ſhall purſue them, according to Law; you ſhall faithfully, and without Delay, execute and return all lawful Precepts to you directed; you ſhall well and duly, according to your Knowledge, Power and Ability, do and execute all other Things belonging to the Office of a Conſtable, ſo long as you ſhall continue in this Office.*

SO HELP YOU GOD.

Conſtable's Power.

III. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Conſtable ſo appointed, nominated and ſworn, is, and they are hereby inveſted with, and may execute the ſame Power and Authority, to all Intents and Purpoſes, as the Conſtables within the Kingdom of *England* are by Law inveſted with and execute.

Conſtable neglecting to qualify in ten Days after Notice, to forfeit 50 s.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons, nominated and appointed Conſtable by the Court of any of the Counties within this Government, ſhall neglect or refuſe to qualify himſelf according to the Directions of this Act, within Ten Days after Notice of his Nomination and Appointment as aforeſaid, without he can ſhew ſufficient Cauſe for his Neglect, to be admitted of by the Juſtices, who ſhall or may grant their Warrant to recover the Penalties in this Act mentioned, he ſhall forfeit the Sum of Fifty Shillings, Proclamation Money; to be recovered by a Warrant from two Juſtices of the Peace in the County where ſuch Perſon was appointed Conſtable, and applied to the Uſe of the County where ſuch Conſtable was appointed; provided ſuch Notice be in Writing, ſigned by the Clerk of the Court, and ſerved by the Sheriff of the County, or preceeding Conſtable, on ſuch Conſtable or Conſtables as ſhall be appointed, according to the Directions of this Act.

Perſons exempt from ſerving as Conſtable.

V. *PROVIDED always*, That no Perſon in Commiſſion of any Office, Civil or Military, or Member of Aſſembly, for the Time being, nor any one who has ſerved in any ſuch Station, or any other who has ſerved as Conſtable, within the Space of Five Years before, nor any Perſon who is exempt, by the Laws of *England*, ſhall be obliged to ſerve in the Office of Conſtable; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Juſtice to adminiſter the Oath.

VI. *AND be it further Enacted*, That any one Juſtice of the Peace of the County ſhall, and he is hereby impowered to adminiſter to the ſeveral Conſtables hereafter to be appointed in his County, the Oath directed by this Act for their Qualification.

On Death or Removal of Conſtables, Juſtices to appoint others, until the next Court; when they may continue them, or appoint others.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That upon the Death or Removal of any Conſtable out of the Diſtrict for which he was appointed Conſtable, it ſhall and may be lawful for the Juſtices of the County Court, in which ſuch Diſtrict ſhall be, or any one of them, to appoint and ſwear another Perſon to be Conſtable, in the Room and Stead of the Conſtable dead or removing out of his Diſtrict as aforeſaid, who ſhall act until the next County Court; the Juſtices of which Court ſhall then either continue the Perſon appointed as aforeſaid, or nominate and appoint a new one.

VIII. *AND*

VIII. *AND be it further Enacted, by the Authority aforesaid*, That if any Constable to whom any Precept is directed, by any Justice of the Peace, shall refuse or neglect to serve such Precept, he shall, for every such Offence, on Complaint of the Party prosecuting, be fined, at the Discretion of the Court of which such Justice is a Member; to be paid to the Complainant. *A. D.* 1741. Constable refusing to serve Precepts, to be fined at the Discretion of the Court.

IX. AND for the better executing any Precept or Mandate, in extraordinary Cases; *Be it Enacted, by the Authority aforesaid*, That it shall and may be lawful, to and for any Justice of the Peace within this Government, to direct any such Precept or Mandate, in the Absence of, or for Want of a Constable, to any Person, not being a Party, who shall be obliged to execute, or endeavour, in the best Manner he can, to execute the same; under the like Penalty any Constable shall be liable to by Virtue of this Act; to be recovered and applied as aforesaid. For want of a Constable, Precept may be directed to any other Person, not being a Party.

X. *AND be it Enacted, by the Authority aforesaid*, That every Constable within this Province, appointed and qualified as herein before is directed, shall be, and is hereby exempted from all Provincial, County, and Parish Taxes, for himself only, and from working on the Roads, for and during the Year he shall be Constable; any Law, Usage, or Custom to the contrary, notwithstanding. Constables exempted from paying Taxes, & working on the Roads.

XI. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, and every Clause and Article of the same, heretofore made, so far as relates to the appointing of Constables, is, and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made. Repealing Clause.

CHAP. VI.

An Act, to improve and amend the Navigation of New-River, *in* Onslow *County.*

OBS.

CHAP. 7. *An Act, to confirm and erect that Part of the Province of* North-Carolina *called* Edgcomb *County, into a County, by the Name of* Edgcomb *County, and for establishing the said County a Parish; and for ascertaining the Boundary Line between the* Northwest *and* Society *Parishes, in* Bertie *County.* This Act repealed, but the Bounds of the County and Parishes re-established, by Act, passed Sept. 1756, Chap. 9.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnston, *Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same*, That that Part of this Province now called *Edgcomb* County, be, and is hereby established a County, by the Name of *Edgcomb* County, the Bounds whereof shall be as follow; Beginning on *Roanoke* River, at *Jenkin Henry*'s upper Corner Tree; from thence, a streight Course to the Mouth of *Cheek*'s Mill Creek, on *Tar* River; and from the *South* Side of the said River, opposite to the said Creek, a streight Line into the Middle Grounds, between *Tar* and *Neuse* Rivers; which shall be the dividing Line between *Beaufort* and *Edgcomb*, and *Craven* Counties; and from thence, up as nigh as may be, keeping the Middle between the said two Rivers, which shall be the dividing Line between the Counties of *Craven* and *Edgcomb*, and *Beaufort:* And the County Courts of *Craven* and *Edgcomb*, are hereby impowered, each of them, for their respective Counties, to appoint two Commissioners to run out the Bounds or dividing Line between *Craven* and *Edgcomb*; which Line so run out as aboveaid, and marked, shall be the dividing Line between the said Counties. Edgcomb established. Its Bounds. Commissioners to lay out the said Bounds.

CHAP.

A. D. 1741.

CHAP. VIII.

An Act, to prevent ſtealing of Cattle and Hogs, and altering and defacing Marks and Brands, and miſmarking and miſbranding Horſes, Cattle and Hogs, unmarked and unbranded.

Preamble.

I. WHEREAS many wicked Men in this Province, being too lazy to get their Living by honeſt Labour, make it their Buſineſs to ride in the Woods and ſteal Cattle and Hogs, and alter and deface the Marks and Brands of others, and miſmark and miſbrand Horſes, Cattle and Hogs, not marked or branded: And whereas the Laws in Force in this Province are, by Experience, found not to be ſufficient to remedy thoſe Evils:

Perſons ſtealing Cattle, &c. or altering Marks of Cattle, &c what Penalties liable to.

II. We pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That if any free Perſon or Perſons ſhall ſteal any Neat Cattle or Hog, or ſhall alter or deface the Mark or Brand of any other Perſon or Perſons Horſe, Neat Cattle or Hog, ſuch Perſon or Perſons, being thereof lawfully convicted, ſhall, for every Neat Cattle or Hog he or they ſhall ſteal; or for every Horſe, Mare, Colt, Neat Cattle or Hog, whoſe Mark or Brand he or they ſhall alter or deface, over and above the Value of ſuch Neat Cattle or Hog ſo ſtole; or for every Horſe, Mare, Colt, Neat Cattle or Hog, whoſe Mark or Brand he or they ſhall alter or deface, forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record within this Province; wherein no Eſſoin, Injunction, Protection, or Wager of Law, ſhall be allowed or admitted of, by the Owner of ſuch Horſe, Mare, Colt, Neat Cattle or Hog, that ſhall be ſo ſtolen, or the Mark or Marks, Brand or Brands, ſo altered or defaced; provided he proſecute for the ſame within Six Months after Diſcovery of the Fact committed; and after that Time, any Perſon may, as well as the Owner, ſue for, and recover the ſame; provided ſuch Proſecution is commenced within One Year after Diſcovery of the Fact committed; and the Offender ſhall, over and above the ſaid Fine, receive Forty Laſhes, on his bare Back, well laid on; and for the ſecond Offence, ſhall pay the Fine above mentioned, and ſtand in the Pillory Two Hours, and be branded in the left Hand, with a red hot Iron, with the Letter T. And if any Perſon or Perſons ſhall miſmark or miſbrand, any unbranded or unmarked Horſe, Mare or Colt, Neat Cattle or Hog, not properly his or their own, he or they ſhall forfeit and pay the Sum of Ten Pounds, Proclamation Money, over and above the Value thereof, for every ſuch Horſe, Mare, Colt, Neat Cattle or Hog, ſo miſmarked or miſbranded; to be recovered as aforeſaid.

Perſons ſeeing the Crimes committed, and not diſcovering it in 10 Days, to forfeit 5 l.

III. AND to prevent the concealing ſuch Offences; *Be it Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſee any other Perſon or Perſons committing any of the Crimes aforeſaid, and ſhall not diſcover the ſame, in Ten Days, to ſome Magiſtrate; then, and in ſuch Caſe, ſuch Perſon or Perſons, for not diſcovering the ſaid Crime, ſhall forfeit the Sum of Five Pounds, Proclamation Money, for every Time he ſhall ſee the ſaid Crime or Crimes, or any of them committed; to be recovered by any Perſon or Perſons who will ſue for the ſame, by Action of Debt, in any Court of Record in this Province; wherein no Eſſoin, Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of.

Evidence ſufficient, if he told any Perſon he ſaw the Crimes committed.

IV. AND becauſe it is difficult to convict any Perſon who has ſeen ſuch Crimes committed, if he will deny the ſame; *Be it further Enacted, by the Authority aforeſaid*, That it ſhall be ſufficient Evidence to convict any Perſon who has ſeen any of the aforeſaid Crimes committed, if it be proved that he has told any other Perſon that he did ſee the ſaid Crimes, or any of them, committed.

V. AND

V. AND whereas, by common Cuſtom in this Province of killing of Cattle and Hogs in the Woods, great Opportunities are given to ſteal the Cattle and Hogs of other People; *Be it therefore Enacted, by the Authority aforeſaid*, That if any Perſon hereafter ſhall kill any one or more neat Cattle or Hogs in the Woods, he ſhall, within two Days, ſhew the Head and Ears of ſuch Hog or Hogs, and the Hide with the Ears on of ſuch neat Beaſt or Cattle, to the next Magiſtrate, or to two ſubſtantial Freeholders, under Penalty of Five Pounds Proclamation Money; to be recovered by any Perſon who will ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province; wherein no Eſſoin, Protection, Injunction, or Wager in Law, ſhall be allowed.

A. D. 1745.

Perſons killing Cattle or Hogs in the Woods, to ſhew Ears and Hide, in 2 Days, to a Magiſtrate, or 2 Freeholders, on Penalty of 5 l.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon in this Province, who hath any Horſes, Cattle, or Hogs, ſhall have an Ear Mark and Brand, different from the Ear Mark and Brand of all other Perſons; which Ear Mark and Brand he ſhall record with the Clerk of the County where his Horſes, Cattle, or Hogs are, if not already recorded; and that he ſhall brand all Horſes with the ſaid Brand, from Eighteen Months old and upwards, and Ear Mark all his Hogs, from Six Months old and upwards, with the ſaid Ear Mark; and Ear Mark or brand all his Cattle, from Twelve Months old and upwards, with the ſaid Ear Mark and Brand: And if any Diſpute ſhall ariſe about any Ear Mark or Brand, the ſame ſhall be decided by the Book of the Clerk of the County Court, where ſuch Cattle, Horſes, or Hogs, are.

Perſons having Cattle, &c. to have a Mark and Brand, recorded.

Cattle, Horſes, and Hogs, when to be marked and branded.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Perſon ſhall buy any neat Cattle from another, or come to the ſame by Gift, Will, or any other lawful Means, that then, and in ſuch Caſe, the Perſon who has gained the ſame by any of the Ways aforeſaid, ſhall, within Eight Months, brand the aforeſaid neat Cattle with his own proper Brand, in the Preſence of Two creditable Witneſſes, a Certificate of which ſhall be ſigned by the ſaid Witneſſes.

Perſons getting Cattle by Will, &c. to brand the ſame with his Mark.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be publickly read, by the Clerk of every County Court in this Province, at leaſt Twice every Year, *viz.* at the Firſt Court after *Eaſter*, and the Firſt Court after *Auguſt*, in the Morning, on the ſecond Day of the Court, in open Court, under Penalty of Twenty Shillings Proclamation Money; to be recovered by any Perſon, by a Warrant under the Hands and Seals of any Two Juſtices of the Peace of the County, to the Uſe of the Informer.

This Act to be read in Court, twice a Year.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if any ſtrange Cattle ſhall go into the Cowpen of any Perſon in this Province, the Owner of that Cowpen, if he reſides there, or the Overſeer or Manager, where the Owner does not reſide, ſhall be obliged to give public Notice thereof, by affixing a Note of the Fleſh-Marks, and Ear-Mark, and Brand of all ſuch ſtrange Cattle as ſhall be at his Pen, at the Church Doors of the Pariſh where the ſaid Cowpen is, or where there is no Church, at the Court-Houſe Door, in one Month after ſuch Cattle ſhall come to his Pen, under the Penalty of Twelve Shillings, Proclamation Money, for every Beaſt that he ſhall neglect to give ſuch Notice of; to be recovered in the ſame Manner, and to the ſame Uſes, as the Fine laſt mentioned.

Strange Cattle going to any Cowpen, Owner to give Notice thereof, on Pen. of 12 s.

X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Negroe, Indian, or Mulatto Slave, ſhall kill any Horſe, Cattle, or Hog, belonging to any Perſon whatſoever, without the Conſent of the Owner or Owners thereof, or ſhall ſteal, miſbrand, or miſmark, any Horſe, Cattle, or Hog, ſuch Slave or Slaves ſhall, for the Firſt Offence, ſuffer both his Ears to be cut off, and be publickly whipped, at the Diſcretion of the Juſtices and Freeholders before whom he or ſhe ſhall be tried; and for the Second Offence, ſhall ſuffer Death: And the Trial and Conviction of the ſaid Slave or Slaves, ſhall be in ſuch Manner as is preſcribed by an Act of Aſſembly, intituled, *An Act concerning Servants and Slaves.*

Slaves ſtealing or miſmarking any Cattle, &c. what Penalties liable to.

XI. *AND*

A. D. 1741. Repealing Clauſe.

XI. *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, ſo far as relates to the preventing the ſtealing of Horſes, Cattle, and Hogs, and altering and defacing the Marks and Brands, and miſmarking and miſbranding the ſame, or to any other Matter or Thing whatſoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made.

CHAP. IX.

An Act for aſcertaining the Boundary Line between Tyrell *and* Beaufort *Counties, and between* Edgcomb *County, and* Tyrell *and* Beaufort *Counties. (a)*

Preamble.

I. WHEREAS Diſputes daily ariſe, between the Inhabitants of *Tyrell*, *Beaufort*, and *Edgcomb* Counties, by Reaſon the Boundary Line between *Tyrell* and *Beaufort* Counties, and between *Tyrell* and *Edgcomb* Counties, are not ſufficiently aſcertained and known; by Means of which Uncertainty, the Inhabitants within the diſputed Bounds refuſe to pay their Public and Pariſh Levies to any of the Collectors of the ſaid Levies of either of the ſaid Counties: For Remedy whereof,

Boundaries between Edgcomb, Tyrell, & Beaufort.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq*; *Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That each of the County Courts of *Tyrell*, *Edgcomb*, and *Beaufort*, ſhall appoint one Perſon, who ſhall ſettle and run the Boundary Line between *Tyrell* and *Edgcomb* Counties, and between Part of *Edgcomb* and *Beaufort* Counties, in Manner following, that is to ſay; The ſaid Commiſſioners ſhall begin at the upper Corner Tree of *Jenkin Henry*'s Line, on the South Side of *Roancke* River, and from thence run a direct Line to the Mouth of *Cheek*'s Mill Creek, on *Tar* River; and the ſaid Commiſſioners, as ſoon as the ſaid Line is finiſhed, ſhall, under their Hands, return the Courſes thereof into each of the Courts of the aforeſaid Counties, which ſhall be recorded by the Clerks of the ſaid ſeveral Courts: And the ſaid Line ſo run, ſhall for ever after be deemed the Boundary Line between *Tyrell* and *Edgcomb* Counties, and between *Edgcomb* and *Beaufort* Counties, from *Tyrell* County as far as *Tar* River.

Between Tyrell and Beaufort.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Flat Swamp, which heretofore was the Boundary of *Albemarle* and *Bath* Counties, ſhall, to the Head of the ſaid Swamp, and from the Head thereof, by a direct Line to the aforeſaid Line between *Tyrell* and *Edgcomb* Counties, for ever, be the Boundary Line between *Tyrell* and *Beaufort* Counties.

County Courts to lay a Tax, to defray the charge of running the Boundaries.

IV. AND for defraying the Charge of running the ſaid Line, *Be it further Enacted, by the Authority aforeſaid*, That each of the County Courts of *Beaufort*, *Tyrell*, and *Edgcomb*, be, and are hereby impowered, to lay a Poll-Tax, not exceeding the Sum of Four Pence Proclamation Money, *per* Tithable, upon the Inhabitants of their reſpective Counties, and ſhall cauſe the ſame to be levied in the ſame Manner the Public Taxes are levied; and ſhall, out of the Money ariſing by the ſaid Tax, pay and ſatisfy their reſpective Commiſſioners, for their Trouble and Charges expended in running the aforeſaid Boundary Lines: And after paying and ſatisfying the Commiſſioners for their Trouble and Charges, each County Court ſhall apply the Money remaining, if any be, to the Uſe of the County where ſuch Tax is collected.

CHAP.

(a) See Act, April 1748, Chap. 5, for continuing running the Lines of theſe Counties.

CHAP. X.

A. D. 1741.

An Act, to enlarge the Time for enrolling of Lands in the Auditor's Office, and proving the quiet Poſſeſſion of Lands for Twenty Years paſt, and upwards. OBS.

CHAP. XI.

An Act, for reſtraining the taking of exceſſive Uſury.

Preamble.

FORASMUCH as the ſettling of Intereſt at a reaſonable Rate, will greatly tend to the Advancement of Trade, and Improvement of Lands, by good Huſbandry, with many other conſiderable Advantages to this Province: And whereas divers Perſons of late, have taken great and exceſſive Sums for the Loan of Money, Goods and Merchandizes; to the great Diſcouragement of Induſtry, in the Huſbandry, Trade and Commerce of this Province:

No Perſon to take more than ſix per Cent. for Intereſt.

II. We pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame,* That no Perſon or Perſons whatſoever, from and after the Firſt Day of *May*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Forty-one, upon any Contract, to be made after the ſaid Firſt Day of *May*, ſhall, directly or indirectly, take for Loan of any Monies, Wares, Merchandizes, or Commodities whatſoever, above the Value of Six Pounds, by Way of Diſcount or Intereſt, for the Forbearance of One Hundred Pounds, for One Year, and ſo after that Rate, for a greater or leſſer Sum, or for a longer or ſhorter Time: And that all Bonds, Contracts, and Aſſurances whatſoever, made after the Time aforeſaid, for the Payment of any Principal or Money to be lent, or covenanted to be performed, upon or for any Uſury, whereupon or whereby there ſhall be reſerved or taken above the Rate of Six Pounds in the Hundred, as aforeſaid, ſhall be utterly void: And that all and every Perſon or Perſons whatſoever, which, after the Time aforeſaid, upon any Contract to be made, after the ſaid Firſt Day of *May*, ſhall take, accept and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Shift or Intereſt, of any Monies, Wares, Merchandizes, or other Thing or Things whatſoever, or by any deceitful Ways or Means, or by any Diſcount, Covin, Device, or deceitful Conveyance, for the forbearing or giving Day of Payment, for one whole Year, of or for their Money or other Thing, above the Sum of Six Pounds for the forbearing of One Hundred Pounds for a Year, and ſo after that Rate for a greater or leſſer Sum, or for a longer or ſhorter Time, ſhall forfeit and loſe, for every ſuch Offence, the double Value of the Monies, Wares, Merchandizes, and other Things ſo lent, bargained, exchanged or ſhifted; the one Moiety of all which Forfeitures to be to our Sovereign Lord the King, his Heirs and Succeſſors, for and towards the Support of this Government, and the contingent Charges thereof, and the other Moiety to him or them that will ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed or admitted of.

Perſons taking more, to forfeit double the Value.

CHAP. XII.

An Act, for appointing and laying out a Town on or near Mittam's *Point, on the* South *Side of* New-River, *in* Onſlow *County, by the Name of* Johnſton.

Private.

I. WHEREAS the Inhabitants of *Onſlow* County, have petitioned for an Act for appointing a Town on *Mittam's* Point, on the South Side of *New-River*, and that Commiſſioners may be appointed to lay out the Lots in the ſaid Town, and to diſpoſe of them in Manner in the ſaid Petition mentioned; and for laying a Levy, for building a Court-houſe and Jail, for the ſaid County:

A. D. 1741.
Commiſſioners appointed to lay out the Town.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That as ſoon as the Proprietor of the Land on the ſaid Point ſhall acknowledge his or her Conſent and Concurrence, in open Court of the ſaid County, to have ſuch Part of the ſaid Land laid out for a Town as herein after is directed, it ſhall and may be lawful for *Samuel Johnſton*, *John Starkey*, *Jonathan Freemain*, *Samuel James*, and *James Foil*, Eſquires, who are hereby nominated and appointed Commiſſioners, with full Power and Authority, to lay out One Hundred Acres of Land, at the ſaid *Mittam*'s Point, for a Town, by the Name of *Johnſton*; and they, or the major Part of them, are hereby directed and impowered, to lay out One Hundred Acres, at and adjoining the ſaid Point, into Lots of Half an Acre each, with convenient Streets, and a Square for Public Buildings.

Commiſſioners to convey Lots, for 10 s.

III. *AND be it further Enacted, by the Authority aforeſaid*, That when the Commiſſioners, or the major Part of them, have laid out the ſaid Town into Lots and Streets as aforeſaid, every Perſon whatſoever, who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not before taken up; which Lot or Lots the Commiſſioners before appointed, or the Majority of them, are hereby impowered to grant, convey, and acknowledge, to the Perſon or Perſons ſo taking up the ſame, and his Heirs and Aſſigns for ever, in Fee Simple, upon the Payment of Ten Shillings, Proclamation Money, or the Value thereof in Currency, to the Treaſurer herein after named.

Treaſurer appointed.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That *James Foil*, Eſq; be, and is hereby appointed Treaſurer and Receiver of all ſuch Sum and Sums of Money which ſhall ariſe by the Sale of the ſaid Lots, for the Uſes hereafter mentioned; and on the Death or Departure out of the Government of the ſaid Treaſurer, the ſaid Commiſſioners, or the major Part of them, ſhall appoint ſome other Perſon Treaſurer, in the Place of the ſaid Treaſurer.

Treaſurer to give Security.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Treaſurer herein appointed, and every Treaſurer that ſhall or may be hereafter appointed by the Commiſſioners as aforeſaid, ſhall give Security to the County Court, that he ſhall and will account with, and pay in all the Monies he ſhall receive by the Sale of all and every the Lot and Lots that ſhall be ſold Yearly, on the Twenty Fifth Day of *March*, to Mr. *Hope Dexter*, or the Proprietor of the ſaid Land.

Lots to be ſaved in two Years.

VI. *PROVIDED always*, That if any Lot or Lots ſhall be granted and conveyed, by the ſaid Commiſſioners, to any Perſon or Perſons whatſoever, who ſhall not, within Two Years, build a good ſubſtantial habitable framed Houſe, not of leſs Dimenſions than Twenty Four Feet in Length, and Sixteen Feet wide, beſides Sheds or Leantos, or make ſuch Preparation for ſo doing, as the Commiſſioners, or the major Part of them, ſhall, on View, think reaſonable, ſuch Grant or Conveyance ſhall be void, and it is hereby declared void and of none Effect, as if the ſame had never been made; and the Commiſſioners may grant and convey ſuch Lot or Lots which ſhall not be built on within the Time, and in the Manner as is herein before directed, to any other Perſon or Perſons applying for the ſame, and paying the Money for the ſaid Lot, as in this Act is before directed, for the Uſe of the ſaid *Hope Dexter*, or other Proprietors, as aforeſaid.

Commiſſioners to remove Nuſances.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the major Part of them, ſhall be, and they are hereby impowered and authorized, to remove all Nuſances within the Limits of the ſaid Town.

Lots to be paled, or done with Poſts and Rails,

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon, Inhabitant of the ſaid Town, or holding a Lot or Lots therein, ſhall incloſe the ſame,

ſame, or keep the ſame incloſed, under a common Stake Fence; but every Lot therein ſhall be paled in, or incloſed with Poſts and Rails ſet up. A. D. 1741.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons, Poſſeſſors or Owners of Lots in the ſaid Town, ſhall, within Two Years from the Date of their Grant or Conveyance, clear, and keep conſtantly clear, their Lot or Lots, from all Manner of Wood, Under-wood, Bruſh and Grubs; under the Penalty of One Shilling, Proclamation Money, for every Month ſuch Owner or Owners of any Lot or Lots ſhall neglect to clear, or keep the ſame clear; to be recovered by a Warrant from any Juſtice of the Peace, and applied, by the ſaid Commiſſioners, for and towards clearing the Streets in the ſaid Town. *(b)*

Owners of Lots to keep the ſame clear, on Penalty of 1s. per Month.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Juſtices may, and they are hereby impowered and authorized, to make Uſe of the old Court-Houſe and Priſon, for the Uſe of the ſaid Court-Houſe and Jail, to be built as aforeſaid in the ſaid Town, either by pulling the ſame down, and moving ſuch Part thereof as may be uſeful in building the Court-Houſe to be built in the ſaid Town, as aforeſaid, or by ſelling the ſame, and applying the Money ariſing by ſuch Sale, towards erecting the ſaid Buildings in the ſaid Town.

Juſtices may uſe the Materials of the old Court-Houſe & Priſon.

CHAP. XIII.

An Act to prevent the taking away Boats, Canoes, or Pettiauguas, from Landings, or elſewhere, without Leave.

I. TO prevent taking Boats, Canoes, and Pettiauguas, from Landings, or elſewhere, without Leave;

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council and General Aſſembly of this Province, and it is hereby Enacted by the Authority of the ſame*, That any Perſon or Perſons who, after the Ratification of this Act, ſhall take away from any Landing or other Place where the ſame ſhall be, any Boat, Canoe, or Pettiaugua, belonging to, or in the Cuſtody of any Perſon whatſoever, without the Conſent and Leave of the Owner or Poſſeſſor of ſuch Boat, Canoe, or Pettiaugua, or ſhall looſe, unmoor, or turn ſuch Boat, Canoe, or Pettiaugua, adrift, ſuch Offender or Offenders ſhall ſeverally forfeit and pay, to the Party who ſhall own, or in whoſe Cuſtody and Poſſeſſion ſuch Boat, Canoe, or Pettiaugua was, the Sum of Twenty Shillings, Proclamation Money; to be recovered by a Warrant from any Juſtice of the Peace within the County where the Offence ſhall be committed, who is hereby impowered and required to hear and determine all ſuch Offences: And if any Offender or Offenders ſhall, after Conviction, neglect or refuſe to pay the ſaid Sum of Twenty Shillings, Proclamation Money, in ſuch Caſe, it ſhall and may be lawful for the ſaid Juſtice, by his Warrant, to commit ſuch Perſon to the Jail of the County, where he ſhall remain until he ſhall have paid the ſame, and the accruing Coſts.

Perſons taking Boats, &c. without Leave, to forfeit 20 s. to the Owner.

Offenders refuſing to pay, Juſtice may commit them to Priſon.

III. *PROVIDED always*, That nothing in this Act ſhall be underſtood or conſtrued to debar any Perſon from his or her Action at Common Law, for any Damage ſuſtained, by Reaſon of any Boat, Canoe, or Pettiaugua, to them belonging, ſo taken or unlooſed, unmoored or turned adrift, from any Landing or other Place where the ſame was left, againſt any Perſon whatſoever, notwithſtanding ſuch Perſon ſhall have paid the Penalty by this Act inflicted; any Thing herein contained, or any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Not to debar any Perſon from his Action at Common Law, for Damage ſuſtained.

(b) The Xth and XIth Clauſes repealed, by Act, Sept. 1755, Chap. 12.

A. D. 1741.

Servant or Slave offending, and the Maſter refuſing to pay the Fine, ſuch Servant or Slave to be whipt.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That if any white Servant, Negro or Slave, ſhall offend againſt this Act, and be thereof convicted, and the Maſter, Miſtreſs, or Owner of ſuch white Servant, Negro, or Slave, ſhall refuſe to pay the ſaid Sum of Twenty Shillings, Proclamation Money, ſuch Servant or Slave ſhall ſuffer Correction, by whipping, at the Diſcretion of the Magiſtrate, not exceeding Thirty Nine Laſhes.

Not to extend to Perſons who ſhall preſs Veſſels by Authority, or proper Owners.

V. *PROVIDED always, and be it Enacted*, That neither this Act, nor the Penalties thereof, ſhall be conſtrued to extend to any Perſon who ſhall preſs any Boat, Canoe, or Pettiaugua, by Public Authority, or to any Perſon who ſhall ſeize his own proper Boat, Canoe, or Pettiaugua, or to any other Perſon or Perſons, being lawfully impowered ſo to do by the Owner, from any Place or Landing, or from any Perſon in whoſe Cuſtody he ſhall find the ſame, or to any Servant or Slave taking any Boat, Canoe, or Pettiaugua, from any Landing or other Place, by Order of his or her Maſter, Miſtreſs, or Overſeer.

Maſter ordering Servant or Slave to take any Veſſel, liable to the Penalty.

VI. *AND be it further Enacted*, That if any Maſter, Miſtreſs, or Overſeer, ſhall order any Servant or Slave, belonging to them, or under the Care of any of them, to take from any Landing, or other Place, any Boat, Canoe, or Pettiaugua, contrary to the Intent and Meaning of this Act, ſuch Maſter, Miſtreſs, or Overſeer, of ſuch Servant or Slave, ſo offending, ſhall be liable to the Forfeitures and Penalties of this Act, as if they, in their proper Perſon, had done the ſame; any Thing herein before contained, to the contrary, notwithſtanding.

Repealing Clauſe.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, and every Clauſe and Article thereof, ſo far as relates to prevent the taking Boats, Canoes, or Pettiauguas, from Landings, or elſewhere, without Leave, is and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made.

CHAP. XIV.

An Act for the better Obſervation and keeping of the Lord's Day, commonly called Sunday, *and for the more effectual Suppreſſion of Vice and Immorality.*

Preamble.

I. WHEREAS in well regulated Governments, effectual Care is always taken that the Day ſet apart for Public Worſhip be obſerved and kept holy, and to ſuppreſs Vice and Immorality: Wherefore,

No Perſon to do any Work on the Lord's Day, on Penalty of 10 s.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That all and every Perſon and Perſons whatſoever ſhall, on the Lord's Day, commonly called *Sunday*, carefully apply themſelves to the Duties of Religion and Piety; and that no Tradeſman, Artificer, Planter, Labourer, or other Perſon whatſoever, ſhall, upon the Land or Water, do or exerciſe any Labour, Buſineſs, or Work, of their ordinary Callings (Works of Neceſſity and Charity only excepted) nor employ themſelves either in hunting, fiſhing, or fowling, nor uſe any Game, Sport, or Play, on the Lord's Day aforeſaid, or any Part thereof, upon Pain that every Perſon ſo offending, being of the Age of Fourteen Years and upwards, ſhall forfeit and pay the Sum of Ten Shillings, Proclamation Money.

Perſons ſwearing in the Hearing of a Juſtice, to pay 2 s. 6 d.

III. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall profanely ſwear or curſe, in the Hearing of any Juſtice of the Peace, or ſhall be convicted of profanely ſwearing and curſing, by the Oath of one or more Witneſs or Witneſſes, or Confeſſion of the Party before any Juſtice or Juſtices of the Peace, every ſuch Offender ſhall forfeit and pay the Sum of Two Shillings and Sixpence, of the like Money, for every Oath or Curſe: And if any Perſon, executing

ing any Public Office, ſhall profanely ſwear or curſe, being firſt convicted as aforeſaid, ſuch Perſon ſhall forfeit and pay the Sum of Five Shillings, of the like Money, for each and every Oath or Curſe. *A. D.* 1741. Public Officer, convicted of the ſame, to pay 5 s.

IV. *AND be it further Enacted*, That if any Perſon or Perſons ſhall profanely ſwear and curſe, in the Preſence of any Court of Record in this Government, ſuch Offender or Offenders ſhall immediately pay the Sum of Ten Shillings, of the like Money, for each and every Oath or Curſe; to be depoſited in the Hands of the Chairman of the ſaid Court, and by him accounted for and paid, as herein after is directed; or to ſit in the Stocks, not exceeding Three Hours, by Order of ſuch Court. Perſons ſwearing in the Preſence of a Court, to pay 10 s. or be put in the Stocks.

V. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon convicted of Drunkenneſs, by View of any Juſtice of the Peace, Confeſſion of the Party, or Oath of any one or more Witneſs or Witneſſes, ſuch Perſon ſo convicted, ſhall, if ſuch Offence was committed on the Lord's Day, forfeit and pay the Sum of Five Shillings, of the like Money; but if on any other Day, the Sum of Two Shillings and Sixpence, for each and every ſuch Offence. Perſons getting drunk on Sunday, to pay 5 s. on any other Day 2 s. 6 d.

VI. AND for the better Execution of all and every of the foregoing Orders, *Be it further Enacted*, That all and every Juſtice and Juſtices of the Peace, within his or their reſpective County, ſhall have full Power and Authority, to convene before him or them, any Perſon or Perſons who ſhall offend in any of the Particulars before mentioned, in his or their hearing, or on other legal Conviction of any ſuch Offence, and to impoſe the ſaid Fine or Penalty for the ſame, and to reſtrain or commit the Offender until it be ſatisfied, or to cauſe the ſame to be levied by Diſtreſs and Sale of the Offenders Goods, returning the Overplus (if any) to the Owner: And in Caſe any ſuch Offender be unable to ſatisfy ſuch Fine, to cauſe him to be put in the Stocks, not exceeding Three Hours. Juſtices Power to hear and determine Offences againſt this Act.

VII. *PROVIDED always*, That all Informations againſt the aforeſaid Offences, ſhall be made within Ten Days after ſuch Offence or Offences committed, and not after. Information to be made in 10 Days.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines accruing and becoming due by Virtue of this Act, ſhall be levied as ſoon as may be after Conviction; one Half to the Informer, the other Half to the Uſe of the Pariſh where ſuch Offence ſhall be committed; and the Chairman and Juſtices of the ſeveral Courts of the ſeveral Counties of this Province, are hereby directed to account for, upon Oath, and pay ſuch Fine or Fines as ſhall or may by them, or any of them, be received, by Virtue of this Act, to the Churchwardens of the reſpective Pariſhes of this Government, at leaſt once a Year, when the ſame ſhall be demanded by the Churchwardens; under the Penalty of paying the Sum of Twenty Pounds, Proclamation Money, for every Refuſal; to be levied and applied as aforeſaid. Fines appropriated, and how to be paid.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſons commit Fornication, upon due Conviction, each of them ſhall forfeit and pay Twenty Five Shillings, Proclamation Money, for each and every ſuch Offence; to be recovered, and applied to the ſame Uſe, as the other Fines in this Act. Perſons committing Fornication, to forfeit 25 s.

X. *AND be it further Enacted*, That any Two Juſtices of the Peace, upon their own Knowledge or Information made to them, that any ſingle Woman within their County is big with Child, or delivered of a Child or Children, may cauſe ſuch Woman to be brought before them, and examine her, upon Oath, concerning the Father; and if ſhe ſhall refuſe to declare the Father, ſhe ſhall pay the Fines in this Act before mentioned, and give ſufficient Security, to keep ſuch Child or Children from being chargeable to the Pariſh, or ſhall be committed to Priſon, until Single Woman being with Child, and refuſing to tell the Father, to pay the Fine, and give Security to keep the Child.

A. D. 1741.

If ſhe declares the Father, he ſhall give Security to perform the Order of Court thereon.

until ſhe ſhall declare the ſame, or pay the Fine aforeſaid, and give Security as aforeſaid: But in Caſe ſuch Woman ſhall, upon Oath, before the ſaid Juſtices, accuſe any Man of being the Father of a Baſtard Child or Children, begotten of her Body, ſuch Perſon ſo accuſed, ſhall be adjudged the reputed Father of ſuch Child or Children, and ſtand charged with the Maintenance of the ſame, as the County Court ſhall order, and give Security to the Juſtices of the ſaid Court to perform the ſaid Order, and to indemnify the Pariſh where ſuch Child or Children ſhall be born, free from Charges for his, her, or their Maintenance, and may be committed to Priſon until he find Securities for the ſame, if ſuch Security is not by the Woman before given.

Juſtices to bind to the next Court Perſons charged with being the Father of a Child unborn.

XI. *AND be it further Enacted*, That the ſaid Two Juſtices of the Peace, at their Diſcretion, may bind, to the next County Court, him that is charged, on Oath, as aforeſaid, to have begotten a Baſtard Child, which ſhall not be then born; and the County Court may continue ſuch Perſon upon Security until the Woman ſhall be delivered, that he may be forth coming when the Child is born.

This Act to be read twice a Year in Churches, by the Miniſter, &c. on Penalty of 20 Shillings.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be publickly read, two ſeveral Times in the Year, in all Pariſh Churches and Chapples, or for Want of ſuch, in the Place where Divine Service is performed in every Pariſh within this Government, by the Miniſter, Clerk or Reader of each Pariſh, immediately after Divine Service; that is to ſay, On the Firſt or Second *Sunday* in *April*, and on the Firſt or Second *Sunday* in *September*; under the Penalty of Twenty Shillings, Proclamation Money, for every ſuch Omiſſion or Neglect; to be levied by a Warrant from a Juſtice, and applied to the Uſe of the Pariſh where the Offence ſhall be committed; and the Churchwardens of every Pariſh are hereby required to provide a Copy of this Act, at the Charge of the Pariſh.

Clergymen liable to further Puniſhment.

XIII. *PROVIDED always*, That nothing herein contained, ſhall be conſtrued to exempt any Clergyman within this Government, who ſhall be guilty of any of the Crimes herein before mentioned, from ſuch further Puniſhment as might have been inflicted on him for the ſame, before the making of this Act; any Thing herein contained to the Contrary notwithſtanding.

Repealing Clauſe.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts, and every Clauſe and Article thereof, heretofore made, ſo far as relates to the Suppreſſion of Vice, or Reſtraint and Puniſhment of wicked and diſſolute Perſons, or any Matter or Thing within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made.

CHAP. XV.

An Act, for the Tryal of ſmall and mean Cauſes. REP.

CHAP. XVI.

An Act, for aſcertaining the Damage upon proteſted Bills of Exchange.

Proteſted Bills of Exchange to carry Intereſt from the Date till paid, at ten per Cent.

I. FOR aſcertaining the Damage upon proteſted Bills of Exchange, We pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq*; *Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and by the Authority of the ſame*, That where any Bill of Exchange is, or ſhall hereafter be drawn, for the Payment of any Sum of Money, in which the Value is or ſhall be expreſſed to be received, and ſuch Bill is or ſhall be proteſted, for Non-acceptance or Non-payment, the ſame ſhall carry Intereſt from the Date thereof, after the Rate of Ten *per Cent. per Annum*, until the Money therein drawn for, ſhall be fully ſatisfied and paid.

II. BUT

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II. BUT leaſt any Perſon having any ſuch Bill, ſhould, for the Sake of the Intereſt, delay negotiating the ſame, or if, after it ſhall be proteſted, ſhall not demand Payment thereof of the Drawer or Indorſer; *It is further Enacted and Declared*, That no Perſon whatſoever ſhall pay more than Eighteen Months Intereſt, from the Date of any ſuch Bill, till it ſhall be preſented proteſted to the Drawer or Indorſer thereof.

Intereſt allowed but 18 Months, till Payment demanded.

III. *AND be it further Enacted, by the Authority aforeſaid*, That where any Bill, drawn before the making of this Act, or which ſhall hereafter be drawn, is or ſhall be proteſted as aforeſaid, there ſhall be paid unto ſuch Perſon or Perſons as ſhall have Right to demand the ſame, for his, her, or their Damage in that Behalf ſuſtained, after the Rate of Fifteen *per Cent.* for the Sum expreſſed in the ſaid Bill, together with the Coſts and Charges of the Proteſt, and no more.

15 per Cent. allowed for Damage, with Coſts of Proteſt.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for any Perſon or Perſons, having a Right to demand any Sum of Money due upon a proteſted Bill of Exchange, to commence and proſecute an Action for Principal, Intereſt, and Charges of Proteſt, againſt the Drawer and Indorſers jointly, or againſt either of them ſeparately; and Judgment ſhall and may be given for ſuch Princpal Draught and Charges, and Intereſt, after the Rate of Ten *per Cent. per Annum*, as aforeſaid, to the Time of ſuch Judgment.

Action may be brought againſt Drawer and Indorſer jointly, or ſeparately.

V. *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, ſo far as relate to any Matter or Thing whatſoever within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made.

Repealing Clauſe.

CHAP. XVII.

An Act, for regulating Weights and Meaſures.

I. WHEREAS many notorious Frauds and Deceits are daily committed, by falſe Weights and Meaſures: For Prevention whereof,

Preamble.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That no Inhabitant or Trader, ſhall buy or ſell, or otherwiſe make Uſe of in trading, any other Weights or Meaſures than are made and uſed according to the Standard in his Majeſty's Exchequer, and the Statutes of *England* in that Caſe provided.

Weights and Meaſures to be according to the Standard in the Exchequer.

III. AND for the Diſcovery of Abuſes, *Be it further Enacted, by the Authority aforeſaid*, That the Juſtices of each and every County within this Government ſhall, within Two Years next after the Ratification of this Act, at the Charge of each County reſpectively, provide ſealed Weights, of Half Hundreds, Quarters of Hundreds, Half Quarters of Hundreds, Seven Pounds, Four Pounds, Two Pounds, One Pound, and Half Pound; and Meaſures of Ell and Yard, of Braſs or Copper; and Meaſures of Half Buſhel, Peck and Gallon, of dry Meaſure; and a Gallon, Pottle, Quart and Pint, of Wine Meaſure; (for the Payment of which Charge, the ſaid Juſtices are hereby impowered to levy a Tax on their reſpective Counties) to be kept by ſuch Perſon, and in ſuch Place, as the Juſtices of each reſpective County ſhall appoint, ſuch Perſon firſt giving ſufficient Security to the ſaid Juſtices, in the Sum of Fifty Pounds, Proclamation Money: And the ſaid Juſtices ſhall alſo find and provide for the ſaid Perſon, a Stamp for Braſs, Tin, Iron, Lead, or Pewter Weights or Meaſures, and alſo a Brand for Wooden Meaſures, of the Letters

Juſtices to provide Standard Weights and Meaſures, and a Keeper thereof.

To be provided with a Stamp and Brand.

A. D. 1741. ters N. C. upon Pain of forfeiting and paying the Sum of Ten Pounds, Proclamation Money; to be recovered from the ſaid Juſtices, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, and applied to the Uſe of our Sovereign Lord the King, for and towards the Support of this Government, and the contingent Charges thereof.

Who ſhall try and ſtamp all Weights and Meaſures.

Perſons ſelling by untried Weights or Meaſures, to forfeit 10 l.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon whatſoever uſing Weights or Meaſures, ſhall bring all their Meaſures and Weights to the Keeper of the Standard of the County where ſuch Perſon ſhall reſide or trade, to be there tried by the Standard, and ſealed or ſtamped: And if any Perſon or Perſons ſhall buy, ſell, or barter, by any Weight or Meaſure that ſhall not be tryed by the Standard, and ſealed or ſtamped as aforeſaid, he, ſhe, or they, ſo offending, ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money; one Half to the Uſe of the County where ſuch Offence ſhall be committed, and the other Half to the Party who ſhall ſue for the ſame; to be recovered in any Court of Record in this Government, wherein no Eſſoin, Protection, Privilege, Injunction, or Wager of Law, ſhall be allowed.

Steelyards to be tried once a Year, on Penalty of 20 Shillings.

V. AND whereas Steelyards, by Uſe, are ſubject to Alteration, *Be it further Enacted, by the Authority aforeſaid*, That all and every Perſon who ſhall uſe, buy or ſell, by Steelyards, ſhall, once every Year, try the ſame with the Standard, and take a Certificate from the Keeper of the Standard for the County wherein ſuch Perſon ſhall reſide, upon Pain of Twenty Shillings, Proclamation Money; to be recovered and applied as aforeſaid.

Standard Keeper his Fees.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Standard-Keeper to demand and receive the Sum of Nine Pence, Proclamation Money, for each and every Pair of Steelyards, Weights or Meaſures, by him ſtamped or ſealed as aforeſaid.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Standard-Keeper of each and every County ſhall, at the next Court to be held for the County in which he ſhall reſide, take the following Oath, *viz.*

His Oath.

YOU ſhall ſwear that you will not ſtamp, ſeal, or give any Certificate, for any Steelyards, Weights or Meaſures, but ſuch as ſhall, as near as poſſible, agree with the Standard in your keeping; and that you will, in all Reſpects, truly and faithfully diſcharge and execute the Power and Truſt by this Act repoſed in you, to the beſt of your Ability and Capacity. SO HELP YOU GOD.

Standard Keeper, with a Conſtable, may ſearch ſuſpected Houſes;

and if any falſe Weights, &c. be found, Juſtice to bind the Owner of them over to next Court; if found guilty, the Court may fine ſuch Owner, not exceeding 25 l.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Standard-Keeper of each and every County in this Government, is hereby impowered and required, with the Aſſiſtance of a Conſtable (who is hereby commanded, upon Notice, to attend him, upon Information made to him of any Perſon or Perſons keeping, or having in his or their Houſe or Cuſtody, any Steelyards, Weights or Meaſures, which have been altered, leſſened, or ſhortened, ſince they were tried and ſealed by the Standard, or ſhall be ſuſpected of buying, ſelling, or bartering, by ſuch falſe Weights and Meaſures) to ſearch the Houſes, or other ſuſpected Places, of ſuch Offender, for any ſuch Weights or Meaſures ſo falſified; and if, upon Search, any ſuch falſe Weights or Meaſures ſhall be found, he ſhall charge a Conſtable with the Owner of them, or the Perſon uſing them, who ſhall forthwith convey him, her or them, before any Juſtice of the Peace, who is hereby directed to bind him, her or them, over to the next Court to be held for the County where the Offence ſhall be committed; and the ſaid Offence ſhall be laid before the Grand Jury, by the King's Attorney-General, or his Deputy, and for Want of them, by any Perſon the County Court ſhall think fit to appoint, and ſhall be cognizable by the ſaid Grand Jury, either by Indictment or Preſentment; and if, upon Trial by a Petit Jury, ſuch Offender or Offenders ſhall be found guilty, the County Court

ſhall

ſhall fine each and every Perſon ſo convicted, in any Sum not exceeding Twenty Five Pounds, Proclamation Money; one Third Part thereof to the Informer, one Third Part to the Standard-Keeper, and one Third Part thereof to be paid to the Juſtices of the County, to be applied to the Uſe of the County where the Offence ſhall be committed; and ſhall commit the Offender to Jail until the ſame ſhall be paid: And further, if it appear to the County Court, by the Verdict of the Petit Jury, that the Offender altered, leſſened or ſhortened, his or her Steelyards, Weights or Meaſures, or cauſed the ſame to be done, or uſed ſuch Steelyards, Weights or Meaſures, knowingly, after they were ſo altered, leſſened or ſhortened, with an Intent to defraud any Perſon, in ſuch Caſe the Court ſhall, beſides, and notwithſtanding the ſaid Fine, ſentence ſuch Offender to ſtand publickly, during the Sitting of the Court, Two Hours in the Pillory, with his Offence written over his or her Head: Any Law, Cuſtom, or Uſage, to the contrary, notwithſtanding. *A. D.* 1741.

If ſuch Owner leſſened his Weights, &c. with Intent to defraud, beſides paying the Fine, to ſtand in the Pillory 2 Hours.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Naval Officer of each and every Port within this Government, ſhall affix up, in a public Part of his Office, and there conſtantly keep affixed, an Advertiſement of this Act, that Traders coming into this Government may have Notice thereof, upon Pain of forfeiting Five Shillings Proclamation Money, for every Twenty-four Hours the ſame ſhall be neglected; to be recovered by a Warrant from any Juſtice of the Peace of the County where the Offence ſhall be committed, by any Perſon who ſhall ſue for the ſame, and applied, one Half to the Informer, and the other Half to the Uſe of the ſaid County.

Naval Officer to ſet up in his Office an Advertiſement of this Act, on Penalty of 5 s. for every 24 Hours Neglect.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of every County reſpectively, ſhall have Power to take and receive into their Cuſtody, all ſuch Weights and Meaſures as have been already provided by their reſpective County or Pariſh; and ſhall alſo demand and receive from all and every Perſon or Perſons whatſoever, all ſuch Sums of Money as have been already raiſed to purchaſe ſuch Weights and Meaſures, and diſpoſe of and apply the ſame according to the Directions of this Act.

Juſtices may take County Weights and Meaſures into their Cuſtody, and receive all Sums raiſed to provide ſuch Weights, &c.

XI. *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, ſo far as relate to Weights and Meaſures, or any other Matter or Thing within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made.

Repealing Clauſe.

CHAP. XVIII.

An Act, for the building and maintaining of Court-Houſes, Priſons and Stocks, in every County within this Province, and appointing Rules to each County Priſon for Debtors. (a)

I. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That the Juſtices in all and every County or Counties within this Province, where there is not ſuitable Proviſion already made, ſhall, and are hereby impowered and required, at the next ſucceeding Court of their reſpective Counties, after the Ratification of this Act, to lay a ſufficient Levy upon the Inhabitants of their ſaid Counties, not exceeding One Shilling, Proclamation Money, *per* Poll, for Two Years, for the building a Court-Houſe, Priſon and Stocks, or any ſuch of them as ſhall be wanting; which Levy ſhall be paid and collected by the Sheriff of each County, in the ſame Manner as all other Public and Pariſh Taxes and Levies are paid and collected, and by him ſhall be accounted for to the Juſtices of the County Court, upon Oath; and the ſaid Sheriff ſhall be allowed Three *per Cent.* for collecting the ſame.

Juſtices to lay a Tax for building Court Houſes, Priſons, and Stocks.

(a) See Act Nov. 1759, Chap. 14, for amending this Act.

A. D. 1741.

Juſtices to employ Perſons to keep Court-Houſes, &c. in Repair.

II. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of each County ſhall and may, from Time to Time, and at all Times hereafter, employ Perſons to keep and maintain the Court-Houſe, Priſon and Stocks, already built, and ſuch as are to be built, by Virtue of this or any other Act, or to rebuild ſuch as have fallen to decay or ruin, and the ſame to keep in good Repair, by laying a Poll Tax on the Inhabitants of their reſpective Counties as aforeſaid.

Perſons neg'ecting to pay their Levies, liable to double Diſtreſs.

III. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall neglect or refuſe to pay the aforeſaid Levies, in Manner aforeſaid, and ſhall be in Arrear after the laſt Day of Payment, ſuch Perſon ſhall be liable to double Diſtreſs; to be levied on his Goods and Chattels by the Sheriff of the County where ſuch Delinquent inhabits: And for the Preſervation of the Health of ſuch Perſons as ſhall, at any Time hereafter, be committed to the County Priſons, the Court ſhall have Power to mark out ſuch a Parcel of Land as they ſhall think fit, not exceeding Six Acres, adjoining to the Priſon, for the Rules thereof; and every Priſoner, not committed for Treaſon or Felony, giving good Security to the Sheriff of the County to keep within the ſaid Rules, ſhall have Liberty to walk therein out of the Priſon, for the Preſervation of his or their Health: And every Priſoner giving ſuch Security as aforeſaid, and keeping continually within the ſaid Rules, ſhall be, and is hereby adjudged and declared to be, in Law, a true Priſoner; and that every Perſon therewith concerned may know the true Bounds of the ſaid Rules, the ſame ſhall be recorded in the County Records, and the Marks thereof ſhall, from Time to Time, be renewed, as Occaſion ſhall require.

County Court to lay out Priſon Bounds; and all Priſoners, not committed for Felony or Treaſon, to have Liberty thereof, on giving Security.

Bounds to be recorded, and renewed.

CHAP. XIX.

This Act had its Effect.

An Act, the better to enable the Commiſſioners appointed for building a Church at Newbern, *to erect the ſame, and to impower them to demand and receive, of any Perſon or Perſons, all Pariſh Levies already laid and not appropriated; and for other Purpoſes therein mentioned.*

CHAP. 20. *An Act, for regulating Ordinaries, and for Reſtraint of Tippling-Houſes.* REP.

CHAP. XXI.

An Act, for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by the Regiſters of the ſeveral Counties within this Province, neglecting to regiſter their Deeds or meſne Conveyances; or who, through Ignorance or Neglect, have not had the ſame acknowledged, proved and regiſtered.

Preamble.

1. WHEREAS, by an Act of the General Aſſembly of this Province, intituled, *An Act, to appoint Public Regiſters, and to direct the Method to be obſerved in conveying Lands, Goods and Chattels, and to prevent fraudulent Deeds and Mortgages*, amongſt other Things, it is Enacted, That no Conveyance or Bill of Sale for Land (other than Mortgage) in what Manner or Form ſoever drawn, ſhould be good and available in Law, unleſs the ſame was acknowledged by the Vendor, or proved by one or more Evidences, upon Oath, either before the Chief Juſtice for the Time being, or in the Court of the Precinct where the Land lay, within Twelve Months after the Date of the ſame Deed: And whereas ſeveral of the Public Regiſters of the ſeveral Counties of this Province, have neglected to regiſter ſeveral Deeds or meſne Conveyances, purſuant to the before recited Act, and ſeveral Perſons, through Ignorance or Neglect, have failed to prove, acknowledge and regiſter, their Deeds or meſne Conveyances; and alſo, ſeveral Perſons have recorded their Deeds or meſne Conveyances in the Clerk's Office of the ſeveral Precincts or Counties in which ſuch Lands lie, believing the ſame as effectual as if the ſaid Deed or meſne Conveyance had been regiſtered in the Regiſter's Office as aforeſaid; whereby ſeveral Perſons Titles to their Lands and Tenements

are

are become precarious, to the great Prejudice of ſuch Perſons: To the End therefore that all poſſible Relief may be given to the Perſons whoſe Eſtates, Titles and Intereſts, may be affected thereby; A. D. 1741.

All Deeds, &c. not regiſtered, Regiſter to regiſter them within one Year, if they are delivered to him within ten Months.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council and General Aſſembly of this Province, and it is hereby Enacted by the Authority of the ſame*, That all Deeds and meſne Conveyances of Lands, Tenements, and Hereditaments, not already acknowledged, proved and regiſtered, by any Neglect as aforeſaid, the Public Regiſter of every County where ſuch Neglect hath happened, ſhall regiſter ſuch Deed or meſne Conveyance, within Twelve Months after the Ratification of this Act; provided ſuch Deeds or meſne Conveyances, be delivered to the Regiſter of each County where the Land lieth, within Ten Months after the Ratification of the ſame.

All ſuch as have been regiſtered, tho' not within due Time, declared valid.

III. *AND be it further Enacted, by the Authority aforeſaid*, That all Deeds or meſne Conveyances, which have been recorded by the Clerk of any Precinct or County Court within this Province where ſuch Lands lie, or have been heretofore regiſtered by the public Regiſter of any of the ſaid Precincts or Counties within this Province where ſuch Lands lie, though not within One Year after the Date of ſuch Conveyance, ſhall be good and valid in Law; and all Deeds and meſne Conveyances hereafter to be proved, acknowledged and regiſtered, in the Manner as is by this Act directed, ſhall be good and valid, to all Intents and Purpoſes, as if the ſaid Deeds and meſne Conveyances had been regiſtered purſuant to the before recited Act: And ſuch Regiſtry of all and every Deed or meſne Conveyance, already regiſtered, or that hereafter ſhall be regiſtered, by Virtue of this or the before recited Act, or a Copy thereof, properly atteſted by the Regiſter, ſhall and may (where ſuch original Deed or meſne Conveyance is loſt) be given in Evidence in any Court within this Province, in ſuch Suit or Suits wherein there may be Occaſion to give ſuch regiſtered Deed or meſne Conveyance in Evidence; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

And ſuch as are regiſtered by this Act, to be valid.

Regiſter neglecting to regiſter Deeds, &c. within Two Months after Delivery, to forfeit 20l.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every Regiſter that ſhall neglect, refuſe or delay, to regiſter any Deeds, meſne Conveyances, or any other Inſtruments of Writing, within Two Months after delivered to him, ſuch Regiſter or Regiſters, for each and every Two Months ſo neglecting, refuſing, or delaying, ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; one Half to the Uſe of the Pariſh, and the other Half to him or them that ſhall ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Government; wherein no Eſſoin, Injunction, or Wager of Law, ſhall be allowed or admitted of.

CHAP. XXII.

An Act, for Puniſhment of Deſerters. OBS.

CHAP. 23. *An Act, for eſtabliſhing the Church, for appointing Pariſhes, and the Method of electing Veſtries; and for directing the Settlement of Pariſh Accompts throughout this Government.* REP.

CHAP. XXIV.

An Act, concerning Servants and Slaves. (b)

No Chriſtian imported ſhall be a Servant, unleſs by Indenture or Agreement.

I. BE it Enacted, *by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province,*

(b) See Act March 1753, Chap. 6. Novemb. 1758, Chap. 7. October 1764, Chap. 8, for amending this Act.

A. D. 1741. *Province, and it is hereby Enacted, by the Authority of the ſame,* That no Perſon whatſoever, being a Chriſtian, or of Chriſtian Parentage, who, from and after the Ratification of this Act, ſhall be imported or brought into this Province, ſhall be deemed a Servant for any Term of Years, unleſs the Perſon importing him or her ſhall produce an Indenture, or ſome Specialty or Agreement, ſignifying, that the Perſon ſo imported did contract to ſerve ſuch Importer, or his Aſſigns, any Number of Years, in Conſideration of his or her Paſſage, or ſome other Conſideration therein expreſſed; and upon any Conteſt ariſing between the Maſter of any Veſſel, or other Perſon importing any Servant or Servants, without Indenture, upon any Bargain or Specialty as aforeſaid, the ſame ſhall be determined at the next County Court to be held for the County where the ſaid Servant or Servants ſhall be imported; the Juſtices of which Court are hereby impowered to hear and determine the ſame, in a ſummary Way; and ſuch Determination or Judgment ſhall be concluſive and binding on the Importer or Servant or Servants, either for the Diſcharge of the ſaid Servant or Servants, or to oblige him, her or them, to ſerve the Importer, or his Aſſigns, as the Matter ſhall appear.

Difference between Maſters of Veſſels and Perſons imported, to be determined by the Co. Court.

Servants abſenting themſelves, to ſerve double Time, beſides what the Court ſhall order for Charges.

II. *AND be it further Enacted, by the Authority aforeſaid,* That if any Chriſtian Servant, whether he or ſhe be a Servant by Importation, or otherwiſe, ſhall, at any Time or Times, abſent him or herſelf from the Service of his or her Maſter or Miſtreſs, without Licence firſt had, he or ſhe ſhall ſatisfy and make good ſuch Loſs of Time, by ſerving, after their Time of Service by Indenture or otherwiſe is expired, double the Time of Service loſt or neglected by ſuch Abſence; and alſo ſuch longer Time as the County Court ſhall think fit to adjudge, in Conſideration of any further Charge or Damage the Maſter or Miſtreſs of ſuch Servant may have ſuſtained, by Reaſon of his or her Abſence as aforeſaid.

Diſobedient Servants to be puniſhed.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if any Chriſtian Servant ſhall lay violent Hands on his or her Maſter or Miſtreſs, or Overſeer, or ſhall obſtinately refuſe to obey the lawful Commands of any of them, upon Proof thereof by one or more Evidences before any Juſtice of the Peace, he or ſhe ſhall, for every ſuch Offence, ſuffer ſuch corporal Puniſhment as the ſaid Juſtice ſhall think fit to adjudge, not exceeding Twenty-one Laſhes.

Maſter to provide Neceſſaries for Servants.

IV. AND as an Encouragement for Chriſtian Servants to perform their Service with Fidelity and Chearfulneſs; *Be it further Enacted, by the Authority aforeſaid,* That all Maſters and Owners of any Servant or Servants, ſhall find and provide for their Servant or Servants, wholeſome and competent Diet, Cloathing and Lodging, at the Diſcretion of the County Court; and ſhall not, at any Time, give immoderate Correction, neither ſhall, at any Time, whip a Chriſtian Servant naked, without an Order from a Juſtice of the Peace: And if any Perſon ſhall preſume to whip a Chriſtian Servant naked, without ſuch Order, the Perſon ſo offending, ſhall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to the Party injured; to be recovered, with Coſts, upon Petition to the County Court (without the formal Proceſs of an Action) as in and by this Act is provided for Servants Complaints to be heard and determined; provided Complaint be made within Six Months after ſuch whipping.

Not to whip them naked, on Penalty of 40 s. to ſuch Servant.

Servants complaining, Juſtice may bind the Maſter to next Court.

V. *AND be it further Enacted, by the Authority aforeſaid,* That all Servants by Indenture or otherwiſe as aforeſaid, ſhall have their Complaints received by a Juſtice of the Peace, who, if he find Cauſe, ſhall bind the Maſter, Miſtreſs, or Overſeer, over, to anſwer the Complaint at the next County Court; and it ſhall be there determined: And all Complaints of any Servant or Servants ſhall and may, either immediately, or as aforeſaid by Virtue hereof, be received at any Time, upon Petition or Information in the Court of the County wherein they reſide, without the formal Proceſs of an Action; and alſo, full Power and Authority is hereby given to the ſaid Courts, at their Diſcretion (having firſt ſummoned the Maſter, Miſtreſs, or Overſeer, to juſtify themſelves, if they think fit) to adjudge, order and appoint,

Complaints to be heard without formal Proceſs of Action.

appoint, what ſhall be neceſſary as to Diet, Lodging, Cloathing or Correction: And if any Maſter, Miſtreſs, or Overſeer, ſhall not thereupon comply with the Order of the ſaid Court, the ſaid Court is hereby authorized and impowered, upon a ſecond juſt Complaint, to order ſuch Servant or Servants to be immediately ſold, at Public Vendue, by the Sheriff; and after the Charges are deducted, the Remainder of what the ſaid Servant or Servants ſhall be ſold for, to be paid to the Owner. *A. D.* 1741.

Maſter not complying with the Order of Court, Servant to be ſold.

VI. *PROVIDED always*, That if ſuch Servant or Servants ſhall be ſick or lame, or otherwiſe rendered ſo incapable that he, ſhe or they, cannot be ſold for ſuch Value at leaſt as ſhall ſatisfy the Fees, and other incident Charges accrued, the ſaid Court ſhall then order ſuch Servant or Servants into the Care of the Churchwardens of the Pariſh; and the Maſter, Miſtreſs or Owner, ſhall provide the ſaid Servant or Servants with ſuch convenient Neceſſaries as they ſhall direct and judge ſufficient for his, her or their Support, until the Time due by Law from ſuch Servant or Servants to their Maſter, Miſtreſs or Owner, ſhall be expired, or until ſuch Servant or Servants ſhall be ſo recovered as to be ſold, for defraying the ſaid Fees and Charges.

If by Sickneſs he cannot be ſold for enough to pay the Charges, to be ſent to the Churchwardens, and provided for by the Maſter.

VII. *AND be it further Enacted*, That the ſaid Court from Time to Time, ſhall order the Charges of keeping ſuch Servant or Servants, to be levied upon the Goods and Chattels of the Maſter or Owner of ſuch Servant or Servants, in Caſe they ſhould neglect or refuſe to provide for the ſame.

Charges to be levied on the Maſter.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Servants aforeſaid, whether by Indenture or otherwiſe, as well Feme-Coverts as others, ſhall, in the like Manner (as is provided upon Complaints of Miſuſage) have their Petitions received in the ſaid County Court, for their Wages, Freedom, and Freedom Dues (in this Act hereafter expreſſed) without the formal Proceſs of an Action; and Proceedings and Judgment ſhall, in like Manner, be had thereupon.

Servants Complaints for their Freedom Dues, to be heard.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That no Maſter or Miſtreſs of any Servant or Servants, who ſhall happen to be ſick or diſeaſed during the Time of their Servitude, and unable to perform their daily Labour, ſhall, upon any Pretext whatſoever, remit to ſuch Servant or Servants, any Part of his, her or their Time, to be cleared of them, whereby the ſaid Servant or Servants may periſh, or become a Charge to the Pariſh: And whoſoever ſhall hereafter offend herein, or ſhall not uſe and endeavour all lawful Means for Recovery of ſuch their Servant or Servants as ſhall happen to be ſick or diſeaſed, during the Time of his, her or their Servitude, ſhall forfeit, for each and every Servant ſo turned off or neglected, Five Pounds, Proclamation Money; to be levied by an Order from the County Court before whom the Fact ſhall be proved, by the Oath of one or more Witneſs or Witneſſes, and to be paid into the Hands of the Churchwardens of that Pariſh where the Offence ſhall be committed, and diſpoſed of towards the Support and Maintenance of ſuch Servant or Servants ſo turned off or neglected, for the Recovery of his, her or their Health and Strength; and ſuch Servant or Servants ſhall be, by the County Court, or any Two Juſtices, during the Time of their Infirmity, ordered into the Hands and Care of the Churchwardens of the Pariſh in which his, her or their Maſter or Owner, ſhall dwell: But in Caſe ſuch ſick or deceaſed Servant or Servants reſpectively, ſhall not live to the expending the ſaid whole Sum of Five Pounds, Proclamation Money, then the Remainder to be diſpoſed of to the Uſe of that Pariſh; or in Caſe the ſaid Sum of Five Pounds ſhould not be ſufficient to ſupport each Servant during his Servitude, or until his Recovery, in ſuch Caſe the County Court is hereby authorized and impowered to order a Sufficiency to be levied (from Time to Time, as the ſame ſhall become due) upon the Goods and Chattels of the Maſter or Owner of ſuch Servant or Servants, if they ſhall neglect or refuſe to provide the ſame, agreeable to the Orders of the ſaid Court; and ſuch Servant or Servants ſo neglected or turned off, ſhall, upon their Recovery, be ſet free from their Maſter or Owner.

Maſter diſcharging ſick Servant before he is free, and not endeavouring his Recovery, to forfeit 5 l.

If 5 l. ſhall not be ſufficient to ſupport ſuch Servant, Court may order more.

Servant ſo turned off, ſhall be free on his Recovery.

X. *PROVIDED*

A. D. 1741.

Servants bringing Sickneſs, &c. on themſelves, to ſerve for it.

X. *PROVIDED always, and be it further Enacted*, That if any Servant or Servants in this Government, ſhall, through his, her or their own wilful Miſbehavour, happen to have any Diſeaſe, or any broken Bones, Bruiſes, or other Impediments, whereby they may be diſabled to perform their Labour as they ought to do, and become chargeable to their Maſter or Owner, ſuch Servant or Servants ſhall ſerve his, her or their Maſter or Owner, after the Time of his, her or their Service, by Indenture or otherwiſe, is expired, ſuch Time as ſhall, by the County Court, be adjudged ſufficient to ſatisfy the Charges expended on him, her or them, for his, her or their Recovery; and ſhall alſo ſerve over ſo much Time as he, ſhe or they, by any ſuch Means, were diſabled to ſerve: Any Thing herein contained, to the Contrary, notwithſtanding.

Servants making falſe Complaints, to ſerve double the Time loſt.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Servant or Servants ſhall unjuſtly vex and trouble his, her or their Maſter or Owner, with groundleſs Complaints againſt them to the County Court, or to any Juſtice or Juſtices of the Peace, ſuch Servant or Servants ſhall, by the County Court, be ordered to ſerve his, her or their Maſter or Owner, ſo injured by ſuch unjuſt and groundleſs Vexation, after the Expiration of the Time he, ſhe or they, have then to ſerve, the double Term and Space of that Time he, ſhe or they, neglected and loſt, in Proſecution of ſuch Complaints.

Servants put into Jail for their Offences, to ſerve double Time.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That every Servant who ſhall be in Jail, for his, her or their own Offence, ſhall ſerve his, her or their Maſter or Owner, double the Time he, ſhe or they, ſhall there remain, after the Expiration of the Time he, ſhe or they, have to ſerve, by Indenture or otherwiſe; and further, ſerve his, her or their ſaid Maſter or Owner, ſuch Time as ſhall be ordered by the County Court, as a Satisfaction for the Fees and other Charges his, her or their Maſter or Owner, hath expended for ſuch Servant or Servants.

Where free Perſons are puniſhable by Fine, Servants to be whipped, unleſs they pay the Fine.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That in all Caſes of Penal Laws, whereby Perſons free are puniſhable by Fine, Servants ſhall be puniſhed by whipping, at the Diſcretion of any Court, or Juſtice or Juſtices before whom ſuch Fine or Fines are recoverable, not exceeding Thirty Nine Laſhes; unleſs the Servant ſo culpable, can and will procure ſome Perſon or Perſons to pay the Fine.

No free Perſon to trade with Servants or Slaves, on Penalty of treble the Value traded for, and 6 *l.*

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That no free Man or Trader whatſoever, ſhall buy, ſell, trade, barter, or borrow any Commodities whatſoever, with, to, or from any Apprentice or Servant, whether ſo by Indenture or otherwiſe, or with any Slave within this Government, without the Conſent of the Maſter, Miſtreſs or Owner, of ſuch Apprentice, Servant or Slave, upon Pain of forfeiting treble the Value of the Commodity or Commodities ſo traded for, bartered or ſold; and alſo ſhall pay the Sum of Six Pounds, Proclamation Money, to the Uſe of the ſaid Maſter, Miſtreſs or Owner; to be recovered in the Court of the County where the Offence ſhall be committed, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of: And if it ſhall ſo happen that the Perſon ſo offending ſhall not be able to pay treble the Value of the Commodities ſo traded for, ſold or bartered, and the Sum of Six Pounds, ſuch Perſons ſhall then be adjudged, by the County Court, to be ſold as a Servant for the ſame.

Offender not able to pay, to be ſold for a Servant.

Maſter not ſuing in 6 Months, any other Perſon may.

XV. *PROVIDED always*, That if the Maſter, Miſtreſs or Owner, of ſuch Apprentice, Servant or Slave, ſhall not, within Six Months after he or ſhe ſhall have Information or Knowledge of ſuch Offence, proſecute the Offender or Offenders for the ſame, that then it ſhall and may be lawful for any other Perſon ſo to do, and to have and receive every Advantage and Benefit ariſing from ſuch a Proſecution.

XVI. *AND*

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Servants embezzeling their Master's Goods, to serve for it.

XVI. *AND be it further Enacted, by the Authority aforesaid*, That every Servant, by Indenture or otherwise, who shall imbezzle, purloin, wilfully waste, or shall trade, sell or barter, or otherwise make away, any of his or her Master or Mistress's Corn, Cattle, Sheep, Hogs, Stock, or other Goods or Provisions, or Commodities whatsoever, shall, upon Conviction of every such Offence, by one or more Testimonies, upon Oath, or Confession of the Party, before any County Court within this Government, be adjudged, by the said Court, to serve his or her said Master or Mistress such Time as the said Court shall think reasonable, for the said Offence, after the said Time by Indenture or otherwise, as aforesaid, is expired.

Woman Servant having a Child in her Servitude, to serve 1 Year for it.

XVII. AND whereas many Women Servants are begotten with Child by free Men or Servants, to the great Prejudice of their Master or Mistress whom they serve; *Be it therefore further Enacted, by the Authority aforesaid*, That if any Woman Servant shall hereafter be with Child, and bring forth the same during the Time of her Servitude, she shall, for such Offence, be adjudged by the County Court, to serve her Master or Mistress One Year, after her Term of Service by Indenture or otherwise is expired.

If she has a Child by her Master, Churchwardens may sell her for 1 Year.

If by a Negro, &c. she may be sold for 2 Years, and the Child bound out till 31 Years of Age.

XVIII. *AND be it further Enacted, by the Authority aforesaid*, That if any Woman Servant shall hereafter be delivered of a Child, begotten by her Master, such Servant shall, immediately after Delivery, be sold by the Churchwardens of the Parish where the Offence shall be committed, for One Year, after the Time of Service by Indenture or otherwise is expired; and the Money arising by such Sale shall be to the Use of the Parish: And if any white Servant Woman shall, during the Time of her Servitude, be delivered of a Child, begotten by any Negro, Mulatto, or Indian, such Servant, over and above the Time she is by this Act to serve her Master or Owner for such Offence, shall be sold, by the Churchwardens of the Parish, for Two Years, after the Time by Indenture or otherwise is expired; and the Money arising thereby applied to the Use of the said Parish; and such Mulatto Child or Children of such Servant, to be bound, by the County Court, until he or she arrive at the Age of Thirty-one Years.

XIX. AND whereas many Abuses have and may be committed, by Persons who, under Pretence of understanding several Trades and Misteries, have procured, and may hereafter procure, large Sums of Money to be advanced to them, and have entered, and may hereafter enter, into Covenants with Merchants and others in *Great-Britain*, or elsewhere, for the Payment of large Wages, Yearly, though they were, or may be, totally ignorant of, and unable to perform, such Trade and Mistery: For Remedy whereof,

Tradesmen imported on Wages, and found not to understand their Trades, Court may cut off their Wages.

XX. *BE it Enacted, by the Authority aforesaid*, That all and every Person or Persons already imported, or who shall be hereafter imported into this Government, as a Tradesman or Workman, on Wages, and shall be found not to understand such Trade or Employment, the Master or Owner of such Servant may bring him or her to any County Court of this Government; which Court, upon Complaint made to them of such Deceit, are hereby impowered and directed to enquire into the same; and upon finding any such Fraud, may judge and direct such Satisfaction to be made to the Master or Owner of such Servant, either by the Defalcation of the Wages, or Part thereof, as to them shall seem just.

If they refuse to do their Duty, or absent themselves, to serve double the Time lost, without Wages.

XXI. *AND be it further Enacted, by the Authority aforesaid*, That if any Person, who is, or shall hereafter be imported or brought into this Government, as a Tradesman or other Workman, on Wages, shall refuse or neglect to perform his Duty, or shall absent himself from his Master or Owner's Service without Leave, in every such Case it shall and may be lawful for the Justices of the County Court wherein such Master or Owner resides, upon Complaint and Proof to them made, to order such Satisfaction and Reparation to the Master or Owner of such Servant, for the Damages sustained by him for such Refusal or Neglect, as to them shall seem

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Servants Freedom dues.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be allowed to every Servant, whether by Indenture or otherwiſe, not having Yearly Wages, at the Expiration of his or her Service, Three Pounds, Proclamation Money, beſides one ſufficient Suit of wearing Cloaths for ſuch Servant or Servants.

Perſons importing and ſelling as a Slave any free Perſon, to pay, to the Party injured, double the Sum he was ſold for.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons already have, or ſhall hereafter import into this Government, and here ſell or retain for his own Uſe, as a Slave, any Perſon or Perſons that ſhall have been free in any Chriſtian Country, Iſland or Plantation, or *Turk* or *Moor*, in Amity with his Majeſty, ſuch Importer or Seller as aforeſaid, ſhall forfeit and pay, to the Party from whom the ſaid free Perſon ſhall recover his or her Freedom, double the Sum for which ſuch free Perſon was ſold; to be recovered in any Court of Record within this Government, according to the Courſe of Common Law, wherein the Defendant ſhall not be admitted to plead, in Bar, any Act or Statute for Limitation of Actions: And moreover, ſuch Importer or Seller of any ſuch free Perſon as aforeſaid, ſhall be committed until he enter into Bond, before the ſaid Court, with Two good and ſufficient Sureties, in the Sum of Five Hundred Pounds, *Sterl.* Money, of *Great-Britain*, payable to our Sovereign Lord the King, his Heirs and Succeſſors, with Condition, That he ſhall and do, within One Year then next enſuing, tranſport and land (Danger of the Seas and Life only excepted) ſuch free Perſon ſold by him as a Slave as aforeſaid (if he or ſhe ſhall ſo require) in the Country, Iſland or Plantation from whence he or ſhe was indirectly brought as aforeſaid; and ſhall produce an authentic Certificate of his Performance thereof to the ſaid Court.

And ſhall give Security to carry ſuch Perſon to the Place from whence he bro't him.

On Complaint of any ſuch Perſon ſold, Juſtice to examine the Matter, and bind the Offender, with the Witneſſes, to the next Court; where the ſame ſhall be determined.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Juſtice of the Peace, for the ſeveral Counties within this Government, are hereby impowered and directed, upon the Complaint of any Perſon who now is, or hereafter ſhall be, imported into this Government, and who was free in any Chriſtian Country, Iſland or Plantation, before his or her Tranſportation hither, who is kept or ſold as a Slave, to cauſe the pretended Owner of ſuch Perſon complaining, to appear before him, together with ſuch Evidence or Evidences as ſhall be material; and after Examination taken, in Writing, ſhall bind them over to appear at the next County Court of which he is a Member, where the ſaid Complaint ſhall be heard and determined, without any formal Proceſs of Law.

Penalty on Perſons tempting Servants or Slaves from their Maſter's Service.

XXV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever ſhall, directly or indirectly, at any Time after the Ratification of this Act, tempt or perſuade any Apprentice or other Servant, during the Time of his or her Service, due by Indenture or otherwiſe, or any Negro or other Slave, to leave their Maſter or Miſtreſs's Service to whom he or they is Apprentice, Servant or Slave, or ſhall knowingly give Encouragement to relieve, aſſiſt, harbour or entertain, any ſuch, or ſhall knowingly encourage, relieve, aſſiſt, harbour or entertain, for any Space of Time whatſoever, any Apprentice, Servant or Slave, who ſhall wilfully abſent him or herſelf from the Service of his or her Maſter or Miſtreſs, ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay, for each and every ſuch Apprentice or other Servant, and for each and every Negro or other Slave, the Sum of Forty Shillings, Proclamation Money, and for each Twelve Hours ſuch Apprentice or other Servant, Negro or Slave, be afterwards abſent from his Maſter or Miſtreſs's Service, the Sum of Five Shillings, Proclamation Money; to be recovered, by the Maſter or Owner of ſuch Apprentice, Servant or Slave, by Action of Debt, Bill, Plaint, or Information, in the General or County Court, wherein

wherein no Eſſoin, Protection or Injunction, ſhall be allowed or admitted of: And if it ſhould ſo happen, that any Perſon or Perſons convicted Offenders herein, ſhould not be able, or refuſe to pay the Fines by this Act inflicted, in ſuch Caſe the Offender ſhall be, by Order of the General or County Court, ſold as a Servant, for ſuch Time as the ſaid Court ſhall think ſufficient to pay the ſame; and ſhall be, during ſuch Servitude, liable to the Penalties and Forfeitures inflicted for Breaches of this Act. *A. D.* 1741.

Overſeer leaving his Employment, to forfeit his Wages, or Share of the Crop.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall hire or contract himſelf to ſerve as an Overſeer, either upon Wages or Share of the Produce, with any Perſon or Planter whatſoever within this Government, and ſhall abſent himſelf, or depart from the Service of his Maſter or Miſtreſs, before the Time mentioned in his Agreement or Contract ſhall be expired, he ſhall, for ſuch Offence, forfeit his Right and Title to his Wages, or Share of the Produce.

Penalty on Perſons carrying Slaves out of the Government.

XXVII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall, directly or indirectly, at any Time after the Ratification of this Act, tempt or perſuade any Negro or Negroes, or other Slave or Slaves, to leave his, her, or their Maſter or Miſtreſs's Service, out of an Intent and Deſign to carry or convey away him, her, or them, out of this Government, or ſhall harbour or conceal him, her, or them, for that Intent and Purpoſe, and be thereof convicted, by his, her, or their own Confeſſion, or the Oath of one credible Witneſs, ſuch Perſon or Perſons ſhall, by the Two next Juſtices of the Peace, be committed to Jail, or bound over to the next Court to be held for the County where the Offence ſhall be committed, and ſhall be proſecuted, by Indictment, for the ſaid Offence; and being thereof lawfully convicted, ſhall, by the ſaid Court, be adjudged to pay, to the Maſter or Miſtreſs, for each Negro or other Slave ſo inticed or perſuaded, for the Purpoſe aforeſaid, the Sum of Twenty-five Pounds, Proclamation Money, or the Value thereof; to be levied by Order of the ſaid Court: But in Caſe the Party offending ſhall not be found worth Lands, Goods or Chattels, to the Value aforeſaid, then the ſaid Court ſhall adjudge him, her or them, to ſerve the Owner of ſuch Slave or Slaves, or his Aſſigns, Five Years; and ſo deliver him, her or them, over to the Maſter, Miſtreſs, or Owner of ſuch Slave or Slaves, ſo tempted or perſuaded as aforeſaid, and make Record thereof: But if any Perſon or Perſons ſhall ſo tempt and practice with any Negro or Negroes, or other Slave or Slaves, and him, her or them, ſo tempted, ſhall actually convey away, or ſend out of this Government, and be afterwards apprehended and convicted thereof, he, ſhe or they ſhall, by the ſaid Court, be ſeverally adjudged and condemned as guilty of Felony; and ſhall ſuffer accordingly.

Reward to Perſons taking up Runaways.

XXVIII. AND for Encouragement of all Perſons to take up Runaways, *Be it Enacted, by the Authority aforeſaid*, That for the taking up Servants or Slaves, if Ten Miles, or under, from the Houſe or Quarter where ſuch Servant or Slave was kept, there ſhall be allowed by the Maſter, if known, and reſiding in the County, if not, by the Public, as a Reward to the Taker up, Seven Shillings and Six-pence, Proclamation Money, and for every Mile above Ten, Three-pence, over and above the ſaid Sum; which ſaid ſeveral Rewards ſhall be paid by the Churchwardens of the Pariſh where ſuch Taker up ſhall reſide, or where he ſhall bring ſuch Runaway before a Juſtice of the Peace; and ſhall be levied again by the Churchwardens of the ſaid Pariſh, upon the ſaid Maſter or Owner of ſuch Runaway, for Reimburſement of the ſame to the Pariſh: And for the greater Certainty in paying the ſaid Rewards, and reimburſing the Pariſh, every Juſtice of the Peace before whom ſuch Runaway ſhall be brought, upon the taking up, ſhall grant a Certificate thereof, in which he ſhall mention the proper Name and Surname of the Taker up, and the County of his or her Reſidence, together with the Time and Place of taking up the ſaid Runaway, and ſhall alſo mention the Name of the ſaid Runaway, and the proper Name and Surname of the Maſter or Owner of ſuch Runaway, and the County of his or her Reſidence, together with the Diſtance of Miles, in the ſaid Juſtices

Reward how to be paid.

A. D. 1741. Judgment, from the Place of taking up the ſaid Runaway, to the Houſe or Quarter where ſuch Runaway was kept; upon producing which Certificate to the Churchwardens of the Pariſh where the ſame was granted, they ſhall pay, to the Taker up of ſuch Runaway, or his Aſſigns, the Reward aforeſaid; and ſhall levy the ſame again as aforeſaid: But if it ſhould happen that the Maſter or Owner of ſuch Runaway ſhould not reſide, or have Effects, in the County where the ſaid Certificate ſhall be granted by the Juſtice as aforeſaid, the ſaid Churchwardens ſhall tranſmit the ſaid Certificate to the Sheriff of the County where the Owner of ſuch Runaway reſides, or hath Effects, who ſhall, upon Receipt thereof, immediately levy the ſame upon the Goods and Chattels of the Maſter or Owner of ſuch Runaway, and return the ſame to the Churchwardens aforeſaid, or their Order; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Runaway Slave not telling his Maſter, to be committed to the County Jail, and Notice given for Two Months by the Sheriff.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Negro or other Perſon, who ſhall be taken up as a Runaway, and brought before any Juſtice of the Peace, and cannot ſpeak Engliſh, or, through Obſtinacy, will not declare the Name of his or her Owner, ſuch Juſtice ſhall, in ſuch Caſe, and he is hereby required, by a Warrant under his Hand, to commit the ſaid Negro Slave or Runaway to the Jail of the County wherein he or ſhe ſhall be taken up; and the Sheriff, or Under-Sheriff, of the County into whoſe Cuſtody the ſaid Runaway ſhall be committed, ſhall forthwith cauſe Notice, in Writing, of ſuch Commitment, to be ſet up on the Court-Houſe Door of the ſaid County, and there continued, during the Space of Two Months; in which Notice, a full Deſcription of the ſaid Runaway, and his Cloathing, ſhall be particularly ſet down; and ſhall cauſe a Copy of ſuch Notice to be ſent to the Clerk or Reader of each Church or Chappel within his County, who are hereby required to make Publication thereof, by ſetting up the ſame in ſome open and convenient Place, near the ſaid Church or Chappel, on every Lord's Day, during the Space of Two Months from the Date thereof: And every Sheriff failing to give ſuch Notice as herein is directed, ſhall forfeit and pay Five Pounds, Proclamation Money; which ſaid Forfeiture ſhall and may be recovered, with Coſts, in any Court of Record in this Government, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Privilege, Protection, Injunction, or Wager of Law, ſhall be allowed: The one Moiety whereof ſhall be to the Churchwardens, for the Uſe of the Pariſh, as well as towards defraying the Charges that ſhall ariſe and become due by Virtue of this Act, and the other Moiety to the Perſon who ſhall ſue for the ſame.

Sheriff failing to give ſuch Notice, to forfeit 5 l.

Owner not known in Two Months, Runaway to be ſent to the Public Jail.

XXX. *AND be it further Enacted, by the Authority aforeſaid*, That if within the Space of Two Months, the Owner of any ſuch Negro Slave or Runaway cannot be known, or doth not claim the ſame, that the Sheriff of the ſaid County to whoſe Cuſtody ſuch Runaway ſhall be committed, ſhall cauſe the ſaid Runaway to be delivered to the next Conſtable, to be by him delivered to the next Conſtable, and ſo from Conſtable to Conſtable, to the Public Jail of this Government, after ſuch Manner, and to receive ſuch Puniſhment, as in this Act is mentioned and directed.

If his Owner be not yet known, Jailer may hire him out, to pay his Fees.

XXXI. *AND be it further Enacted, by the Authority aforeſaid*, That when any Negro or Runaway as aforeſaid, ſhall be delivered to the Keeper of the Public Jail of this Government, by Virtue of this Act, and his or her Maſter or Owner cannot be known, it ſhall and may be lawful for the Keeper of the ſaid Jail, upon his Application, to the General Court, or the neareſt County Court to the ſaid Jail, or to any Two Juſtices, out of Court, with the Conſent of either of the ſaid Courts, or Two Juſtices as aforeſaid, to let the ſaid Negro or Runaway to Hire, to any Perſon or Perſons whom they ſhall approve of, for ſuch Sum or Sums of Money, or Quantity of Commodities, and for ſuch Term or Time, as they ſhall direct; and that out of the Money or Commodities ariſing by ſuch Hire, all Fees relating to the taking up, Impriſonment, and conveying to Jail, and Charges of maintaining ſuch Negro or Runaway, ſhall be firſt paid and diſcharged, and the Overplus, if any, diſpoſed of as ſuch Court, who ſhall order the ſaid Negro or Runaway to let out to Hire, ſhall direct. XXXII. *PRO-*

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Owner appearing, Runaway to be delivered to him, he paying Fees.

XXXII. *PROVIDED always*, That when the Owner of ſuch Negro or Runaway ſhall demand the ſame, the Perſon to whom ſuch Negro or Runaway ſhall be let out to Hire, ſhall forthwith deliver him or her into the Cuſtody of the Keeper of the Public Jail, and ſhall then alſo pay the Hire, in Proportion to the Time the ſaid Runaway hath ſerved; and the Keeper of the ſaid Jail ſhall deliver the ſaid Runaway to his Maſter or Owner, he or ſhe paying down all Fees and Charges of taking up, Impriſonment, conveying to Jail, and maintaining ſuch Runaway, in Caſe the Hire of the ſaid Runaway be not ſufficient to ſatisfy the ſame.

Runaway Slave hired out, Juſtice to put an Iron Collar on him; and then not anſwerable for his Eſcape.

XXXIII. *AND be it further Enacted, by the Authority aforeſaid*, That when the Keeper of the ſaid Public Jail ſhall, by Direction of ſuch Court as aforeſaid, let out any Negro or Runaway to Hire, to any Perſon or Perſons whomſoever, the ſaid Keeper ſhall, at the Time of his Delivery, cauſe an Iron Collar to be put on the Neck of ſuch Negro or Runaway, with the Letters P. G. ſtamped thereon, and that thereafter the ſaid Keeper ſhall not be anſwerable for any Eſcape of the ſaid Negro or Runaway.

Runaway taken up, Juſtice to order him to be whipped, and ſent from Conſtable to Conſtable home.

XXXIV. *AND be it further Enacted, by the Authority aforeſaid*, That when any runaway Servant or Slave ſhall be brought before any Juſtice of the Peace within this Government, ſuch Juſtice ſhall, by his Warrant, commit the ſaid Runaway to the next Conſtable, and therein alſo order him to give the ſaid Runaway ſo many Laſhes as the ſaid Juſtice ſhall think fit, not exceeding the Number of Thirty Nine, well laid on, on the bare Back of ſuch Runaway; and then to be conveyed from Conſtable to Conſtable, until the ſaid Runaway ſhall be carried home, or to the Public Jail as aforeſaid.

Conſtable refuſing to convey Runaways, to forfeit 20 ſ.

XXXV. *AND be it further Enacted*, That every Conſtable ſhall, on his Receipt of ſuch Runaway, give Receipt for him or her; and that every Conſtable failing to execute ſuch Warrant, according to the Tenor thereof, or refuſing to give ſuch Receipt, ſhall forfeit and pay Twenty Shillings, Proclamation Money, or the Value thereof in Bills, to the Churchwardens, for the Uſe of the Pariſh wherein ſuch Failure ſhall be; to be recovered by a Warrant under the Hands of any Two Juſtices within the County where ſuch Conſtable ſhall reſide: And ſuch corporal Puniſhment ſhall not deprive the Maſter or Owner of any runaway Servant of the other Satisfaction herein by this Act appointed to be had of ſuch Servant, for his or her running away.

Sheriff employing Runaways, or keeping them in Cuſtody longer than this Act directs, to forfeit 5 l.

XXXVI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff, Under-Sheriff, or Conſtable, ſhall ſet to work, employ, or let out to Hire, without Order of Court as aforeſaid, any runaway Servant or Slave committed to the Cuſtody of any of them, or ſhall detain ſuch Runaway longer in his or their Cuſtody than by this Act is directed, he or they ſo offending, ſhall forfeit and pay Five Pounds, Proclamation Money; to be recovered in any Court of Record in this Government, by Action of Debt, Bill, Plaint, or Information, wherein no Eſſoin, Protection, Privilege, or Wager of Law, ſhall be allowed: One Moiety whereof to be paid to the Churchwardens, for the Uſe of the Pariſh where the Offence ſhall be committed, and the other to him or them who ſhall ſue for the ſame: And if any Sheriff, or his Under-Sheriff, or any Conſtable, into whoſe Hands any runaway Servant or Slave ſhall be committed, by Virtue of this Act, ſhall negligently or wilfully ſuffer ſuch Runaway to eſcape the ſaid Sheriff, Under-Sheriff, or Conſtable, he or they ſhall be liable to the Action of the Party grieved, for Recovery of his Damages, at the Common Law, with Coſts.

Sheriff ſuffering Runaway to eſcape, liable to the Damage.

Conſtables exempted from paying Levies.

XXXVII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every the Conſtables within this Government, for their Encouragement to perform their Duty, be, and they are hereby, for the future, exempted from the Payment of all Public, County, and Pariſh Levies, for their own Perſons, during their Continuance in Office; and that the Keepers of Ferries within this Government, ſhall give

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Ferry-keepers to give immediate Paſſage to Conſtables charged with Runaways.

immediate Paſſage to all Conſtables, and their Aſſiſtants, charged with conducting any Runaway or Runaways, either to the Public Jail, or to ſuch Runaway or Runaways Maſter or Owner, without charging ſuch Conſtable, or their Aſſiſtants, for the Ferriage, either going or returning: But all ſuch Ferriages of Conſtables, and their Aſſiſtants, ſhall be paid by the Churchwardens of the Pariſh where ſuch Ferry-Keepers reſpectively live, and levied, as aforeſaid, upon the reſpective Maſters or Owners of ſuch Runaways.

Such Ferriages to be paid by the Churchwardens.

Sheriff & Jailer's Fees.

XXXVIII. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the Publication of this Act, the Fees and Allowances of the ſaid Sheriffs and Jailers be as followeth, that is to ſay: For the Commitment of every ſuch Negro or Runaway to any County Jail, the Sheriff ſhall be paid, for his Fee, the Sum of Two Shillings and Sixpence, Proclamation Money, and for the keeping or maintaining him or her in Jail, for every Twenty Four Hours, the Sum of Sixpence, and for his or her Releaſement, the Sum of Two Shillings and Sixpence; and that the Keeper of the Public Jail of this Government, for the Commitment of every ſuch Negro or Runaway, ſhall be paid the Sum of Two Shillings and Sixpence, Proclamation Money, and for his or her keeping in Jail, every Twenty Four Hours, the Sum of Sixpence, Proclamation Money, and for his or her Releaſement, the Sum of Two Shillings and Sixpence, Proclamation Money, and no more: And if any Sheriff, in any County of this Government, or Keeper of the Public Jail, ſhall demand or take any greater Fee or Allowance than is hereby before appointed and allowed, for the Services and Maintenance aforeſaid, or any of them, he or they ſo offending ſhall, for every Offence, forfeit and pay to the Party grieved, the Sum of Twenty Shillings, Proclamation Money, and ſhall alſo refund and pay back to the Parties ſuch Sum of Money which ſuch Sheriff or Jailer ſhall receive and take, over and above the Fees and Allowances herein before appointed; which ſaid Forfeiture of Twenty Shillings, ſhall and may be recovered by a Warrant from any Juſtice of the Peace of the County where ſuch Offence ſhall be committed.

Sheriff or Jailer taking greater Fees, to forfeit 20 *ſ.*

Runaways ſuppoſed to belong to other Governments, Jailer to ſend thither a Deſcription of them.

XXXIX. *AND be it further Enacted, by the Authority aforeſaid*, That when any Negro, or other Runaway, whoſe Owner is ſuppoſed to be reſident in any other Province, ſhall be committed to any Public Jail of this Government, the Keeper of the ſaid Jail ſhall, by the firſt Opportunity after ſuch Commitment, ſend a Deſcription of ſuch Negro or Runaway, together with the Account of the Time of the Commitment, and the County where ſuch Runaway is committed, to the Preſs, to be advertiſed in the *Virginia* or *South Carolina* Gazette; for which he ſhall be reimburſed by the Owner of the ſaid Slave or Runaway.

Slaves not to go armed.

(a) XL. *AND be it further Enacted, by the Authority aforeſaid*, That no Slave ſhall go armed with Gun, Sword, Club, or other Weapon, or ſhall keep any ſuch Weapon, or ſhall hunt or range with a Gun in the Woods, upon any Pretence whatſoever (except ſuch Slave or Slaves who ſhall have a Certificate, as is herein after provided) and if any Slave ſhall be found offending herein, it ſhall and may be lawful for any Perſon or Perſons to ſeize and take, to his own Uſe, ſuch Gun, Sword, or other Weapon, and to apprehend and deliver ſuch Slave to the next Conſtable, who is enjoined and required, without further Order or Warrant, to give ſuch Slave Twenty Laſhes, on his or her bare Back, and to ſend him or her home; and the Maſter or Owner of ſuch Slave ſhall pay to the Taker up of ſuch armed Slave, the ſame Reward as by this Act is allowed for taking up of Runaways.

Offenders may be taken up, their Arms taken from them, and they whipped.

One Slave on a Plantation excepted.

XLI. *PROVIDED always*, That nothing in this Act ſhall be conſtrued or extended, to prohibit or debar any Maſter or Owner of any Slave or Slaves within this Government, from employing any one Slave in each and every diſtinct Plantation, from hunting in the Woods on their Maſter's Lands with a Gun, to preſerve his or her Stock, or to kill Game for his or her Family.

XLII. *PRO-*

(a) Sections 40, 41, and 42, altered, by Act March 1753, Chap. 6.

XLII. *PROVIDED alſo*, That ſuch Maſter or Owner ſhall firſt deliver into the County Court, an Account, in Writing, of the Name of any ſuch Slave to be employed as aforeſaid; and the Chairman of the Court ſhall ſign a Certificate that ſuch Slave is allowed to carry a Gun, and hunt in the Woods on his Maſter or Miſtreſs's Lands: And the Maſter, Miſtreſs, or Overſeer, of ſuch Slave, ſhall give him the ſaid Certificate, which ſuch Slave ſhall always carry about him, on Pain of being apprehended and puniſhed as aforeſaid: Any Thing herein before contained, to the contrary, notwithſtanding. *A. D.* 1741. Such Slave to carry a Certificate.

XLIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Slave ſhall go from off the Plantation or Seat of Land where ſuch Slave ſhall be appointed to live, without a Certificate of Leave, in Writing, for ſo doing, from his or her Maſter or Overſeer (Negroes wearing Liveries always excepted.) Slaves not to go off the Plantation without Leave, (Livery Slaves excepted.)

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That no Slave ſhall be permitted, on any Pretence whatſoever, to raiſe any Horſes, Cattle, or Hogs; and all Horſes, Cattle, and Hogs, that, Six Months from the Date hereof, ſhall belong to any Slave, or of any Slave's Mark in this Government, ſhall be ſeized and ſold by the Churchwardens of the Pariſh where ſuch Horſes, Cattle, or Hogs, ſhall be, and the Profit thereof be applied, one Half to the Uſe of the ſaid Pariſh, and the other Half to the Informer. Slaves not to raiſe Stock,

XLV. AND whereas many Times Slaves run away, and lie out hid and lurking in Swamps, Woods, and other obſcure Places, killing Cattle and Hogs, and committing other Injuries to the Inhabitants of this Government: *Be it therefore Enacted, by the Authority aforeſaid*, That in all ſuch Caſes, upon Intelligence of any Slave or Slaves lying out as aforeſaid, any Two Juſtices of the Peace for the County wherein ſuch Slave or Slaves is or are ſuppoſed to lurk or do Miſchief, ſhall, and they are hereby impowered and required, to iſſue Proclamation againſt ſuch Slave or Slaves (reciting his or their Name or Names, and the Name or Names of the Owner or Owners, if known) thereby requiring him or them, and every of them, forthwith to ſurrender him or themſelves; and alſo, to impower and require the Sheriff of the ſaid County to take ſuch Power with him as he ſhall think fit and neceſſary, for going in Search and Purſuit of, and effectually apprehending, ſuch outlying Slave or Slaves; which Proclamation ſhall be publiſhed on a Sabbath Day, at the Door of every Church or Chapel, or for Want of ſuch, at the Place where Divine Service ſhall be performed in the ſaid County, by the Pariſh Clerk or Reader, immediately after Divine Service: And if any Slave or Slaves againſt whom Proclamation hath been thus iſſued, ſtay out and do not immediately return home, it ſhall be lawful for any Perſon or Perſons whatſoever, to kill and deſtroy ſuch Slave or Slaves, by ſuch Ways and Means as he or ſhe ſhall think fit, without Accuſation or Impeachment of any Crime for the ſame. Runaway Slaves may be out-lawed,

XLVI. *PROVIDED always, and it is further Enacted*, That for every Slave killed in Purſuance of this Act, or put to Death by Law, the Maſter or Owner of ſuch Slave ſhall be paid by the Public; and all Trials of Slaves for Capital and other Crimes, ſhall be in the Manner, and according as herein after is directed. Out-lawed Slave killed, to be paid for by the Public.

XLVII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Number of Negroes or other Slaves, that is to ſay, Three or more, ſhall, at any Time hereafter, conſult, adviſe, or conſpire to rebell, or make Inſurrection, or ſhall plot or conſpire the Murther of any Perſon or Perſons whatſoever, every ſuch conſulting, plotting, or conſpiring, ſhall be adjudged and deemed Felony; and the Slave or Slaves convicted thereof, in Manner herein after directed, ſhall ſuffer Death. Conſpiracy of any 3 or more Slaves adjudged Felony.

XLVIII. *AND be it further Enacted, by the Authority aforeſaid*, That every Slave committing ſuch Offence, or any other Crime or Miſdemeanor, ſhall forthwith be Manner of trying Slaves.

A. D. 1741. be committed, by any Juſtice of the Peace, to the Common Jail of the County within which the ſaid Offence ſhall be committed, there to be ſafely kept; and that the Sheriff of ſuch County, upon ſuch Commitment, ſhall forthwith certify the ſame to any Juſtice in the Commiſſion for the ſaid Court for the Time being, reſident in the County, who is thereupon required and directed to iſſue a Summons for Two or more Juſtices of the ſaid Court, and Four Freeholders, ſuch as ſhall have Slaves in the ſaid County; which ſaid Three Juſtices and Four Freeholders, Owners of Slaves, are hereby impowered and required, upon Oath, to try all Manner of Crimes and Offences that ſhall be committed by any Slave or Slaves, at the Court-Houſe of the County, and to take for Evidence the Confeſſion of the Offender, the Oath of one or more credible Witneſſes, or ſuch Teſtimony of Negroes, Mulattoes, or *Indians*, bond or free, with pregnant Circumſtances, as to them ſhall ſeem convincing, without the Solemnity of a Jury; and the Offender being then found guilty, to paſs ſuch Judgment upon ſuch Offender, according to their Diſcretion, as the Nature of the Crime or Offence ſhall require; and on ſuch Judgment to award Execution.

All Juſtices may ſit on any Negroe's Trial.

XLIX. *PROVIDED always, and be it Enacted*, That it ſhall and may be lawful for each and every Juſtice, being in the Commiſſion of the Peace for the County where any Slave or Slaves ſhall be tried, by Virtue of this Act (who is Owner of Slaves) to ſit upon ſuch Trial, and act as a Member of ſuch Court, tho' he or they be not ſummoned thereto: Any Thing herein before contained to the contrary, in any wiſe, notwithſtanding.

Negroes giving falſe Teſtimony, to have their Ears cut off.

L. AND to the End ſuch Negro, Mulatto, or *Indian*, bond or free, not being Chriſtians, as ſhall hereafter be produced as an Evidence on the Trial of any Slave or Slaves, for capital or other Crimes, may be under the greater Obligation to declare the Truth; *Be it further Enacted*, That where any ſuch Negro, Mulatto, or *Indian*, bond or free, ſhall, upon due Proof made, or pregnant Circumſtances, appearing before any County Court within this Government, be found to have given a falſe Teſtimony, every ſuch Offender ſhall, without further Trial, be ordered, by the ſaid Court, to have one Ear nailed to the Pillory, and there ſtand for the Space of one Hour, and the ſaid Ear to be cut off, and thereafter the other Ear nailed in like Manner, and cut off, at the Expiration of one other Hour; and moreover, to order every ſuch Offender Thirty Nine Laſhes, well laid on, on his or her bare Back, at the common whipping Poſt.

Chairman of the Court to caution every Slave giving Teſtimony.

LI. *AND be it further Enacted, by the Authority aforeſaid*, That at every ſuch Trial of Slaves committing capital or other Offences, the firſt Perſon in Commiſſion ſitting on ſuch Trial, ſhall, before the Examination of every Negro, Mulatto, or *Indian*, not being a Chriſtian, charge ſuch to declare the Truth.

Owner of Slave may appear and make Defence for him.

LII. *PROVIDED always, and it is hereby intended*, That the Maſter, Owner, or Overſeer, of any Slave, to be arraigned and tried by Virtue of this Act, may appear at the Trial, and make what juſt Defence he can for ſuch Slave or Slaves, ſo that ſuch Defence do not relate to any Formality in the proceeding on the Trial.

Slave convicted, Court to value him, and certify it to the Aſſembly, that they may pay for him.

LIII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Slave ſhall be convicted capitally by Virtue of this Act, the Juſtices and Freeholders that ſhall ſit on ſuch Trials, ſhall put a Valuation, in Proclamation Money, upon ſuch Slave ſo convicted, and certify, under their Hands and Seals, ſuch Valuation to the next Aſſembly; that the ſaid Aſſembly may make ſuitable Allowance thereupon, to the Maſter or Owner of ſuch Slave.

Slaves killed in diſperſing Conſpirators, ſeizing Arms, taking up Runaways, or

LIV. *AND be it further Enacted, by the Authority aforeſaid*, That if in the diſperſing any unlawful Aſſemblies of rebel Slaves or Conſpirators, or ſeizing the Arms and Ammunition of ſuch as are prohibited by this Act to keep the ſame, or in apprehending Runaways, or in Correction by Order of the County Court, any Slave

ſhall

ſhall happen to be killed or deſtroyed, the Court of the County where ſuch Slave ſhall be killed, upon Application of the Owner of ſuch Slave, and due Proof thereof made, ſhall put a Valuation, in Proclamation Money, upon ſuch Slave ſo killed, and certify ſuch Valuation to the next Seſſion of Aſſembly; that the ſaid Aſſembly may make ſuitable Allowance thereupon, to the Maſter or Owner of ſuch Slave. *A. D.* 1741. Correction by the Court's Order, to be paid for by the Public.

LV. *PROVIDED always, and be it further Enacted*, That nothing herein contained, ſhall be conſtrued, deemed or taken, to defeat or bar the Action of any Perſon or Perſons, whoſe Slave or Slaves ſhall happen to be killed by any other Perſon whoſoever, contrary to the Directions and true Intent and Meaning of this Act; but that all and every Owner or Owners of ſuch Slave or Slaves, ſhall and may bring his, her, or their Action, for Recovery of Damages for ſuch Slave or Slaves ſo killed. Other Perſons killing Slaves, Owner may have his Action againſt them.

LVI. *AND be it further Enacted, by the Authority aforeſaid*, That no Negro or Mulatto Slaves ſhall be ſet free, upon any Pretence whatſoever, except for meritorious Services, to be adjudged and allowed of by the County Court, and Licence thereupon firſt had and obtained: And that where any Slave ſhall be ſet free by his or her Maſter or Owner, otherwiſe than is herein before directed, it ſhall and may be lawful for the Churchwardens of the Pariſh wherein ſuch Negro, Mulatto or Indian, ſhall be found, at the Expiration of Six Months, next after his or her being ſet free, and they are hereby authorized and required, to take up and ſell the ſaid Negro, Mulatto or Indian, as a Slave, at the next Court to be held for the ſaid County, at Public Vendue; and the Monies ariſing by ſuch Sale, ſhall be applied to the Uſe of the Pariſh, by the Veſtry thereof: And if any Negro, Mulatto, or Indian Slave, ſet free or otherwiſe than is herein directed, ſhall depart this Province within Six Months next after his or her Freedom, and ſhall afterwards return into this Government, it ſhall and may be lawful for the Churchwardens of the Pariſh where ſuch Negro or Mulatto ſhall be found, at the Expiration of one Month, next after his or her Return into this Government, to take up ſuch Negro or Mulatto, and ſell him or them as Slaves, at the next Court to be held for the County, at public Vendue; and the Monies ariſing thereby, to be applied, by the Veſtry, to the Uſe of the Pariſh, as aforeſaid. Slaves not to be ſet free, except for meritorious Services. Slaves ſet free, and departing the Province, returning in ſix Months, to be ſold.

LVII. *AND be it further Enacted, by the Authority aforeſaid*, That until this Act ſhall be printed, it ſhall be publickly read, Yearly, and every Year, Two ſeveral Times in the Year, in every County within this Government, by the Clerk of each County, in open Court; that is to ſay, At the Courts in or next to the Months of *April* and *September*; under the Penalty of Twenty Shillings, Proclamation Money, for every ſuch Omiſſion and Neglect; to be levied by a Warrant from any Juſtice of the Peace, and applied to the Uſe of the Pariſh where the Offence ſhall be committed: And the Churchwardens of every Pariſh are hereby required to provide a Copy of this Act, at the Charge of the Pariſh. This Act to be read in Court Twice a Year.

LVIII. *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, ſo far as relate to Servants and Slaves, or to any other Matter or Thing whatſoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made. Repealing Clauſe.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

WILLIAM SMITH, Preſident.

JOHN HODGSON, Speaker.

ANNO

A. D. 1741.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DECIMO QUINTO.

GABRIEL JOHNSTON, Esq; Governor.

At a General ASSEMBLY, held at *Wilmington*, in the Year of our Lord One Thousand Seven Hundred and Forty One.

CHAP. I.

This Act repealed, but the Bounds of the County and Parishes re-established, by Act, passed Sept 1756, Chap. 9.

An Act for erecting the upper Part of Bertie *County into a County, by the Name of* Northampton *County; and for regulating the Limits between* Society *Parish and the North West Parish of* Bertie, *and for removing the Seat of* Bertie *County Court.*

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnston, *Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That that Part of *Bertie* County which lieth North and West of *Sandy* Run, and in a direct Line from the Head of the said Run, to the Head of the *Beaver-Dam* Swamp, and down the said Swamp and *Meherrin* Creek and River, be, and is hereby erected into a County, by the Name of *Northampton* County; and that the said Bounds shall, henceforward, be the Limits between *Society* Parish and the Northwest Parish of *Bertie.*

CHAP. II.

Repealed by Act, April 20, 1745, Chap. 4.

An Act to establish Ports, or Places of Delivery of Merchandizes imported in and exported out of this Province; and to prevent the clandestine running of uncustomed and prohibited Goods in the several Ports thereof.

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.
Nathaniel Rice, President.
John Hodgson, Speaker.

ANNO

A. D. 1743.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DECIMO SEPTIMO.

At a General ASSEMBLY, held at *Edenton*, the Second Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Forty Three. GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act to regulate Elections for Members to ſerve in General Aſſembly for the ſeveral Counties, to declare who ſhall be qualified to vote in the ſaid Elections, or be elected a Member of the General Aſſembly for any of the ſaid Counties, and to direct the Method to be obſerved in taking the Poll at the ſeveral Elections in the Counties and Towns in this Province. REP.

CHAP. 2. *An Act for obtaining an exact Liſt of Taxables, and for the effectual collecting as well all Arrears of Taxes, as all other Taxes, for the future due and payable.* REP.

3. *An Act to impower the Juſtices of* Beaufort *County to build two ſubſtantial Warehouſes, at the Places hereafter mentioned, in the ſaid County, for the Uſe and Conveniency of the Inhabitants paying their Taxes and Levies.* OBS.

4. *An Act to aſcertain what Attornies Fees ſhall be taxed and allowed, in any Suit or Action, brought in any of the Courts of Record in this Province.* Provided for, by Act Dec. 1770. Chap 5.

5. *An Act for providing proper Magazines of Ammunition in the ſeveral Counties of this Province, and for defraying the Charge thereof.* OBS.

6. *An Act for making and clearing a Highway from* Edenton *into the Road leading over Mr.* Hoſkin's *Mill Dam, towards* Perquimons *Court-Houſe, and for erecting Bridges in ſuch Road, and alſo another Gate at* Edenton. Provided for by the Road Act, paſſed Jan. 1764, Chap. 3.

A. D. 1743.

CHAP. VII.

An Act, for erecting a Court-Houſe, Priſon and Stocks, in Bertie *County, and for laying a Tax upon the Inhabitants of the ſaid County for defraying the Charge thereof.*

Preamble.

I. WHEREAS great Diſputes have ariſen in the County of *Bertie*, concerning the Place whereon the Court-houſe, Priſon and Stocks, ſhould be erected in the ſaid County; by Reaſon whereof, they have not hitherto been built: Therefore, to aſcertain the Place whereon the ſame ſhall be built, and to prevent Delays for the future;

Court-houſe, &c. where to be built.

II. WE pay that it may be Enacted, *And be it Enacted, by his Excellency* Gabiel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That the Court-Houſe, Priſon and Stocks, of *Bertie* County, ſhall be built between *Cuſhy* Bridge and *Wills's Quarter* Bridge, in the ſaid County, and that all Courts ſhall be there held for the ſaid County, after the ſame ſhall be built; any Law, Cuſtom, Uſage, or Order of Court, to the contrary, notwithſtanding.

Juſtices to purchaſe Land to build the Court-Houſe, &c. on.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County, or a Majority of them, are hereby impowered and required, at the next Court that ſhall be held for the ſaid County, after the paſſing of this Act, to purchaſe, of the Owner, One Acre of Land, in Fee Simple, between the ſaid Bridges, for the Uſe of the Public, whereon to build the ſaid Court-Houſe, Priſon and Stocks; and ſhall alſo contract with, or impower other Perſons as they ſhall think proper, to contract with and employ Workmen, for building and erecting the ſame thereon.

Tax laid for the ſame.

IV. AND for defraying the Expences thereof, *Be it further Enacted, by the Authority aforeſaid*, That the ſaid Juſtices, or a Majority of them, are hereby impowered and required, to lay a Tax on the Inhabitants of the ſaid County, not exceeding Two Shillings and Six Pence, Proclamation Money, for One Year, *per* Tithable, for the Purpoſes aforeſaid.

Sheriff to collect it, and pay it to the Juſtices.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the ſaid County of *Bertie*, ſhall, and he is hereby required, to collect the aforeſaid Tax, at the Time, and in the Manner that the Public Taxes are by Law to be collected, and pay the ſame to the Juſtices of the ſaid Court, to be by them applied to paying the Workmen for building the ſaid Court-Houſe, Priſon and Stocks; and alſo to pay the Conſideration Money for the One Acre of Land, herein before directed to be by them, the ſaid Juſtices, purchaſed.

Former Contracts about a Court-Houſe, &c. annulled.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Contract or Contracts heretofore made, by Virtue of any Order of the Juſtices of the Court of *Bertie*, concerning the erecting a Court-Houſe, Priſon and Stocks, at or near *Stony-Creek*, is, and are hereby annulled and made void; and all Perſons concerned therein, ſhall, and are hereby diſcharged from performing the ſame, or any Part thereof.

Materials collected, to be valued, and paid for.

VII. *PROVIDED neverthelefs*, That if any Perſon, by Virtue of any Agreement with the ſaid Juſtices heretofore made, hath collected any Materials, or done any Work towards the building of a Court-Houſe, Priſon and Stocks, at or near *Stony-Creek*, the ſaid Materials or Work ſo done, ſhall be valued by Two Freeholders of the ſaid County, one to be choſen by the ſaid Juſtices, and the other by the Party collecting ſuch Materials, or doing ſuch Work; and the Money ſuch Materials or Work ſhall be valued at, ſhall be paid, out of the Tax to be raiſed by Virtue of this Act.

VIII. *AND*

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe any Money has been collected by the Sheriff of the ſaid County, from any Perſon or Perſons, in Conſequence of any Order of Court heretofore made, the ſame ſhall be paid, by the Sheriff who collected the ſame, to the Juſtices of *Bertie* County aforeſaid, for and towards defraying the Expence of building the ſaid Court-Houſe, Priſon and Stocks; and any Perſon or Perſons who has already paid any Money to the Sheriff, in Conſequence of any Order of Court, made as aforeſaid, ſhall be allowed the ſame, in Diſcount of any Tax he ſhall be liable to by Virtue of this Act; any Thing herein contained to the contrary, notwithſtanding.

A. D. 1743. Money already collected to be paid the Juſtices, and the Perſons to have Credit for it.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

NATHANIEL RICE, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1745.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DECIMO NONO.

GABRIEL JOHNSTON, Esq; Governor.

At a General ASSEMBLY, held at *Newbern*, the Twentieth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty Five.

Repealed by Act, April 6, 1748, Chap. 10.

CHAP. I.

An Act for laying a Tax for sinking the now current Bills of Credit.

CHAP. II.

An additional Act to an Act, intituled, An Act for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and limiting the Time of their Continuance in Office, and directing their Duty therein; and for abolishing the Office of Provost Marshal of this Province, and for altering the Names of the Precincts into Counties. REP.

CHAP. III.

An additional Act to an Act, intituled, An Act to prevent killing Deer at unseasonable Times, and for putting a Stop to many Abuses committed by white Persons, under Pretence of hunting.

Preamble.

I. WHEREAS by the before recited Act it is, among other Things, Enacted, That it shall not be lawful for any Person to kill or destroy any Deer, running wild in the Woods, or unfenced Grounds, in this Government, by Guns, or any other Ways or Means whatsoever, between the Fifteenth Day of *February*, and the Fifteenth Day of *July*, yearly, and in each Year, after the Ratification of the said Act; and that any Person convicted of the same, shall forfeit and pay the Sum of Five Pounds, current Money: And whereas it appears that the allowing Liberty of killing Deer in fenced Grounds and Inclosures at such Seasons, has given Room to several Persons to evade the said Law:

II. WE

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II. We therefore pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That if any Perſon ſhall be convicted of killing Deer, or having Veniſon, or a green Deer Skin or Skins, in his Houſe, Camp, or Poſſeſſion, between the Fifteenth Day of *February* and Fifteenth Day of *July*, yearly, after the Ratification of this Act, he ſhall forfeit and pay the Sum of Forty Shillings, Proclamation Money; to be recovered and applied as herein after is directed.

Penalty on Perſons killing Deer contrary to this Act.

III. *PROVIDED nevertheleſs*, That nothing in this Act ſhall be conſtrued to extend to convict any Perſon or Perſons of the ſaid Forfeiture, in whoſe Houſe any Veniſon, green Skin or Skins, ſhall be found, which hath been left in ſuch Houſe without the Knowledge, Privity or Conſent, of ſuch Perſon, or any of his Family, upon due Proof thereof to be made, by the Perſon therewith charged.

Proviſo.

IV. AND foraſmuch as there are great Numbers of idle and diſorderly Perſons, who have no ſettled Habitation, nor viſible Method of ſupporting themſelves, by Induſtry or honeſt Calling, many of whom come in from neighbouring Colonies, without proper Paſſes, and kill Deer at all Seaſons of the Year, and often leave the Carcaſſes in the Woods, and alſo ſteal and deſtroy Cattle, and carry away Horſes, and commit other Enormities, to the great Prejudice of the Inhabitants of this Province; *Be it therefore Enacted, by the Authority aforeſaid*, That every Perſon who ſhall hunt and kill Deer in the King's Waſte within this Province, and who is not poſſeſſed of a ſettled Habitation in the ſame, ſhall be obliged to produce a Certificate, when required, of his having planted and tended Five Thouſand Corn Hills, at Five Feet Diſtance each Hill, the preceding Year or Seaſon, in the County where he ſhall hunt, under the Hands of at leaſt Two Juſtices of the Peace of the ſaid County, and the Hand of at leaſt One of the Churchwardens of the Pariſh where ſuch Perſon planted and tended ſuch Corn, as aforeſaid.

This Clauſe altered by Act, Nov 1768, Chap. 13.

Perſons not poſſeſſed of a ſettled Habitation, not allowed to hunt, without producing a Certificate of his having tended 5000 Corn Hills.

V. *AND be it further Enacted*, That if any ſuch Perſon as aforeſaid is found hunting, and does not produce ſuch Certificate as aforeſaid, when required, he ſhall forfeit his Gun, and Five Pounds, Proclamation Money, for every ſuch Offence; to be recovered and applied as herein after is directed.

Such Perſon found hunting, and not producing ſuch Certificate, to forfeit his Gun, and 5 l.

VI. AND whereas many idle Perſons, who ſpend their chief Time in hunting Deer, leave the Carcaſſes in the Woods, by which Means Wolves, Bears, and other Vermin, are raiſed and ſupported, which deſtroy the Stocks of the Inhabitants of this Province; *Be it therefore further Enacted, by the Authority aforeſaid*, That every Perſon who hunts Deer, and leaves the Carcaſs or Carcaſſes in the Woods, undeſtroyed, ſhall, for every Offence, forfeit and pay Forty Shillings, Proclamation Money.

Perſons not to leave Carcaſſes in the Woods, on Penalty of 40 s.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures mentioned in this Act, ſhall be paid, the One Half to the Informer, the other Half to the Churchwardens, to the Uſe of the Pariſh where ſuch Offence ſhall be committed; to be recovered with Coſts, by a Warrant from any Juſtice of the Peace within this Government; ſaving to all free Perſons the Right of Appeal to the County Court where ſuch Offence is committed: Which ſaid Court is hereby impowered and directed, in a ſummary Way, finally to determine the ſame; wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed or admitted of.

Fines how to be recovered and applied.

Right of Appeal.

CHAP.

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CHAP. IV.

An Act to repeal an Act paſſed at Wilmington, *in the Year of our Lord One Thouſand Seven Hundred and Forty One, intituled,* An Act to eſtabliſh Ports, or Places of Delivery of Merchandizes, imported in, and exported out of this Province, and to prevent the clandeſtine running of uncuſtomed Goods in the ſeveral Ports thereof.

Preamble.

I. WHEREAS it is found very inconvenient and injurious to Traders and Veſſels arriving at the ſeveral Ports and Places in the ſaid Act mentioned, and there being obliged to unlade and continue, whereby great Damages, Loſſes, and Delays, have accrued, and much of the Trade of this Province, which heretofore uſed to be carried on by Water, has of late been diverted, and carried on by Land to *Virginia:* For Remedy whereof,

Act repealed.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council and General Aſſembly of this Province, and it is hereby Enacted by the Authority of the ſame,* That the ſaid Act be and is hereby repealed, to all Intents and Purpoſes, as if the ſame had never been made.

Not to extend to any Suit already commenced.

III. *PROVIDED nevertheleſs,* That nothing in this Act ſhall be deemed or taken to extend to any Lawſuit already commenced and depending, upon the Breach of the ſaid Law.

CHAP. V.

An Act for impowering the ſeveral Commiſſioners herein after named to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful to the Public. REP.

CHAP. VI.

An Act for erecting a Fortification on the lower Part of Cape Fear *River, for applying thereto the Powder Money already ariſen, or which ſhall ariſe, by Shipping coming into the Port of* Brunſwick.

Preamble.

I. WHEREAS from the preſent War with *France* and *Spain,* there is great Reaſon to fear that ſuch Parts of this Province which are ſituated moſt commodious for Shipping to enter, may be invaded by the Enemy; and whereas the Entrance of *Cape Fear* River, from its known Depth of Water, and other Conveniences for Navigation, may tempt them to ſuch an Enterprize, while it remains in ſo naked and defenceleſs a Condition as it now is: Therefore, for the better ſecuring of the Inhabitants of the ſaid River from any Inſult and Invaſion,

Commiſſioners appointed to erect the Fort.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame,* That his Excellency *Gabriel Johnſton,* Eſq; Governor, the Hon. *Nathaniel Rice, Robert Halton, Eleazer Allen, Matthew Rowan, Edward Moſeley, Roger Moore, William Forbes,* Eſqrs. and Colonel *James Innes, William Faris,* Eſq; Major *John Swann,* and *George Moore,* Eſq; be, and are hereby appointed Commiſſioners; who, or the Majority of them, ſhall have full Power and Authority to erect and build a Fort or Battery, in ſuch Place on the lower Parts of *Cape Fear* River, as to the Majority of them ſhall ſeem moſt convenient, for the Defence of the ſaid River: Which Fort or Battery ſhall be called *Johnſton*'s Fort, and ſhall be large enough to contain, at leaſt, Twenty Four Cannon, with Barracks, and other Conveniences, for Soldiers.

III. AND

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III. AND for defraying the Charges of building such Fort or Battery, *Be it Enacted, by the Authority aforesaid*, That the Powder Money already paid to the Naval Officer of Port *Brunswick*, or to the Commissioners of Navigation of the said Port, since the Sixth Day of *March*, One Thousand Seven Hundred and Thirty Eight, by Virtue of an Act of Assembly, intituled, *An Act for facilitating the Navigation of the several Ports of this Province, and for buoying and beaconing the Channels leading from* Ocacock *Inlet to* Edenton, Bath *Town, and* Newbern, *and from* Topsail *Inlet to* Beaufort *Town, and other Ports and Inlets within the said Province herein mentioned, and for providing sufficient Pilots, for the safe Conduct of Vessels*; and all Powder Money which shall hereafter arise by Vessels coming into the said Port of *Brunswick*, shall be applied, by the Commissioners aforesaid, or the Majority of them (after deducting a Sum sufficient for finishing the posting and staking out the Channel between *Brunswick* and *Wilmington*, not exceeding the Sum of Fifteen Pounds, Proclamation Money) to the Charge of building and erecting the said Fortification as aforesaid, and to no other Purpose or Use whatsoever; any Thing in the said Act, to the contrary, notwithstanding.

Powder Money to be applied for building it.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the several Naval Officers of the Port of *Brunswick*, or other Persons, who have any of the Powder Money, of or belonging to the said Port, in their Hands; and the Naval Officer who shall hereafter receive any Powder Money of or for that Port, shall, when called upon by the aforesaid Commissioners, or the major Part of them, appear before them, and settle their Account, upon Oath, and pay to the said Commissioners, or the Majority of them, or their Order, all such Sum and Sums of Money already received, or which shall hereafter be received by him or them; and a Receipt under the Hands of the said Commissioners, or their Order, shall be a sufficient Discharge to the said Officer, for such Sum or Sums of Money so paid.

Naval Officer to account with the Commissioners for all Powder Money.

V. *AND be it further Enacted, by the Authority aforesaid*, That if any such Person or Persons, who have already received any Powder Money as afore mentioned, or who hath any such Money in his Hands, or who hereafter shall receive any such Money, shall, upon due Notice given, refuse to appear to account, upon Oath, and pay the Money due from him or them, he or they so refusing or neglecting, shall forfeit the Sum of Forty Pounds, Proclamation Money; to be recovered by the Commissioners, or the Majority of them, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, wherein no Protection, Injunction, or Wager of Law, shall be allowed or admitted of, and applied towards building the said Fort; and shall be also liable to an Action for all such Sums of Money as are in his or their Hands, at the Suit of the Commissioners aforesaid, or the major Part of them.

Naval Officer, &c. neglecting to pay such Money, to forfeit 40 l.

VI. *AND be it further Enacted, by the Authority aforesaid*, That if any one or more of the Commissioners before mentioned, shall die, or remove out of this Province, or refuse to act, that in such Case it shall and may be lawful for the Majority of the remaining Commissioners, to recommend double the Number of the Person or Persons so dying, leaving the Province, or refusing to act, to his Excellency the Governor or Commander in Chief for the Time being, out of which he is hereby impowered to appoint one or more Commissioners, to act in the Room of such so dying, leaving the Province, or refusing to act, as aforesaid: And such Commissioner or Commissioners so appointed, shall have the same Power and Authority as any other Commissioner or Commissioners have, or ought to have, by Virtue of this Act.

Number of Commissioners to be kept up.

VII. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners herein before nominated and appointed, are hereby compelled to lay their Accounts before the Governor, Council, and General Assembly of this Province, for all such Sum or Sums of Money as they shall, from Time to Time, receive by Virtue of this Act.

Commissioners to lay their Accounts before the Governor, &c.

VIII. *AND*

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Commiſſioners may uſe adjacent Timber.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for any Perſon or Perſons, by the Direction of the Commiſſioners aforeſaid, or the major Part of them, to cut down and make Uſe of any Timber Tree or Trees, ſtanding or growing upon any of the moſt convenient Lands to the ſaid Fort, to be uſed in building and erecting the ſame.

CHAP. VII.

This Act had its Effect.

An Act to appoint Commiſſioners in the Place and Stead of thoſe deceaſed, to complete and finiſh the Church in Newbern, *and for adding the preſent Churchwardens and Veſtrymen to the ſaid Commiſſioners; and for impowering the ſaid Commiſſioners, Churchwardens, and Veſtrymen, to call the former Commiſſioners to Account, for all the Monies by them received for the Uſe of the ſaid Church, and to appropriate it to the Purpoſe aforeſaid, and, in Caſe of Inſufficiency, to lay a levy to accompliſh the ſame.*

CHAP. VIII.

An Act to add that Part of the Province called Mattamuſkeet, *and Lake, to* Hyde *County.*

Preamble.

I. WHEREAS the Inhabitants of *Mattamuſkeet*, and the Lake, for theſe many Years paſt, have been obliged to attend *Currituck* County Court, being from their Habitations upwards of One Hundred Miles, through a bleak and dangerous Sound, which is always attended with great Fatigue, and often Times their Lives expoſed to great Danger, and frequently, by contrary Winds, diſappointed of their Paſſages, and detained from their Families: For Remedy whereof for the future,

Mattamuſkeet deemed Part of Hyde County.

II. WE pray that it may be Enacted, *And it is hereby Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and by the Authority of the ſame,* That *Mattamuſkeet*, and the Lake thereunto belonging, ſhall, from henceforward, be accounted, taken, reckoned, and deemed Part of *Hyde* County; and that the Inhabitants thereof ſhall be ſubject and liable to the ſame Orders, Rules and Taxes, as any other of the Inhabitants of the ſaid County are, or hereafter ſhall be; any Law, Cuſtom, or Uſage, to the contrary, notwithſtanding.

CHAP. IX.

This Act, all but the 2d, 3d, and 4th Clauſes, provided for by Act, Sept. 1756, Chap. 14.

An Act to impower the Commiſſioners for the Town of Edenton *to keep in Repair the Town Fence, and to erect and build a Pound, Bridges, Public Wharf, and Market Houſe; and alſo to erect and build a School Houſe in the ſaid Town, and other Purpoſes therein mentioned.*

None but Inhabitants to keep any Stock in Town, on Pen. of 20s.

II. *AND be it further Enacted, by the Authority aforeſaid,* That no Perſon or Perſons whoſoever, except the Inhabitants of the ſaid Town, ſhall keep, or cauſe to be kept, any Horſe, Cattle, or Sheep, within the ſaid Town, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered and applied as in this Act is hereafter directed.

What Number of Stock Inhabitants may keep.

III. *AND be it further Enacted, by the Authority aforeſaid,* That none of the Inhabitants of the ſaid Town ſhall keep, or cauſe to be kept, runing at large within the Bounds of the ſaid Town, more than Six Head of Sheep, One Cow, and One Horſe, for One Lot, and ſo in Proportion for each and every Lot by him, her, or them, ſo poſſeſſed, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered and applied as in this Act is hereafter directed.

IV. *AND*

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners of the said Town, or the Majority of them, are hereby authorized and impowered to erect and build a Pound, Bridges, Public Wharf, Market House, and School House, in such Public Places in the said Town as they, or the Majority of them, shall think most convenient for the Ease and Advantage of the Inhabitants of the said Town: And for defraying the Expence of building and erecting the said Pound, Bridges, Public Wharf, Market House, and School House, the said Commissioners shall be allowed and paid out of the Money already arisen, and not applied, and which hereafter shall arise, by the Sale of Lots in the said Town; any Law, Usage, or Custom, to the contrary, notwithstanding. *A. D.* 1745. Commissioners to build Pound, Bridges, Wharf, Market House, and School House.

CHAP. X.

An Act for the better regulating the Town of Wilmington, *and for confirming and establishing the late Survey of the same, with the Plan annexed.* REP.

CHAP. XI.

An Act for fencing the Town of Bath, *and re-surveying the Common belonging to the said Town, and exempting the Inhabitants from working on the Main Roads; and to give Liberty to the Inhabitants to build on and improve the Front or Water Lots, and to appoint Commissioners for the Purposes aforesaid.*

I. WHEREAS the incloſing and fencing in the Town of *Bath*, will be not only commodious to the Inhabitants, but convenient to Travellers passing that Way: Preamble.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnston, *Esq; Governor, by and with the Advice and Consent of his Majesty's Council and General Assembly of this Province, and by the Authority of the same,* That the Inhabitants of *Bath* Town, at their own proper Costs and Charges, shall be obliged to make, and keep in Repair, a good and sufficient Fence, with one large Gate fit for Carts to pass through, and one lesser Gate, fit for Men and Horses to pass through. Inhabitants impowered to fence in the Town.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners hereafter appointed, or the Majority of them, are hereby directed and impowered, to hire and employ Workmen, to make up or repair the said Fence and Gates, when the Majority of them shall find it necessary, and to compute the Charge of the making and repairing the same, on the First Tuesday in *May*, yearly, after the Ratification of this Act: And for defraying the said Expence, the Commissioners hereafter named are hereby authorized and impowered to lay a Tax or Levy on each Taxable in the said Town, for paying the said Charge, not exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, yearly. Commissioners to lay a Tax, to keep the Fence in Repair.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any of the Inhabitants of the said Town of *Bath*, or any other Person or Persons holding or possessing Lots therein, shall neglect or refuse to pay the said Tax or Levy, so laid by the Commissioners as aforesaid, that then, and in such Case, the Commissioners for the Time being, or the Majority of them, are hereby impowered to sue for and recover the same, by Warrant from any Justice of the Peace for the County of *Beaufort*. Persons refusing to pay the Tax, may be sued.

V. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall pull down, take away, or by any Means destroy, any of the Rails of the said Fence, or any Part thereof, and shall thereof be lawfully convicted, Persons pulling down the Fence, for the first Of-

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fence to forfeit 20 s. and for the second 40 s.

by the Oath of one credible Witneſs, before one or more Juſtices of the Peace, he, ſhe, or they, ſo offending, ſhall forfeit and pay, into the Hands of the Commiſſioners, for the firſt Offence, the Sum of Twenty Shillings, Proclamation Money; and for the ſecond Offence, being thereof lawfully convicted as aforeſaid, the Sum of Forty Shillings, Proclamation Money; to be recovered, by the Commiſſioners, by a Warrant from Two Juſtices of the Peace: Which Money, ſo by them recovered, ſhall be by them applied towards repairing the ſaid Fence.

Tax to be laid on the Lots, to re-ſurvey the Town.

VI. AND foraſmuch as the Inhabitants of the ſaid Town know not exactly the Bounds of their ſeveral and reſpective Lots; to prevent Diſputes for the future, *Be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners hereafter named, or the Majority of them, are hereby required and impowered to employ the Surveyor-General, or his Deputy, to re-ſurvey the ſaid Town, as near as poſſible to the old Plan, that no Perſon may be damaged thereby; and the Commiſſioners are hereby impowered to lay a Tax or Levy on each Lot, not exceeding Two Shillings and Eight Pence, Proclamation Money, to pay the Expence of ſurveying the ſame; which Money ſhall be paid, by the Owners of the ſaid Lot or Lots, into the Hands of the Commiſſioners: And every Owner or Owners of ſuch Lot or Lots ſo ſurveyed, are hereby obliged to ſet up Poſts or Stones for Land Marks, in Preſence of ſome of the Commiſſioners, at the Time of ſurveying the ſame, under the Penalty of Forty Shillings Proclamation Money; to be recovered and applied in the ſame Manner as other Fines in this Act are before directed to be recovered and applied.

Common to be ſurveyed, at the Expence of the Inhabitants.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Common belonging to the ſaid Town be alſo ſurveyed, at the Expence of the Inhabitants of the ſaid Town; and that proper Land Marks be ſet on the Bounds of the ſame, that Perſons may know where the ſame are, and not commit Treſpaſs on the Lands adjoining.

Inhabitants exempt from working on the Roads

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Inhabitants of *Bath* Town be, and are hereby exempted from working on the Public Roads; provided that the ſaid Inhabitants keep the Town incloſed, in Manner aforeſaid, and their Streets and Lots clear of all Incumbrances whatſoever.

Perſons may improve Front Lots.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons which have, or which hereafter ſhall take up any of the Front or Water Lots in the ſaid Town, are hereby impowered to improve the ſame, by building and erecting Warehouſes and Stores, or other Buildings, as to them ſhall be moſt convenient, for carrying on their Trade and Commerce.

Commiſſioners appointed.

X. *AND be it further Enacted, by the Authority aforeſaid*, That Capt. *Michael Coutanch*, Col. *Benjamin Peyton*, Mr. *John Rieuſſett*, Mr. *Robert Boyd*, and Mr. *Daniel Blinn*, be, and are hereby appointed Commiſſioners for the ſaid Town of *Bath*, with Power and Authority to ſue for and recover, of and from any Perſon and Perſons who ſhall refuſe to pay their proportionable Part of the Charges ariſing and becoming due for any of the Purpoſes aforeſaid; and on the Death or Removal of any of the above Commiſſioners, the Majority of the Commiſſioners ſhall chooſe others, in the Room and Stead of thoſe ſo dying or removing.

CHAP. XII.

See Act 1768, Chap. 20, for amending this Act.

An Act to encourage Perſons to ſettle in the Town of Brunſwick, *on the South Weſt Side of* Cape Fear *River.*

Preamble.

I. WHEREAS *Maurice Moore*, late of *Cape Fear*, Eſq; deceaſed, appropriated and laid out a certain Parcel of Land, containing Three Hundred and Twenty Acres, on the South Weſt Side of *Cape Fear*, for a Town and Common, for the Uſe of the Inhabitants of the ſaid Town; which ſaid Town is called *Brunſwick:*

Brunſwick: And the Hon. *Roger Moore*, Eſq; to make the ſaid Town more regular, added another Parcel of Land to the ſaid Town, and a great Part of the ſaid Lands was laid out into Lots, of Half an Acre each, many of which are taken up, and good Houſes built thereon, and proper Places were appointed and given, by the ſaid *Maurice Moore*, for a Church, Court-Houſe, and Burial Place, Market Houſe, and other Public Buildings: And whereas, by Reaſon of the Death of the ſaid *Maurice Moore*, and of *John Porter*, of *Cape-Fear*, Eſq; who claimed to hold Part of the ſaid Lands laid out for a Town, by Grant from the ſaid *Maurice Moore*, it is not certainly known to whom the ſaid Lands belong, ſo that ſure Titles may be had to the Lots as yet unſold, which is a great Diſcouragement to the ſettling the ſaid Town: And whereas the Trade of *Cape Fear* River conſiſts in Naval Stores, Rice, and Lumber, Commodities of great Bulk and ſmall Value, all due Encouragement ought to be given to large Ships to come into the ſaid River, to take off the ſaid Commodities; and as all large Ships which come into the ſaid River, are obliged to lie at *Brunſwick*, and that Town, for Want of a ſufficient Number of Inhabitants, and by Reaſon of the eaſy Navigation thereunto, is much expoſed to the Invaſion of foreign Enemies in Time of War, and Pirates in Time of Peace, nothing can be greater Encouragement for Ships to come there, than a Certainty of being well ſupplied with Neceſſaries, and well ſecured, during the Time they lie there, which can no Way be better done than by increaſing the Number of the Inhabitants of the ſaid Town: For the effecting of which, and remedying the Inconveniencies above mentioned, and ſettling and ſecuring the Titles to the ſaid Lots in the ſaid Town; *A. D.* 1745.

II. WE pray your Moſt Sacred Majeſty that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and by the Authority of the ſame*, That the ſaid Lands appropriated and laid out for a Town and Common, by the ſaid *Maurice Moore* and *Roger Moore*, be, and they are hereby declared to be, from henceforward, inveſted in the Hon. *Edward Moſeley* and *Roger Moore*, Eſqrs. and *William Dry*, *John Wright*, and *Rickard Quince*, Merchants, in Fee, to and for the Truſt and Purpoſes herein after mentioned, and their Succeſſors, as Commiſſioners for the ſaid Town of *Brunſwick*; to be diſpoſed of in Manner and Form as herein after is directed. Town inveſted in Commiſſioners.

III. *AND be it further Enacted, by the Authority aforeſaid*, That on the Death or Departure of any of the ſaid Commiſſioners out of this Province, at any Time hereafter, the remaining Commiſſioners, or the Majority of them, are hereby fully authorized and impowered to elect and chooſe ſome other Perſon or Perſons to ſucceed ſuch Commiſſioner or Commiſſions ſo dying or departing as aforeſaid; which Perſon or Perſons ſo elected or choſen, ſhall be, and they are hereby inveſted with as full Power and Authority, to all Intents and Purpoſes, as if they had been particularly named in this Act. See Act, 1768, Chap. 20, for altering this Clauſe. Commiſſioners dying, &c. others to be choſen.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Honourable *Roger Moore*, Eſq; ſhall be Treaſurer and Receiver of all the Monies ariſing, or to ariſe, by the Sale of the ſaid Lots; and on his Death, or Departure out of this Province, then the Majority of the Commiſſioners to chooſe another, he giving Security, to the ſaid Commiſſioners, that he will be accountable for all the Monies which he ſhall receive for the ſaid Lots. Treaſurer appointed.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or any Three of them, as ſoon as they conveniently can, ſhall lay out ſo much of the ſaid Lands, fronting the River, for a Town, into Lots of Half an Acre each, with convenient Streets and Paſſages, as they ſhall think ſufficient, and the Remainder thereof, not laid out into Lots, ſhall be, and it is hereby declared to be a Common, for the Public Uſe of the Inhabitants of the ſaid Town; a Plan of which Town and Common the Commiſſioners ſhall record in the Secretary's Office, by which Commiſſioners to lay out the Town into Lots and Streets.

A. D. 1745. Plan, ſo recorded, all Diſputes hereafter concerning the Lots, Streets, and Paſſages, of the ſaid Town, and alſo the Common, ſhall be decided.

To lay out proper Places for a Church, Burial-Place, &c.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if the ſaid Commiſſioners, or the Majority of them, ſhall think the Places already laid out for a Church, Burial Place, Market Houſe, and other Public Buildings, not convenient for the ſaid Uſes, that then the ſaid Commiſſioners, or the Majority of them, ſhall lay out and appropriate ſuch other Places, for the Uſes aforeſaid, as they ſhall think moſt convenient.

To convey Lots to any Perſon, on Payment of 3 l.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon who is willing or deſirous to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not before taken up, paying unto the Treaſurer or Receiver for the Time being the Sum of Three Pounds, Proclamation Money; which Lot or Lots the Commiſſioners aforeſaid, or any Three of them, are hereby required, directed, and impowered, to grant and convey to the Perſon ſo taking up the ſame, and to his Heirs and Aſſigns, for ever: Forty Shillings whereof ſhall be paid, by the ſaid Treaſurer, to ſuch Perſon or Perſons, his or their Heirs, who hath the Title to the ſaid Lands, and Twenty Shillings, Remainder thereof, to the Churchwardens of *St. Philip*'s Pariſh, in *New Hanover* County; to be diſpoſed of as the Veſtry of the ſaid Pariſh ſhall direct.

Lots to be ſaved in two Years, or forfeited.

VIII. *PROVIDED always*, That if any Perſon ſhall take up or purchaſe any Lot, in Manner as before directed, and ſhall not build thereon, within Two Years after the Date of the Conveyance for the ſaid Lot, a good ſubſtantial habitable Houſe, of the Dimenſions of Twenty Feet long, and Sixteen Feet wide, without Shed, or make ſuch Preparation for ſo doing as the Commiſſioners, or the Majority of them, ſhall judge reaſonable, then every ſuch Conveyance ſhall be null and void, to all Intents and Purpoſes, as if the ſame had never been made; and any other Perſon or Perſons ſhall have free Liberty to take up the ſaid Lot or Lots, in the ſame Manner as before is directed, as if the ſame had never been before taken up.

Money ariſing by Sale of forfeited Lots, to be paid to the Pariſh.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That all Money ariſing by ſuch ſecond or other Sale of the ſaid Lot or Lots, ſhall be paid by the Treaſurer or Receiver, to the Churchwardens of *St. Philip*'s Pariſh aforeſaid, to be diſpoſed of as the Veſtry of the ſaid Pariſh ſhall direct.

Commiſſioners to ſell one Lot, to defray the Expence of laying out the Town.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, ſhall have full Power and Authority, and they are hereby authorized and impowered, to ſell and convey, in Manner aforeſaid, one or more of the ſaid Lots, as they ſhall find neceſſary; and apply the Money ariſing by the Sale of the ſaid Lots, to defray the Charges they ſhall be at in ſurveying and laying out the ſaid Lots and Common, and making and recording the Plan thereof.

What ſhall be a good Title to Lots, where the Owner cannot prove it.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon who is now ſeized and poſſeſſed of any Lot, and hath, by himſelf, or thoſe under whom he claims, been ſo ſeized or poſſeſſed for Seven Years, laſt paſt, and cannot produce any Title to the ſame, ſhall make it appear to the Commiſſioners, or the Majority of them, that he purchaſed the ſaid Lots, *bona fide*; and if the ſaid Commiſſioners, or the Majority of them, ſhall be ſatisfied that he purchaſed the ſaid Lots, *bona fide*, then they ſhall give him a Certificate thereof, under their Hands and Seals: Which Certificate, being regiſtered in the Regiſter's Office of *New Hanover* County, ſhall be a ſufficient Title againſt all Titles bearing Date after the Ratification of this Act; and where any Lot doth belong to any Perſon deceaſed, his Executors or Adminiſtrators ſhall have the ſame Liberty or Privilege.

Lots not diſpoſed of by Proprietors,

XII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons poſſeſſed of any of the ſaid Lots, die without Heirs, or ſhall not make Diſpoſition

Diſpoſition thereof by Will, or otherwiſe, then, and in ſuch Caſe, the ſaid Lot or Lots ſhall revert to the ſaid Commiſſioners; and ſhall be ſold by the Commiſſioners aforeſaid, for as much as they can get; and the Money ariſing by ſuch Sale ſhall be diſpoſed of by them for the Uſe of the ſaid Town. *A. D.* 1745. to revert to the Commiſſioners.

XIII. AND for the better Encouragement of Perſons to ſettle in the ſaid Town, *Be it Enacted, by the Authority aforeſaid*, That from and after the Ratification of this Act, all Veſtries for the ſaid Pariſh ſhall be made and held in the Town of *Brunſwick*, and at no other Place whatſoever. Veſtries to be held in Town.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Church for *St. Philip*'s aforeſaid, ſhall be built in the ſaid Town of *Brunſwick*. Church to be built in Town.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners aforeſaid, or any Three of them, ſhall have full Power and Authority, and they are hereby authorized and impowered, to remove all Nuſances, or what they ſhall judge Nuſances, within the Limits of the ſaid Town, and ſhall not ſuffer any Perſon, Owner of any Lot or Lots in the ſaid Town, to incloſe the ſame with a common Stake or Worm Fence; but every Perſon who will incloſe a Lot or Lots, ſhall incloſe the ſame with Pales, or Poſts and Rails ſet up: And if any Perſon or Perſons, after Notice given, ſhall not take away and remove ſuch Stake or Worm Fence, then, and in ſuch Caſe, the ſaid Commiſſioners, or any Three of them, ſhall order the ſame to be taken away, at the Coſts and Charges of the Perſon who is in Poſſeſſion of the ſaid Lot or Lots: And if the Poſſeſſor refuſes to pay for the ſame, then any Three of the Commiſſioners aforeſaid are hereby impowered and authorized to grant a Warrant, under their Hands and Seals, directed to the Conſtable of the ſaid Town, to levy the ſame, by Diſtreſs and Sale of the Offender's Goods, returning the Overplus to the Owner; and the ſaid Conſtable is hereby required to execute the ſaid Warrant. Commiſſioners to remove Nuſances. Lots to be paled or done with Poſts and Rails.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Perſon and Perſons, Poſſeſſors or Owners of any Lot or Lots in the ſaid Town, ſhall, within One Year after the Ratification of this Act, clear all and every ſuch Lot and Lots by them held or poſſeſſed, of all Wood, Underwood, Bruſh or Grubs, growing, ſtanding, or being on the ſaid Lots. Proprietors to clear their Lots within 1 Year.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons, Poſſeſſor or Owner of any Lot or Lots in the ſaid Town, ſhall omit or neglect to clear the ſame, as above directed, within the Time above limited, and keep and maintain the ſame ſo cleared, then, and in ſuch Caſe, the Commiſſioners, or any Three of them, ſhall cauſe the ſame to be cleared, at the Coſts and Charges of the Party offending; and if the Party ſo offending ſhall, upon Demand made, refuſe to pay ſuch Sum or Sums as the Commiſſioners, or any Three of them, ſhall order, for clearing the ſame, then the ſaid Commiſſioners, or any Three of them, ſhall iſſue a Warrant, under their Hands and Seals, to the Conſtable of the ſaid Town, to levy the ſame, by Diſtreſs and Sale of the Offender's Goods, returning the Overplus, after all Charges are paid. If they neglect to clear them, Commiſſioners to have it done, at ſuch Owners Charge.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That if at any Time, after Twenty Days after the Ratification of this Act, any Tavern-keeper, Ordinary-keeper, or any other Perſon or Perſons whatſoever, ſelling Liquor, or keeping a Public Houſe in the ſaid Town, ſhall ſuffer any Perſon or Perſons whatſoever, to ſit tippling or drinking in his Houſe, in Time of Divine Service on the Sabbath Day, or ſhall ſuffer any Perſon or Perſons to get drunk in his Houſe on the Sabbath, ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay, for every ſuch Offence, the Sum of Ten Shillings, Proclamation Money. Ordinary Keepers not to ſuffer tippling in their Houſes on the Sabbath, on Pen. of 10s.

XIX. *AND*

A. D. 1745.

Not to truſt Sailors above 2s 8d. on Pen. of loſing all above that Sum.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, in the ſaid Town, ſhall, one Month after the Ratification of this Act, on any Pretence whatſoever, give Credit, Loan, or Truſt, to any Mariner or Seaman, belonging to, or under the Command of, the Commander or Maſter of any Veſſel, that now is, or ſhall at any Time hereafter, arrive at *Brunſwick*, above the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or Licence of the Maſter or Commander of the Veſſel he belongs to, or where ſuch Sailor or Mariner ſhall have left the Ship or Veſſel to apply to the Courts of Juſtice, in any Diſpute or Controverſy with the Captain or Commander of ſuch Ship or Veſſel; that then, and in ſuch Caſe, he, ſhe or they, ſhall, for every ſuch Default, loſe all the Monies and Goods ſo truſted or credited.

No Perſon to harbour or entertain Sailors, on Pen. of 40s.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever ſhall, willingly and knowingly, entertain, retain, harbour or keep, or ſhall, directly or indirectly, ſuffer to be entertained, retained, harboured, or kept, any Seaman or Mariner, belonging to any Veſſel aforeſaid, in his, her or their Houſe or Houſes, exceeding the Space of Six Hours, without the Privity and Conſent of his or their Maſter or Commander, or one Hour after, againſt the Conſent of the Maſter or Commander (except as is in the Caſe before excepted) he, ſhe or they, ſo offending, ſhall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every ſuch Offence.

Ordinary keepers not to harbour Sailors at Night, on Pen. of 10s.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon who keeps a Public Houſe, ſhall, after the Ratification of this Act, entertain, retain, harbour or keep, or ſuffer to be entertained, retained, harboured or kept, any Seaman or Mariner, belonging to any Veſſel as aforeſaid, after Eight of the Clock, in the Winter, at Night, and Nine of the Clock, in the Summer, at Night, except the Seaman or Mariner hath Leave from his Maſter or Commander, in Writing, to be on Shore (except as in the Caſe before excepted) he or ſhe ſo offending, ſhall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for every ſuch Offence.

This Act to be given in Evidence againſt any Thing done in Contempt of it.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe any Perſon or Perſons whatſoever ſhall be ſued or moleſted for any Thing done in the Execution of this Act, he, ſhe or they, ſhall and may plead the General Iſſue, and give this Act in Evidence; and the Judge and Judges ſhall allow thereof.

Penalties appropriated, and how recoverable.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Penalties and Forfeitures by this Act made and impoſed, ſhall be, one Half to the Veſtry and Churchwardens of *St. Philip*'s Pariſh aforeſaid, and the other Half to him or them who will ſue for the ſame; to be recovered by a Warrant from any one Juſtice, if the Sum doth not exceed Twenty Shillings, Proclamation Money; and if the Penalty or Forfeiture exceed that Sum, then by a Warrant from any Two Juſtices.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

NATHANIEL RICE, Preſident.

SAMUEL SWANN, Speaker.

ANNO

A. D. 1746.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO.

At a General ASSEMBLY, held at *Newbern*, the Twenty Eighth Day of *June*, in the Year of our Lord One Thouſand Seven Hundred and Forty Six.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act for the better regulating the Militia of this Government. EXP.

CHAP. II.

An Act for erecting the upper Part of Craven *County into a County and Pariſh, and for appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County.*

Repealed, but the Bounds of the County and Pariſh eſtabliſhed by Act paſſed Sept. 1756, Chap. 9.

County divided, and the upper Part erected into a diſtinct County and Pariſh.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That *Craven* County be divided by a Line, beginning at the Mouth of the *Southweſt* Creek, on the South Side of *Neuſe* River, below *Francis Stringer*'s Ferry, running up the ſaid Creek as far as the aforeſaid County extends that Way, and running a North Line from the Mouth of the ſaid *Southweſt* Creek, as far as the County extends Northwardly; and that the upper Part of the ſaid County be erected into a County, by the Name of *Johnſton* County, and *St. Patrick*'s Pariſh, as divided by a Line that ſhall be agreed on by the Commiſſioners hereafter named: And that the ſaid County and Pariſh ſhall enjoy all the Privileges and Advantages that any other County and Pariſh in this Province holds or enjoys; ſave only that the ſaid County ſhall ſend but Two Repreſentatives, to ſit in the General Aſſembly.

CHAP.

A. D. 1746.

This Act repealed, but the Bounds of the County & Parish eſtabliſhed by Act, Sept. 1756, Chap. 9.

CHAP. III.

An Act for dividing Edgcomb *County and Pariſh, and for erecting the upper Part thereof into a County and Pariſh, by the Name of* Granville *County, and* St. John's *Pariſh; and for appointing Veſtrymen of the ſaid Pariſh.*

County divided, and the upper Part erected into a diſtinct County and Pariſh.

II. WE therefore pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and by the Authority of the ſame,* That *Edgcomb* County and Pariſh be divided by a Line, beginning at the Mouth of *Stonehouſe* Creek, on *Roanoke* River, to the Mouth of *Cypreſs* Swamp, on *Tar* River, and from thence acroſs the River, in a direct Courſe, to the Middle Grounds between *Tar* River and *Neuſe* River, being the dividing Line between *Craven* and *Edgcomb* Counties; and that the upper Part of the ſaid County and Pariſh, as divided by the Line that ſhall be agreed on by the Commiſſioners hereafter named, be erected into a County, by the Name of *Granville* County, and *St. John*'s Pariſh: And that the ſaid County and Pariſh ſhall enjoy as many Privileges as any other County or Pariſh in this Province holds and enjoys, ſave only that the ſaid County ſhall ſend but Two Repreſentatives to ſit in General Aſſembly.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

Nathaniel Rice, Preſident.

Samuel Swann, Speaker.

A. D. 1746.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO.

At a General ASSEMBLY, held at *Wilmington*, the Fifth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Forty Six.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act for the better aſcertaining the Number of Members to be choſen for the ſeveral Counties within this Province, to ſit and vote in General Aſſembly; and for eſtabliſhing a more equal Repreſentative of all his Majeſty's Subjects in the Houſe of Burgeſſes. REP.

CHAP. 2. *An Act to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and alſo for eſtabliſhing the Courts of Juſtice, and regulating the Proceedings therein.* REP.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

ELEAZER ALLEN, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1746.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO.

GABRIEL JOHNSTON, Esq; Governor.

At a General ASSEMBLY, held at *Newbern*, the Seventh Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Forty Six.

CHAP. I.

This Act had its Effect.

An Act for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice, imported into this Province.

CHAP. 2. *An Act to repeal a Clause in an Act, intituled,* An Act for erecting the upper Part of *Craven* County into a County and Parish, and for appointing a Place for building a Court-House, Prison and Stocks, in the said County; *and the Clause of an Act, intituled,* An Act for dividing *Edgcomb* County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of *Granville* County, and *St. John*'s Parish, and for appointing Vestrymen of the said Parish; *which direct, that all Public, County, and Parish Levies, due from any of the Inhabitants of the said County of* Granville, *shall be collected by the Sheriff of* Edgcomb *County; and that all Public, County, and Parish Levies, due from any of the Inhabitants of* Johnston, *shall be collected by the Sheriff of* Craven *County, so far as may relate to the Taxes or Levies laid and made payable for the Year One Thousand Seven Hundred and Forty Six.* OBS.

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.
NATHANIEL RICE, President.
SAMUEL SWANN, Speaker.

ANNO

A. D. 1748.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO SECUNDO.

At a General ASSEMBLY, held at *Newbern*, the Sixth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Forty Eight. GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act to appoint Public Treaſurers. EXP.

CHAP. II.

An Act for regulating the ſeveral Officers Fees within this Province, and aſcertaining the Method of paying the ſame. (a)

I. FOR the better regulating the ſeveral Officers Fees within this Province, and to aſcertain the Method of paying the ſame; Officers Fees ſettled.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and by the Authority of the ſame,* That it ſhall and may be lawful for the ſeveral Officers within this Province to take and receive, in Proclamation Money, or Bills of Credit, ſuch Fees only as is appointed by this Act, for ſuch Services, *to wit*,

(a) See Act Dec. 1770, Chap. 19, for amending this Act.

A. D. 1748.

The Governor's Fees.

Proclamation Money.

		l.	s.	d.
Governor's Fees. For	Signing a Grant or Patent for Land, for 1000 Acres, or under,	0	6	8
	Every Hundred Above a Thouſand, to Five Thouſand,	0	1	0
	Signing Letters of Adminiſtration, or Teſtamentary,	0	5	4
	Proving a Will before the Governor,	0	5	0
	Signing a Regiſter of an undecked Veſſel, Shallop, or Pettiagua,	0	7	6
	Signing a Regiſter for a decked Veſſel,	0	13	4
	Signing every Teſtimonial, under the Colony Seal,	0	5	4
	Signing every Commiſſion for a Place of Profit,	0	10	0
	Letters Patents of Denization,	0	10	0

Governor's Fees in Chancery.

His Fees in Chancery. For	Signing a Decree in Chancery,	0	10	0
	Every Order, made on Motion, or Petition,	0	1	4
	Signing an Injunction in Chancery,	0	7	6
	Hearing and determining every Cauſe,	2	0	0
	Signing an Exemplification of a Decree,	0	5	0
	Diſmiſſion of every Bill, where the Cauſe doth not come to Trial, and final Hearing,	1	0	0

Governor's Secretary's Fees.

Governor's Secretary's Fees. For	Drawing the Certificate for the Probate of a Will, taken before the Governor,	0	1	4
	Drawing every Teſtimonial, to be ſigned by the Governor, to which the Colony Seal ſhall be affixed,	0	2	8
	Every Warrant for Land,	0	2	8
	The Great Seal,	0	2	8
	The Small Seal,	0	1	4

The Chief Juſtice's Fees. (a)

Clerks Fees of the General and County Courts. (b)

The Secretary's Fees.

Secretary's Fees. For	Every Patent in Paper, and recording, for 1000 Acres, or under,	0	8	0
	A Petition for a Grant for a Patent for Land, and Order, incluſive,	0	2	8
	Every Hundred Acres above a Thouſand, to Five Thouſand,	0	0	8
	A Patent in Parchment, if required, and recording,	0	10	0
	A Warrant for ſurveying Land, proving Rights, Petition and Order thereon, reading incluſive,	0	5	4
	Filing every Paper,	0	0	7
	Letters of Adminiſtration, or Letters Teſtamentary, Guardianſhip or Tuition, if made out by the Secretary,	0	2	8
	Every Adminiſtration Bond, if taken by the Secretary, and recording,	0	3	0
	Every Commiſſion of the Peace, and military Commiſſion, to be paid by the Public,	0	5	0
	Every Commiſſion for a Place of Profit,	0	5	4
	A *Dedimus Poteſtatem*,	0	1	4
	Searching a Record,	0	0	7
	The Copy of a Patent,	0	1	4
	Letters of Denization,	0	10	0
	Entering a Caveat,	0	1	4

For

(a) Chief Juſtice allowed a Salary, in Lieu of Fees.

(b) Clerks Fees regulated and aſcertained, by Act Dec. 1770, Chap. 19.

Proclamation Money. *A. D.* 1748.

		l.	*f.*	*d.*	
For	Recording any Paper not before mentioned, or Copy of a Record, *per* Copy Sheet, each Sheet containing Ninety Words,	0	0	4	
	Every Teſtimonial paſſing the Secretary's Office, under the Colony Seal,	0	2	8	
	Every Commiſſion of *Oyer* and *Terminer*, or *Niſi Prius*, to be paid by the Public,	0	5	0	

The Clerk of the Crown and Clerk of the Peace's Fees.

	Filing every Indictment, or any other Paper,	0	0	4	Clerk of the Crown and Clerk of the Peace's Fees.
	A Copy of an Indictment, Information or Preſentment,	0	1	4	
	Recording the Coroner's Inqueſt,	0	1	4	
	Arraigning a Criminal,	0	0	7	
	Entering every Appearance or Default,	0	0	7	
	Every *Capias*,	0	1	1	
	Every Recognizance, acknowledged in Court, or out of Court, if drawn by the Clerk,	0	1	1	
	Entering every Recognizance on the Docket,	0	0	8	
	Entering every Order of Court,	0	0	7	
	For every Venire or Subpœna,	0	0	7	
	Adminiſtering every Oath,	0	0	4	
	Entering the Jury's Oath and Verdict,	0	0	7	
	Entering up Judgment,	0	0	7	
For	Entering a Plea,	0	0	6	
	A Search of Record,	0	0	7	
	A Copy of an Order of Court,	0	0	7	
	Calling the Defendant,	0	0	4	
	Every Reſpit,	0	0	4	
	A Liberate,	0	1	1	
	Taking every Depoſition, in Writing,	0	0	7	
	Every Perſon diſcharged,	0	0	7	
	Recording any Paper not before mentioned, or Copy of Record, *per* Copy Sheet, each Sheet containing Ninety Words,	0	0	4	
	Drawing every Writ of Election, to be paid by the Public,	0	2	8	
	Every *Sciere Facias*,	0	1	4	
	Writing a Warrant,	0	1	4	
	For making up every Record, and entering the ſame in a Book for that Purpoſe, *per* Copy Sheet, each Sheet containing Ninety Words,	0	0	4	

Clerk of the Chancery's Fees.

	Filing every Bill, or other Paper,	0	0	7	Chancery Clerk's Fees.
	Every Subpœna, for one or more Perſons, if mentioned in the ſaid Subpœna,	0	1	4	
	An Injunction in Chancery,	0	5	0	
	A Superſedeas and Return,	0	1	4	
	Entering up a Decree,	0	2	8	
	Calling or Diſmiſſion,	0	0	7	
For	Taking every Depoſition, in Writing,	0	0	7	
	Interrogatories, if drawn by the Clerk,	0	1	4	
	A *Dedimus Poteſtatem*, to examine Witneſſes,	0	1	8	
	Every Petition or Motion, if entered in Writing,	0	0	7	
	Recording of any Paper not before mentioned, or Copy of Record, *per* Copy Sheet, each Sheet containing Ninety Words,	0	0	4	
	Setting down the Cauſe for Hearing,	0	1	4	
	Every Search,	0	0	7	

For

A. D. 1748.

Public Regiſter's Fees.

		Proclamation Money. l.	ſ.	d.
Public Regiſter's Fees. For	Regiſtering every Birth, Burial, or Marriage,	0	0	7
	Regiſtering a Conveyance, or any other Writing, or giving a Copy thereof,	0	2	8
	Every Certificate of Birth, Burial, or Marriage,	0	0	6

Sheriff's Fees.

Sheriff's Fees. For	An Arreſt,	0	5	4
	A Bail Bond,	0	1	0
	Serving a Copy of a Declaration, if done by the Sheriff,	0	1	4
	Whipping any Perſon,	0	2	8
	Serving a Subpœna, for each Perſon named in ſuch Subpœna,	0	2	8
	Pilloring any Perſon,	0	5	0
	An Attachment, as for an Arreſt, and if further Trouble by moving Goods, to be taxed by the Court.			
	Executing a Warrant of Diſtreſs, or an Execution againſt the Body or Goods, if not above Ten Pounds, Proclamation Money, for each Pound, *One Shilling*; if above Ten Pounds, Proclamation Money, for each Pound above,	0	0	7
	Impriſonment for Felons or Debtors, or any other Perſon, for each Priſoner *per* Day, for finding one Pound of wholeſome Bread, one Pound of wholeſome roaſted or boiled Fleſh, and not leſs than Two Quarts of freſh Water, and every other neceſſary Attendance, and keeping the Priſon clean, *One Shilling*; if the Priſoner finds himſelf Victuals and Drink, then the Sheriff ſhall take but	0	0	4
	Summoning, impannelling, and attending on every Jury in every Cauſe, when a Special Venire ſhall iſſue by Order of Court,	0	5	4
	Putting any Perſon in the Stocks, and releaſing,	0	0	7
	A Commitment, if by Order of Court, or Mittimus,	0	2	8
	A Releaſement,	0	2	8
	Serving a Writ of Poſſeſſion of Land,	0	7	6
	Waiting on any Perſon on a *Habeas Corpus*, *per* Day,	0	2	8
	Calling every Action each Court,	0	0	4
	Summoning the Jury on a common Venire, in every Cauſe,	0	0	8

For Amerciaments to the Juſtices of the County Courts. (a)

Eſcheator's Fees.

Eſcheator's Fees.	For every Inquiſition and Return,	1	12	0

Attorney General's Fees.

Attorney General's Fees.	For every Indictment found, or Preſentment made,	1	6	8
	If Bill found *Ignoramus*, then the Proſecutor ſhall pay	0	13	4
	For the ſame in the County Court,	0	13	4
	If found *Ignoramus*, then the Proſecutor to pay	0	6	8

Judge of the Admiralty's Fees.

Judge of the Admiralty's Fees.	In Caſes of Seamens Wages, or other Suit, exceeding Twenty Pounds Value recovered, for the firſt Day,	1	6	8
	For every Day more than one,	0	13	4
	For a Warrant of Arreſt, or any other Warrant,	0	1	4
	For admitting the Libel,	0	1	4
	For every Citation,	0	1	4
	For every definitive Sentence,	0	5	4

Regiſter's

(a) Juſtices allowed no Fees, it being Part of their Oath of Office to take none.

Regiſter's Fees in like Caſes. A. D. 1748.

		Proclamation Money. l.	s.	d.	
For	Filing every Paper,	0	0	7	Regiſter's Fees.
	Regiſtering a Libel,	0	4	4	
	Regiſtering an Anſwer, or Replication,	0	2	0	
	Taking every Affidavit, in Writing,	0	1	0	
	Regiſtering a Decree,	0	2	0	
	Diſmiſſion of every Suit,	0	0	7	
	Continuing every Suit,	0	0	7	
	A Citation,	0	1	8	
	A Subpœna, for each Evidence,	0	0	8	
	For regiſtering every Paper not before mentioned, or copying, *per* Copy Sheet, each Sheet containing Ninety Words,	0	0	4	

The Advocate's Fees.

The King's Advocate, in every Cauſe when he appears for the King,	2	13	4	Advocate's Fees.
In every other Caſe, the ſame as another Advocate,	1	10	0	

The Marſhal's Fees in the Court of Admiralty.

For	Serving every Warrant, and Return,	0	5	4	Marſhal's Fees.
	Serving a Decree, and Return, above Five Pounds,	0	8	0	
	Every Pound above Five Pounds,	0	0	4	
	Serving a Citation, Monition, or Notice,	0	2	8	

The Naval Officer's Fees.

For	Entering and clearing Veſſels not decked, Boats or Canoes of the Country, if bound to foreign Parts,	0	3	3	Naval Officer's Fees.
	Entering and clearing decked Veſſels, belonging to the Country,	0	6	8	
	Entering and clearing foreign Veſſels, if under One Hundred Tons, *One Pound Four Shillings*; if above One Hundred Tons, to include all Fees, except ſuch as are in this Act particularly mentioned,	1	10	0	
	Taking Bonds of Maſters of Veſſels, to be underſtood of either Bonds which Maſters of Veſſels are obliged to give,	0	2	8	
	A Bond in Order to obtain a Paſs, for People going out of the Country, and the Paſs,	0	3	0	
	A Certificate for enumerated Goods,	0	1	4	
	A Certificate for Bounty in *England*,	0	2	8	
	Signing a Permit for any foreign Veſſel, going from one Diſtrict to the other, within this Province,	0	2	8	
	Signing a Permit for Country Veſſels, going as aforeſaid, having foreign or enumerated Goods on Board,	0	1	4	

Collector's Fees.

For	Entering and clearing foreign Veſſels, if under One Hundred Tons, *One Pound Four Shillings*; if above One Hundred Tons, including all Buſineſs incident, except ſuch as are in this Act particularly mentioned,	1	10	0	Collector's Fees.
	Entering and clearing open Veſſels of the Country, if bound to foreign Parts, including as aforeſaid,	0	3	3	
	Entering and clearing decked Veſſels of the Country, including as aforeſaid,	0	6	8	
	A Certificate on the Change of a Maſter,	0	2	8	
	Writing and ſigning a Regiſter,	0	5	4	
	Recording a Regiſter, if required,	0	2	8	
	A Certificate for enumerated Goods,	0	1	4	
	A Certificate for Bounty in *England*,	0	2	8	

For

A. D. 1748.

		Proclamation Money. l.	s.	d.
For	Signing a Permit for any foreign Veſſel, going from one Diſtrict to another within this Province,	0	2	8
	A Permit for Country Veſſels, going as aforeſaid, having foreign or enumerated Goods on Board,	0	1	4
	A Permit to load and unload,	0	1	4

Surveyor General's Fees.

Surveyor General's Fees.

For	Entering a Warrant, and certifying,	0	2	8
	Surveying a Thouſand Acres, and under,	1	6	8
	Every Hundred above a Thouſand,	0	1	1

Auditor's Fees.

Auditor's Fees.

For	Auditing every Patent,	0	5	4
	Entering and certifying every Warrant for Land,	0	2	8

Receiver General's Fees.

Receiver General's Fees.

For a Warrant of Diſtreſs,		0	2	8

Coroner's Fees.

Coroner's Fees.

For	Every Inquiſition, and Return, to be paid out of the Deceaſed's Eſtate, if no Eſtate, then by the Country,	0	16	0
	Each and every Juror, on an Inquiſition, to be paid by the Coroner out of the Deceaſed's Eſtate, if no Eſtate, to be paid by the Country,	0	1	4
	The Conſtable, for ſummoning each Juror on an Inqueſt,	0	0	7
	Other Services, the ſame as the Sheriff.			

Clerk of the Council's Fees.

Clerk of the Council's Fees.

For	Reading every Paper in Council,	0	0	7
	Entering every Order of Council,	0	0	7
	Every Search, or Copy of an Order of Council,	0	0	7
	Every Citation or Summons,	0	0	7
	Adminiſtering every Oath,	0	0	4
	Drawing every Petition, if drawn by the Clerk,	0	0	10
	Taking every Depoſition, in Writing,	0	0	7
	Filing every Paper,	0	0	7
	Recording every Paper not before mentioned, or Copy thereof, *per* Copy Sheet, each Sheet containing Ninety Words, *(a)*	0	0	4

Officers to give a Ticket of, and a Receipt for their Fees.

V. *AND be it further Enacted*, That when any Perſon ſhall pay to any Officer within this Province, any Fees due to ſuch Officer, the aforeſaid Officer ſhall, on the Receipt of ſuch Fees, if demanded, give a Ticket of ſuch Fees, with a Receipt for the ſame, under the Penalty of Five Pounds.

Officers to keep a Table of their Fees ſet up in their ſeveral Offices, on Penalty of 5s. for every Day's Neglect.

VI. AND that the People may better know what Fees are due to the ſeveral Officers aforeſaid, *Be it further Enacted, by the Authority aforeſaid*, That each reſpective Officer within this Province, ſhall, within Three Months, next after the Ratification of this Act, ſet up, in ſome Public Place in his Office, a Table of the Fees that may be taken by ſuch Officer, according to the Directions of this Act; and ſhall continually keep the ſame up, under the Penalty of Five Shillings, for every Day ſuch Table ſhall not be ſo fixed up.

Penalty on Officers taking larger Fees, or neglecting their Duty.

VII. *AND be it further Enacted*, That if any Officer ſhall demand, extort, exact, or receive, under Colour of his Office, any other or larger Fees than what is particularly mentioned in this Act, or ſhall refuſe to do the particular Service in his

(a) The 3d, 4th, and 8th Clauſes of this Act provided for, by Act, Dec. 1770, Chap. 19.

his Office for the Fees in this Act expreſſed, ſuch Officer ſhall, for every ſuch Offence or Default, forfeit the Sum of Five Pounds. *A. D.* 1748.

IX. *AND be it further Enacted*, That the ſeveral Penalties in this Act mentioned, ſhall and may be recovered, by any Perſon or Perſons that will ſue for the ſame, before any Magiſtrate or Magiſtrates, or in any Court of Record in this Province, Reſpect being had to their ſeveral Juriſdictions, as is preſcribed by Law for the Recovery of other Debts; wherein no Eſſoin, Protection, Injunction, Privilege, or Wager of Law, ſhall be allowed or admitted of; One Half to the Proſecutor, the other Half to the Churchwardens, for the Uſe of the Pariſh where the Offence is committed. Fines how to be recovered and applied.

X. *PROVIDED always*, That all Proſecutions for any Penalty or Penalties, by Virtue of this Act, ſhall be commenced within Two Years after the Offence is committed, and not after. Proſecutions to be commenced within 2 Years.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That no new or other Fees ſhall hereafter be created or made, by any Perſon or Perſons whatſoever, or be demanded, taken, or received, otherwiſe than ſuch as ſhall be eſtabliſhed by the Authority of the Governor, Council, and General Aſſembly; any Law, Cuſtom, or Uſage, to the contrary, notwithſtanding. No other Fees to be demanded or taken, than thoſe ſettled by General Aſſembly.

XII. *AND be it further Enacted*, That all other Act and Acts, Clauſes, Matters, and Things, heretofore made, relating to Officers Fees, ſo far as is within the Purview of this Act, are hereby repealed, and declared to be null and void, to all Intents and Purpoſes. Repealing Clauſe.

CHAP. III.

An Act for laying a Tax on the Inhabitants of Granville *County, and for appointing Commiſſioners to compleat and finiſh the Public Buildings already begun in the ſaid County.* This Act had its Effect.

CHAP. 4. *An Act to prevent the Exportation of raw Hides, Pieces of Hides, and Calf Skins, out of this Government.* REP.

CHAP. V.

An Act to appoint Commiſſioners to continue running the Boundary Line between Edgcomb *County*, Tyrell, *and Part of* Beaufort *Counties.*

I. WHEREAS the Commiſſioners, appointed by an Act, intituled, *An Act for aſcertaining the Boundary Line between* Tyrell *County and* Beaufort *County, and between* Edgcomb *County, and* Tyrell *County, and* Beaufort *County*, have run a dividing Line between *Edgcomb* County and *Tyrell* County, and Part of *Beaufort* County, and *Edgcomb* County, from *Roanoke* River, as far as the Mouth of *Cheek*'s Mill Creek, on *Tar* River, in *Beaufort* County; and whereas the Tax laid and collected in the ſaid ſeveral Counties, for defraying the Charge of running the ſaid Boundary Lines, is found inſufficient for carrying on the ſame: Preamble.

II. WE therefore pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That Mr. *Joſeph Howell* and Mr. *Joſeph Lane*, be, and are hereby appointed Commiſſioners, for finiſhing the ſaid Line between Part of *Edgcomb*, *Beaufort*, and *Johnſton* Counties, already begun and carried on, to the Mouth of *Cheek*'s Mill Creek, in *Beaufort* County, on *Tar* River; and from thence ſhall run, with a Commiſſioners appointed.

A. D. 1748. ſtraight Line to *Contentnee*, at the Mouth of *Toſneat* Swamp, and thence up the main Stream of *Contentnee*, oppoſite to the Mouth of *Cypreſs* Swamp, on *Tar* River; which ſaid Line, when run by the Commiſſioners aforeſaid, ſhall be by them entered on Record, in the Court of *Edgcomb* County aforeſaid, and ſhall hereafter be deemed and taken to be the true Bounds of the ſaid County.

Tax to be laid to defray the Expence.

III. AND for defraying the Expence of continuing the running the ſaid Boundary Lines, *Be it Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſaid County Court of *Edgcomb*, and they are hereby authorized and impowered, to lay a Tax on all the taxable Perſons within the ſaid County, not exceeding Three Pence, Proclamation Money, for defraying the Expence of finiſhing the ſaid Line, and recording the ſame as aforeſaid; which ſaid Tax ſhall be paid and collected in the ſame Manner, and at the ſame Times, other Taxes are collected and paid in the ſaid County.

Repealing Clauſe.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Clauſe and Clauſes of the Act, intituled, *An Act for aſcertaining the Boundary Line between* Tyrell *County, and* Beaufort *County, and between* Edgcomb *County*, Tyrell *County, and* Beaufort *County*, ſo far as relates to running the Boundary Line between *Edgcomb* County and *Beaufort* County, is and are hereby repealed and made void, as if the ſame had never been made.

CHAP. VI.

An Act for deſtroying Vermin in this Province. REP.

CHAP. 7. *An Act to enlarge the Time for the Commiſſioners of the Roads, appointed by the Act of Aſſembly paſſed* April *the Twentieth, One Thouſand Seven Hundred and Forty Five, intituled*, An Act to impower the ſeveral Commiſſioners herein after named, to make, mend, and repair, all Roads and Bridges, Cuts and Water Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful to the Public, *to recover the ſeveral Sums due from Defaulters.* REP.

8. *An Act to provide indifferent Jurymen in all Cauſes, both civil and criminal, and for an Allowance for their Attendance.* REP.

Provided for by the Inferior Court Act.

9. *An Act to alter the Times for holding the Courts for the County of* New-Hanover.

CHAP. X.

An Act for granting unto his Majeſty the Sum of Twenty One Thouſand Three Hundred and Fifty Pounds, Proclamation Money, and for ſtamping and emitting the ſaid Sum of Twenty One Thouſand Three Hundred and Fifty Pounds, Public Bills of Credit of this Province, at the Rate of Proclamation Money; to be applied towards building Fortifications in this Province, Payment of the Public Debts, exchanging the preſent Bills of Credit, and for making proper Proviſion for defraying the contingent Charges of the Government; and for repealing the ſeveral Laws herein after mentioned.

Preamble.

I. WHEREAS during the preſent War with *France* and *Spain*, this Province hath received great Damage, by the Enemies Privateers coming into the Ports and Harbours of the ſame, which are entirely defenceleſs, and without any Fortifications, and taking and carrying away the Veſſels thereout, and landing and plundering the Inhabitants: And whereas the great Scarcity of Currency is ſuch, that it is impracticable to raiſe a Sum by an immediate Tax on the People, ſufficient for building proper Fortifications, for the Defence of the ſaid Ports, and to diſcharge the Public Debts: Wherefore, II. WE

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II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That out of the current Bills of Credit to be emitted by this Act, the Sum of Two Thouſand Pounds ſhall be depoſited by the ſaid Commiſſioners, in the Hands of *Thomas Barker*, Gentleman, Treaſurer for the Northern Counties, or the Treaſurer for the ſaid Counties for the Time being, for the building a Fortification at or near *Ocacock* Inlet, for the Safety and Defence of that Harbour; and the Commiſſioners hereafter named ſhall have full Power and Authority to build the ſaid Fortification, and by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the ſaid Treaſurer, ſuch Sum or Sums of Money as ſhall become due to the ſeveral Workmen employed by them in building the ſaid Fortification; and the ſaid Treaſurer is hereby required, on ſuch Warrant or Warrants being produced to him, to pay the ſame accordingly.

2000 l. to be paid the Northern Treaſurer, for a Fortification at Ocacock Inlet.

III. *AND be it further Enacted*, That his Excellency the Governor and Commander in Chief for the Time being, Mr. *Benjamin Peyton*, Mr. *Samuel Sinclare*, Mr. *Francis Stringer*, Mr. *James Macklewean*, Mr. *John Haywood*, and Mr. *Peter Payne*, be, and are hereby appointed Commiſſioners, for erecting and building the ſaid Fortification.

Commiſſioners appointed, for building the ſaid Fort.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Sum of One Thouſand Five Hundred Pounds ſhall be depoſited by the ſaid Commiſſioners in the Hands of *Edward Moſeley*, Eſq; Treaſurer for the Southern Counties, or the Treaſurer of the ſaid Counties for the Time being, for the building a Fortification or Fortifications at or near *Old Top-Sail* Inlet, for the Safety and Defence of that Harbour; and the Commiſſioners hereafter named ſhall have full Power and Authority to build the ſaid Fortification or Fortifications, and, by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the ſaid Treaſurer, ſuch Sum or Sums of Money as ſhall become due to the ſeveral Workmen employed by them, in building the ſaid Fortification or Fortifications; and the ſaid Treaſurer is hereby required, on ſuch Warrant or Warrants being produced to him, to pay the ſame accordingly.

1500 l. for a Fortification at Top-ſail Inlet.

V. *AND be it further Enacted*, That his Excellency the Governor or Commander in Chief for the Time being, Mr. *Thomas Lovick*, Mr. *Arthur Mabſon*, Mr. *John Clitherall*, and Mr. *Joſeph Bell*, be, and are hereby appointed Commiſſioners, for erecting and building the ſaid Fortification or Fortifications.

Commiſſioners appointed for it.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Sum of Five Hundred Pounds ſhall be depoſited by the ſaid Commiſſioners, in the Hands of the Treaſurer of the Southern Counties aforeſaid, or the Treaſurer of the ſaid Counties for the Time being, for the building a Fortification at or near *Bear* Inlet, for the Safety and Defence of that Harbour; and the Commiſſioners hereafter named ſhall have full Power and Authority to build the ſaid Fortification, and by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the ſaid Treaſurer, ſuch Sum or Sums of Money as ſhall become due to the ſeveral Workmen employed by them, in building the ſaid Fortification; and the ſaid Treaſurer is hereby required, on ſuch Warrant or Warrants being produced to him, to pay the ſame accordingly.

500 l. for a Fort at Bear Inlet.

VII. *AND be it further Enacted*, That his Excellency the Governor and Commander in Chief for the Time being, Mr. *Samuel Johnſton*, Mr. *Edward Ward*, Jun. Mr. *Stephen Lee*, and Mr. *John Starkey*, be, and are hereby appointed Commiſſioners, for erecting and building the ſaid Fortifications.

Commiſſioners appointed for it.

VIII. *AND be it Enacted*, That the Sum of Two Thouſand Pounds ſhall be depoſited by the ſaid Commiſſioners, in the Hands of the Treaſurer of the Southern

2000 l. for a Fort at Cape Fear.

A. D. 1748. Counties aforeſaid, or the Treaſurer of the ſaid Counties for the Time being, for the building a Fortification at or near the Mouth of *Cape Fear* River, for the Safety and Defence of that Harbour; and that the Commiſſioners appointed by an Act of the General Aſſembly, intituled, *An Act for erecting a Fortification on the lower Part of* Cape Fear *River, for applying thereto the Powder Money already ariſen, or which ſhall ariſe, by Shipping coming into the Port of* Brunſwick, *to be laid out and applied towards building a Fortification at* Cape Fear, ſhall have full Power and Authority, by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the ſaid Treaſurer, ſuch Sum or Sums of Money as ſhall be due to the ſeveral Workmen employed by them in building the ſaid Fortification; and the ſaid Treaſurer is hereby required, on ſuch Warrant or Warrants being produced to him, to pay the ſame accordingly: And the ſaid Treaſurers ſhall be allowed One *per Cent.* for receiving the ſaid Money, and paying the ſame out again, as aforeſaid.

Commiſſioners appointed to build it.

Treaſurers Allowance.

Commiſſioners appointed for emitting 21,350l. Bills of Credit.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That *Eleazer Allen*, *Edward Moſely*, and *Samuel Swann*, Eſqrs. and Mr. *John Starkey*, are hereby appointed, authorized, and impowered Commiſſioners, to ſtamp and make out, or cauſe to be ſtamped, with Copper Plates, and ſigned with their Hands, Public Bills of Credit of this Province, to the Amount of Twenty One Thouſand Three Hundred and Fifty Pounds, at the Rate of Proclamation Money; that is to ſay, Two Thouſand Bills of Four Pence each, Two Thouſand Bills of Eight Pence each, Two Thouſand Bills of One Shilling each, Two Thouſand of Eighteen Pence each, Two Thouſand of Two Shillings each, Two Thouſand of Two Shillings and Six Pence each, Two Thouſand of Three Shillings each, Two Thouſand of Five Shillings each, Two Thouſand of Six Shillings each, Two Thouſand of Seven Shillings and Six Pence each, Two Thouſand of Nine Shillings each, Two Thouſand of Ten Shillings each, Two Thouſand of Fifteen Shillings each, Two Thouſand of Twenty Shillings each, Two Thouſand of Thirty Shillings each, Two Thouſand of Forty Shillings each, and Two Thouſand of Three Pounds each.

Current Bills to be exchanged within 1 Year.

X. *AND be it further Enacted, by the Authority aforeſaid*, That when the aforeſaid Bills are ſtamped and ſigned, the Commiſſioners aforeſaid ſhall, within Twelve Months, exchange the Bills now current, after the Rate of One Shilling, for Seven Shillings and Sixpence, of thoſe which are at preſent current; which Difference of Seven Shillings and Sixpence, for One Shilling, Proclamation, hath continued for divers Years paſt, and is at preſent the true Difference; and that after the Expiration of the Twelve Months aforeſaid, the preſent Bills of Credit ſhall not be exchanged, nor ſhall be a Tender, or taken in any Payment whatſoever.

Public Debts to be paid by the Commiſſioners.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That out of the Reſt of the Paper Currency, to be ſtamped and emitted by this Act, the ſeveral Perſons to whom the Public is Debtor, according to the Schedule hereunto annexed, ſhall be paid the Sums reſpectively due to them by the Commiſſioners aforeſaid, ſo ſoon as the ſame may be conveniently done, after the Bills by this Act to be emitted ſhall be ſtamped and ſigned, of which the Commiſſioners aforeſaid are to give truly and proper Notice, by Advertiſements, ſet up at the ſeveral Court-Houſes in this Government, that they will attend at *Newbern*, to exchange the ſaid Bills, and pay off the Public Debts, during the Sitting of the Two next ſucceeding General Courts, after ſuch Notice ſet up as aforeſaid.

Bills emitted by this Act, lawful Tender.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Bills of Credit to be emitted by this Act, ſhall be current, and a lawful Tender in all Payments whatſoever, as Proclamation Money, or as Sterling Money, at the proper Difference there is between Proclamation Money and Sterling; that is to ſay, at Four Shillings, Proclamation Money, for Three Shillings Sterling.

Pen. on Counterfeiters.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall counterfeit, alter, or eraſe, any of the Public Bills of Credit of this Province,

Province, or ſhall aid or aſſiſt in counterfeiting, altering, or eraſing ſuch Bills, or ſhall utter any of the ſaid Bills, knowing them to be ſo counterfeited, altered, or eraſed, ſuch Perſon or Perſons ſo offending, ſhall, for the firſt Offence, be whipped, at the Diſcretion of the Court, not exceeding Forty Laſhes, and ſtand in the Pillory Two Hours, and have both Ears nailed to the Pillory and cut off; and for the ſecond Offence, be deemed a Felon, without Benefit of Clergy, and ſhall be adjudged and ſuffer accordingly. *A. D.* 1748.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſeveral Sums by this Act directed to be emitted and paid, ſhall have been ſet apart for the Purpoſes before mentioned, the Reſidue and Remainder of the aforeſaid Sum of Twenty One Thouſand Three Hundred and Fifty Pounds, ſhall be and remain in the Cuſtody and Keeping of Mr. *John Carruthers*, in *Newbern*, in a ſtrong Cheſt, well ſecured with Iron, with Three diſtinct Locks, the Key of one to be kept by the Governor for the Time being, another by the Secretary for the Time being, the third by the Speaker of the Aſſembly for the Time being, ſo as the ſame Bills of Credit may be always ready to defray the contingent Charges of Government, as the Governor, Council, and General Aſſembly, ſhall direct; and the ſame Cheſt ſhall not be opened for iſſuing the Bills of Credit, but in the Preſence of the ſeveral Perſons with whom the Keys are by this Act intruſted, unleſs otherwiſe ordered and directed by the General Aſſembly. Remainder of the Public Money where to be kept.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Sum of One Shilling, Proclamation Money, be annually levied on every taxable Perſon within this Province, and be collected by the Sheriff of every reſpective County, and ſhall be paid in Gold, Silver, or Bills of Credit, on or before the Firſt Day of *March*, yearly; and that all Perſons neglecting to pay the ſaid Tax, at the Time by Law limited, ſhall be liable to ſuch Diſtreſs, to be made by the Sheriff, as for Non-Payment of other Taxes; and the ſaid Sheriff of each and every County, on or before the Tenth Day of *June*, yearly, ſhall return a Liſt of Taxables, and alſo account, upon Oath, and pay into the Hands of the Public Treaſurer of the reſpective Counties, all ſuch Sums of Money as he ſhall have received by Virtue of this Act, under the Penalty of Two Hundred Pounds, Proclamation Money, for every Default; which ſaid Penalty ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in the Supreme Court of this Province, by any Perſon who ſhall ſue for the ſame; wherein no Eſſoin, Injunction, Protection, or Wager of Law, ſhall be allowed or admitted of; the one Moiety to him or them who ſhall ſue for the ſame, the other to be applied by the General Aſſembly of this Province, for the Uſe the Tax by this Act is intended: And the ſaid Aſſembly ſhall cauſe the ſaid Bills, ſo paid in, to be annually burnt and deſtroyed, until the whole Currency ſhall be ſunk. Tax to be laid, for ſinking the Bills.

Sheriff to return a Liſt of Taxables, and account with the Treaſurer, on Pen. of 200 l.

XVI. AND whereas there are divers conſiderable Sums of Loan Money due and unpaid, and the Power of the Treaſurers to make Diſtreſs is already expired; *Therefore be it Enacted*, That the ſeveral and reſpective County Treaſurers, their Heirs, Executors, or Adminiſtrators, ſhall, and are hereby impowered and authorized, at any Time hereafter, to make Diſtreſs of all Goods and Chattels of Perſons who are indebted for any Loan Money, or for Want of ſuch Goods and Chattels, to ſeize and diſpoſe of ſuch mortgaged Lands, in Order to diſcharge ſuch Sum or Sums due and in Arrear on ſuch Mortgages; the Expiration of any Law, to the Contrary, notwithſtanding. This Clauſe altered, by Act Sept. 1751, Chap. 4.

County Treaſurers to make Diſtreſs on Debts for Loan Money.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral County Treaſurers, their Heirs, Executors, or Adminiſtrators, ſhall pay, to the Public Treaſurer of the reſpective Counties in this Province, all the Bills of Credit now in their Hands, or which hereafter ſhall be by them, or any of them, reſpectively received; and the ſaid Public Treaſurer ſhall account with, and pay to the General Aſſembly, all ſuch Sums of Money as they ſhall receive in Virtue hereof; which ſhall be burnt and deſtroyed: And the Clerk of the Aſſembly ſhall keep a fair Account of all Monies that ſhall, from Time to Time, be paid in and burnt. Treaſurers to account.

XVIII. *AND*

A. D. 1748. Commiſſioners to give Bond.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners herein before appointed, ſhall, before they enter upon the Execution of their reſpective Offices, give in Bond to his Excellency the Governor, for the Uſe of the Public, in the Sum of Three Thouſand Pounds, Proclamation Money, each, for the due and faithful Execution of his Office, according to the true Intent and Meaning of this Act.

Their Allowance for emitting the Money.

XIX. *AND be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall have and receive, for their ſtamping, exchanging, and paying out the ſaid Bills of Credit, the Sum of Five Hundred Pounds, Proclamation Money.

Acts repealed.

XX. *AND be it Enacted*, That the Act, intituled, *An Act, laying a Tax for ſinking the now current Bills of Credit*; and alſo the Act, intituled, *An Act for facilitating the Navigation of the ſeveral Ports of this Province, and for buoying and beaconing the Channels leading from* Ocacock *to* Edenton, Bath *Town, and* Newbern, *and from* Topſail *Inlet to* Beaufort *Town, and other Ports and Inlets within the ſaid Province, herein mentioned, and for providing ſufficient Pilots for the ſafe Conduct of Veſſels*; and alſo the Act, *for raiſing a Public Magazine of Ammunition, upon the Tonage of all Veſſels trading to this Government*; and every Clauſe and Clauſes, Article and Articles of them; and alſo the Clauſe of an Act, intituled, *An Act for appointing Commiſſioners to reviſe and print the Laws of this Province, and for granting to his Majeſty, for defraying the Charge thereof, a Duty on Wine, Rum, and diſtilled Liquors, and Rice, imported into this Government*; ſo far as it relates to the collecting and receiving the ſaid Duties on Wine, Rum, and diſtilled Liquors, be, and are hereby ſeverally repealed, and declared void, as if the ſame had never been made.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

NATHANIEL RICE, Preſident.

SAMUEL SWANN, Speaker.

A. D. 1748.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO SECUNDO.

At a General ASSEMBLY, held at *Newbern*, the Fifteenth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Forty Eight.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act to appoint a convenient Place for holding the County Court of Granville, *and to impower the Commiſſioners hereafter named to build a Court-Houſe, Priſon, and Stocks, in the ſaid County.*

This County ſince divided, and the Court Houſe removed, the Act therefore obſolete.

CHAP. II.

An Act for defraying the Expence of the Members of his Majeſty's Honourable Council, and the Members of the General Aſſembly of this Province, in their travelling to, from, and attending at the ſaid Aſſemblies; and to compel their Attendance.

I. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame,* That every Member of his Majeſty's Council, and every Member of the General Aſſembly, ſhall have and receive Seven Shillings and Sixpence, Proclamation Money, *per* Day, for any Time he ſhall ſerve this preſent Seſſion of Aſſembly, or any Time he ſhall ſerve in any future Aſſemblies of this Province, and alſo the Sum of Seven Shillings and Sixpence, Proclamation Money, *per* Day, for any Time he has this Seſſion of Aſſembly, or hereafter ſhall be, in travelling to and from any Aſſembly of this Province, and attending the ſame, together with reaſonable Allowance for his Ferriages; which Monies, ſo becoming due, ſhall be put on the Eſtimate of the Public Debts, a Certificate of which ſhall be delivered, by

Allowance to the Council & Members of the General Aſſembly.

A. D. 1748. by the Clerk of the General Assembly, counter-signed by the Speaker, to the Person to whom the same shall become due, who is hereby required to produce the same to his Excellency the Governor and Commander in Chief for the Time being, to be by him signed: Which Certificate so signed, being produced to the Public Treasurer or Treasurers, shall be a sufficient Warrant for him, and he is hereby required to pay the Sum allowed in such Certificate, out of any Public Money in his Hands, not before otherways appropriated by Law; which shall be allowed to such Treasurer, on settling his Public Accounts.

Penalty on Members absenting themselves.

II. *AND be it further Enacted, by the Authority aforesaid,* That whatsoever Member of his Majesty's Honourable Council, or Member of the General Assembly, shall fail in making his personal Appearance, and giving his Attendance, precisely at the Day limited by the Writ, or appointed by Prorogation, shall be fined, for every Day's Absence during the Sitting of that Assembly, unless by Disability or other Impediments, to be allowed of by the Council or Assembly, with Regard to their respective Members, Ten Shillings, Proclamation Money, *per* Day; to be recovered by a Warrant from the Chairman of his Majesty's Council, if one of their Board, and from the Speaker of the General Assembly, for that House, and directed to the Messenger of the respective House of which such Person so absenting is a Member; who is hereby impowered and required to levy the same, by Distress and Sale of the Offenders Goods, and to return the said Fine or Fines to the Governor, Council, and General Assembly; which shall be by them applied to the Use of the Public.

Penalty for absenting after Appearance.

III. *AND be it further Enacted, by the Authority aforesaid,* That every Member of his Majesty's Council, or Member of the General Assembly, who, after making his personal Appearance as aforesaid, shall absent himself from the Service of his House, without Leave first had and obtained from such House, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every Day he shall so absent himself; to be recovered, levied, and applied, as aforesaid, and may be sent for in Custody of the Serjeant at Arms, by a Warrant from the Chairman or Speaker aforesaid, at his own Expence, and be further liable to the Censure of the House of which he is a Member, for such his Contempt.

CHAP. III.

An Act for ascertaining the Bounds of a certain Tract of Land formerly laid out by Treaty to the Use of the Tuskerora *Indians, so long as they, or any of them, shall occupy and live upon the same; and to prevent any Person or Persons taking up Lands, or settling within the said Bounds, by Pretence of any Purchase or Purchases made, or that shall be made, from the said Indians.*

Preamble.

I. WHEREAS Complaints are made by the *Tuskerora* Indians of divers Incroachments made by the *English* on their Lands, and it being but just that the ancient Inhabitants of this Province shall have and enjoy a quiet and convenient Dwelling-Place in this their native Country: Wherefore,

Bounds of the Indians Lands confirmed.

II. WE pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnston, *Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the Lands formerly allotted the *Tuskerora* Indians, by solemn Treaty, lying on *Morattock* River, in *Bertie* County, being the same whereon they now dwell, butted and bounded as follows, *viz.* Beginning at the Mouth of *Quitsnoy* Swamp, running up the said Swamp Four Hundred and Thirty Pole, to a Scrubby-Oak, near the Head of the said Swamp, by a great Spring; then North Ten Degrees East, Eight Hundred and Fifty Pole, to a Persimon Tree on *Raquis* Swamp; then along the Swamp and Pocoson main Course, North Fifty Seven Degrees West, Two Thousand Six Hundred and Forty Pole, to a Hickory on the East Side of the *Falling*

ling Run, or *Deep* Creek, and down the various Courſes of the ſaid Run to *Moratock* River; then down the River to the firſt Station; ſhall be confirmed and aſſured, and by Virtue of this Act is confirmed and aſſured, unto *James Blount*, Chief of the *Tuſkerora* Nation, and the People under his Charge, their Heirs and Succeſſors, for ever; any Law, Uſage, Cuſtom, or Grant, to the contrary, notwithſtanding. A. D. 1748.

III. *PROVIDED always*, That it ſhall and may be lawful for any Perſon or Perſons, that have formerly obtained any Grant or Grants, under the late Lords Proprietors, for any Tracts or Parcels of Land within the aforeſaid Boundaries, upon the ſaid Indians, deſerting or leaving the ſaid Lands, to enter, occupy, and enjoy the ſame, according to the Tenor of their ſeveral Grants; any Thing herein, to the contrary, notwithſtanding. Perſons having Grants, to enter, on Deſertion of the Indians.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall not nor may be lawful, for the Lord *Granville*'s Receiver to aſk, have or demand, any Quitrents for any of the ſaid Tracts or Parcels of Land, taken up within the ſaid Indian Boundaries, as aforeſaid, until ſuch Time the Indians have deſerted the ſame, and the Patentee be in Poſſeſſion thereof; and then only for ſuch Rents as ſhall from thence ariſe and become due; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Indians not to pay Quitrents.

V. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon, for any Conſideration whatſoever, ſhall purchaſe or buy any Tract or Parcel of Land, claimed, or in Poſſeſſion of any Indian or Indians, but all ſuch Bargains and Sale ſhall be, and are hereby declared to be null and void, and of none Effect; and the Perſon ſo purchaſing or buying any Land of any Indian or Indians, ſhall further forfeit the Sum of Ten Pounds, Proclamation Money, for every Hundred Acres by him purchaſed and bought; one Half to the Uſe of the Public, the other Half to him or them that ſhall ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Government, wherein no Eſſoin, Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of. Penalty on Perſons purchaſing Lands of the Indians.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Perſon and Perſons, other than the ſaid Indians, who are now dwelling on any of the Land within the Bounds above mentioned, to have been allotted, laid out, and preſcribed to the ſaid *Tuſkerora* Indians, ſhall, on or before the Twenty Fifth Day of *March*, next enſuing the Ratification of this Act, remove him or herſelf and Family off the ſaid Land, under the Penalty of Twenty Pounds, Proclamation Money: And if any Perſon or Perſons, other than the ſaid Indians, ſhall neglect or refuſe to move him or herſelf and Family off the ſaid Lands, on or before the ſaid Twenty Fifth Day of *March* next; and if any Perſon or Perſons, other than the ſaid Indians, ſhall hereafter preſume to ſettle, inhabit or occupy, any of the ſaid Lands hereby allotted and aſſigned for the ſaid *Tuſkerora* Indians; ſuch Perſon or Perſons ſhall forfeit the further Penalty of Twenty Shillings, Proclamation Money, for each and every Day he, ſhe or they, ſhall inhabit or occupy any Lands within the ſaid Indian Bounds, after the ſaid Twenty Fifth Day of *March* next; the ſaid Penalties to be recovered and applied in the ſame Manner as the Penalty in this Act firſt above mentioned. Perſons ſettled on the Indians Lands to remove, on a Penalty.

VII. AND whereas the ſaid Lands belonging to the *Tuſkerora* Indians, have been lately laid out and new marked, by *George Goulde*, Eſq; Surveyor General, at the Requeſt of the ſaid Indians; *Therefore be it Enacted*, That the ſaid *George Goulde*, Eſq; have and receive, for the Trouble and Expence he hath been at in laying out and marking the Indians Land aforeſaid, the Sum of Twenty Five Pounds, Proclamation Money; to be paid by the Public out of the Monies in the Public Treaſury. Surveyor's Fee, for laying out the Indians Lands.

VIII. AND whereas the Indians complain of Injuries received from People driving Stocks of Horſes, Cattle, and Hogs, to range on their Lands; for Remedy

A. D. 1748. whereof, *Be it Enacted*, That the Perſons driving Stocks to range, or Stocks actually ranging on the Indians Lands, ſhall, and are hereby declared to be liable and ſubject to the like Penalties and Forfeitures, and may be proceeded againſt in the ſame Manner, and ſubject to the ſame Recoveries, as by the Law of this Province Stocks driven or ranging upon any white People's Land are liable and ſubject to; and the ſaid Indians ſhall and may enjoy the Benefit of the Laws in that Caſe made and provided, in the ſame Manner as the white People do or can; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Pen. on Perſons ranging Stocks on the Indians Lands.

CHAP. IV.

An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Poſſeſſions, and for directing the Payment of Quitrents. REP.

CHAP. 5. *An Act to appoint an Agent, to ſollicit the Affairs of this Province at the ſeveral Boards in* England. EXP.

6. *An Act for the better regulating the Town of* Newbern, *for fencing the ſame, and ſecuring the Titles of the ſeveral Perſons who hold Lots in the ſaid Town.* REP.

This Act had its Effect.

7. *An Act to alter and amend an Act, intituled,* An Act for appointing Commiſſioners to reviſe and print the Laws of this Province, and for granting unto his Majeſty, for defraying the Charge thereof, a Duty on Wine, Rum, and diſtilled Liquors, and Rice, imported into this Province.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

NATHANIEL RICE, Preſident.

SAMUEL SWANN, Speaker.

ANNO

A. D. 1749.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO SECUNDO.

At a General ASSEMBLY, held at *Newbern*, the Fourteenth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Forty Nine.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An additional Act to an Act, intituled, An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Poſſeſſions, and for directing the Payment of Quitrents. REP.

CHAP. II.

An Act for the Relief of poor Debtors, as to the Impriſonment of their Perſons.

See Act Nov. 1762, Chap. 10, for amending this Act.

I. BE it Enacted, *by his Excellency the Governor, Council, and General Aſſembly of this Province*, That if any Handicraft Tradeſman, or any other Perſon whatſoever, ſhall be in Priſon within this Province, on meſne Proceſſes, or Execution, for any Debt above Forty Shillings, Proclamation Money, and hath no viſible Eſtate, real or perſonal, and ſhall make Oath, before the Court of the County where he is in Priſon, or in the Vacation, before ſome Two Juſtices of the Peace for that County, being both preſent together, the Creditor or Creditors at whoſe Suit he is confined being firſt perſonally ſummoned to appear at the ſame Time, That he hath not the Worth of Forty Shillings Sterling Money, in any worldly Subſtance, either in Debts owing to him, or otherwiſe howſoever, over and beſides his wearing Apparel, working Tools, and Arms for Muſter; and that he has not, at any Time ſince his Impriſonment, or before, directly or indirectly, ſold, aſſigned, or otherwiſe diſpoſed of, or made over, in Truſt for himſelf or otherwiſe, any Part of his real or perſonal Eſtate, whereby to have or expect any Benefit or Profit to himſelf, or to defraud any of his Creditors to whom he is indebted; and if there be no Perſon preſent that can prove the contrary, then ſuch Perſon, by ſuch Court or Juſtices, without Form of Trial, ſhall immediately be ſet at Liberty, and ſhall

Priſoners for Debt proving themſelves not worth 40 s. to be ſet at Liberty.

A. D. 1749. ſtand for ever diſcharged of all ſuch Debts ſo ſued for, and all Coſts of Suit: But in Caſe ſuch Perſon ſhall afterwards be diſcovered to have ſworn falſely, he ſhall be indicted for Perjury; and, if convicted, ſhall loſe both his Ears in the Pillory, and be liable to ſatisfy the Debt and Damages.

Juſtices to put the Proceedings out of Court in Writing, and make Return to Court, on Pen. of 5l.

II. *AND be it further Enacted*, That the Juſtices of the Peace, when the Proceedings are before them out of Court, ſhall put the ſame in Writing, under their Hands, and return the ſame into the Court from whence the Execution iſſued, there to be kept on Record, under the Penalty of Five Pounds, Proclamation Money, for each Juſtice, for ſuch his Omiſſion or Neglect; to be paid to the Perſon injured, by Order of the ſaid Court.

Perſons in Execution may deliver up their Effects, by Petition to Court.

III. *AND be it further Enacted*, That if any Perſon charged in Execution for any Sum, in any Priſon within this Province, ſhall be minded to deliver up all his Effects to his or her Creditors, it ſhall be lawful for ſuch Priſoner to prefer a Petition to the Court from whence the Proceſs iſſued, ſetting forth the Cauſe of Impriſonment, and an exact Account of his or her Eſtate, and all Circumſtances relating thereto; and on ſuch Petition, the Court ſhall order the Priſoner to be brought, and the Creditors at whoſe Suit he is charged, to be ſummoned; and on the Day of Appearance, if any of the Creditors neglect to appear, on Proof made of the due Service of the Court's Order, the Court ſhall proceed to examine the Matter of the Petition in a ſummary Way, and ſhall tender to ſuch Perſon an Oath, to the Effect following:

Oath to be taken by the Debtor.

I A. B. *do ſolemnly ſwear, in the Preſence of Almighty God, That the Account by me delivered, with my Petition, into this Court, doth contain a full and true Account of all my real and perſonal Eſtate, Debts, Credits, and Effects, whatſoever, which I, or any in Truſt for me, have, or at the Time of my ſaid Petition had, or now can, or then was, in any Reſpect, intituled to, either in Poſſeſſion, Remainder, or Reverſion (except my wearing Apparel for myſelf and Family, and the Tools or Inſtruments for my Trade, and Arms for Muſter) and that I have not, at any Time ſince my Impriſonment, or before, directly or indirectly, ſold, aliened, aſſigned, or otherwiſe diſpoſed of, or made over, in Truſt for myſelf, or otherwiſe, other than is mentioned in ſuch Account, any Part of my Lands, Eſtate, Goods, Stock, Money, Debts, or other real or perſonal Eſtate, whereby to have or expect any Benefit or Profit to myſelf, or to defraud any of my Creditors to whom I am indebted.* SO HELP ME GOD.

Proceedings to be had after ſuch Surrender, and Oath taken.

IV. *AND be it further Enacted*, That if ſuch Perſon take ſuch Oath, and the Creditor be ſatisfied with the Truth thereof, the Court may order the Effects contained in ſuch Account, or ſo much as may be ſufficient to ſatisfy the Debts and Fees due to the Jailor, to be, by an Indorſement on the Back of the Petition, ſigned by the Priſoner, aſſigned to the Creditor or Creditors, or to one or more of them, in Truſt for the Reſt; and by ſuch Aſſignment, the Eſtate and Property of the Lands, Goods, Debts, and Effects, ſhall be veſted in ſuch Creditor or Creditors, in Truſt, as aforeſaid; and the Priſoner ſhall be diſcharged out of Cuſtody, by Order of the Court, without Fee; and the Perſon or Perſons to whom the Effects ſhall be aſſigned, paying the Fees to the Jailer, ſhall divide the Effects, in Proportion to their Debts: But if the Perſon or Perſons at whoſe Suit the Priſoner is in Execution, ſhall deſire Time to inform him, her, or themſelves, the Court ſhall remand the Priſoner, and direct him, and the Perſon or Perſons diſſatisfied, to appear, at a Day, in the next ſucceeding Court; and if at ſuch Day the Creditor or Creditors make Default, or if he, ſhe, or they, be unable to make Diſcovery of any Effects of the Priſoner omitted in his Petition, or to ſhew any Probability of his having been foreſworn, the Court ſhall cauſe the Priſoner to be diſcharged, unleſs ſuch Creditor or Creditors, on his being detained, agree, by Writing, to pay the Priſoner Ten Shillings, Proclamation Money, by the Week, to be paid weekly, ſo long as he or ſhe ſhall continue in Priſon, at his, her, or their Suit; and on Failure of Payment, the Priſoner ſhall, on Application made to the Court, be diſcharged by Order:

Order: And in Caſe the Priſoner ſhall refuſe to take the Oath, or ſhall be detected of Falſity therein, he ſhall be remanded. *A. D.* 1749.

V. *AND be it further Enacted*, That the Perſon of every Debtor ſo diſcharged, ſhall never after be arreſted for the ſame Debt; but the Judgment ſhall remain in Force, and Execution may be taken out againſt his Lands or Goods (his wearing Apparel for himſelf and Family, Tools for his Trade, and Arms for Muſter, excepted.) Debtor free from other Arreſt for ſuch Debt.

VI. *AND be it further Enacted*, That if any Perſon who ſhall take ſuch Oath, ſhall, upon Indictment of Perjury, be convicted thereon, he ſhall ſuffer all Pains of wilful Perjury, and ſhall be liable to be taken on a new Proceſs; and ſhall never after have the Benefit of this Act. Debtor committing Perjury, not to have the Benefit of this Act.

VII. *AND be it further Enacted*, That if the Effects aſſigned ſhall not extend to ſatisfy the whole Debts due to the Perſon or Perſons at whoſe Suit ſuch Priſoner was charged, and the Fees, there ſhall be an Abatement in Proportion; and the Jailer ſhall come in, as a Creditor, for his Fees. Effects not ſufficient, Creditors to abate in Proportion.

VIII. *AND be it further Enacted*, That no Perſon charged in Execution ſhall be allowed to petition by Virtue of this Act, unleſs ſuch Priſoner do exhibit his Petition to the Court from whence the Execution iſſued, within Six Months after ſuch Perſon ſhall be ſo charged in Execution. Petition to be exhibited within ſix Months.

IX. *AND be it further Enacted*, That where by this Act an Oath is required, the ſolemn Affirmation of a Quaker ſhall be taken, in Lieu thereof; and every Perſon convicted of wilful and falſe affirming, ſhall ſuffer the like Penalties as for wilful and corrupt Perjury. Quaker's Affirmation allowed.

CHAP. III.

An Act for the Encouragement of James Davis, *to ſet up, and carry on, his Buſineſs of a Printer, in this Province; and for other Purpoſes therein mentioned.* EXP.

CHAP. IV.

An Act directing the Method for cutting or docking Intails of ſmall Eſtates.

I. WHEREAS divers Perſons are ſeized of ſmall and inconſiderable Pieces of Land, in Tail, often ignorantly, without Deſign, deviſed in Tail, by their Anceſtors; and the Method of defeating ſuch Eſtates in Fee-Tail, general or ſpecial, within this Province, by Act of General Aſſembly, in ſuch particular Caſe to be made and provided, is found too expenſive for poor People ſeized of ſuch Land to go through with; and therefore the docking Intails by ſome eaſier Method will be a great Relief to ſuch poor People and their Families, whereby they would be enabled to purchaſe other more improveable Lands and Slaves: Preamble.

II. WHEREFORE we humbly pray your moſt Sacred Majeſty that it may be Enacted, *And be it Enacted, by his Excellency the Governor, Council, and General Aſſembly of this Province*, That it ſhall and may be lawful for any Perſon or Perſons, ſeized in Fee-Tail, general or ſpecial, of or in any Lands or Tenements within this Province, not exceeding the Value of Fifty Pounds Sterling Money, and not being Parcel of, or contiguous to, other intailed Lands of the ſame Parties, to ſue out a Writ from the Secretary's Office, in the Nature of an *Ad quod Damnum*, directed to the Sheriff of the County where ſuch intailed Lands lie, commanding him to enquire, by good and lawful Men of his County, of the Value of ſuch Lands, and whether they be Parcel of, or contiguous to, other intailed Lands of the ſame Party, as aforeſaid; Method of docking Intails.

A. D. 1749. aforeſaid; and ſuch Sheriff ſhall return his Inquiſition to the ſaid Office: And if the ſaid Lands ſhall be found not to exceed the Value aforeſaid, and to be a ſeparate Parcel, as aforeſaid, then a Deed of Bargain and Sale, reciting the Title of ſuch Inquiſition (wherein a valuable Conſideration ſhall be expreſſed, and *bona fide* paid) acknowledged by the Party, or proved by two Witneſſes, before the Chief Juſtice, or any of the Aſſociate Judges, or in the Court of the County where ſuch Lands may lie, within Six Months after the Date thereof, and regiſtered, within Twelve Months, in the County where ſuch Lands lie, ſhall be ſufficient in Law to paſs the Fee-Simple Eſtate of ſuch Lands to the Purchaſer or Purchaſers thereof; and the Right of the Iſſue of the Vendor, and all other Perſons in Remainder or Reverſion, ſhall be barred in the ſame Manner as the ſame Eſtate might be barred by Fine and Recovery, according to the Laws of *England*.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.
NATHANIEL RICE, Preſident.
SAMUEL SWANN, Speaker.

ANNO

A. D. 1749.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO TERTIO.

At a General ASSEMBLY, held at *Newbern*, the Sixteenth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Forty Nine.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act to put in Force in this Province the ſeveral Statutes of the Kingdom of England, *or* South Britain, *therein particularly mentioned.* REP.

CHAP. 2. *An Act to revive a Clauſe in an Act of the General Aſſembly of this Province, intituled,* An Act to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and alſo for eſtabliſhing the Courts of Juſtice, and regulating the Proceedings therein; *paſſed the Fifth Day of* December, *One Thouſand Seven Hundred and Forty Six.* EXP.

3. *An additional Act to an Act, intituled,* An Act to provide indifferent Jurymen in all Cauſes, both civil and criminal, and for an Allowance for their Attendance. REP.

4. *An Act for altering, explaining, and continuing an Act, intituled,* An Act for the better regulating the Militia in this Government. Expired with the Militia Act.

5. *An Act to appoint a Public Treaſurer, in the Room of* Edward Moſeley, *Eſq; deceaſed.* EXP.

CHAP.

A. D. 1749.

CHAP. VI.

Obſolete, all but the 3d, 4th, and 5th Sections.

An Act to confirm the ſeveral Acts of Aſſembly of this Province therein mentioned, as reviſed by the Commiſſioners appointed by an Act of the General Aſſembly of this Province, intituled, An Act for appointing Commiſſioners to reviſe and print the Laws of this Province, and for granting to his Majeſty, for defraying the Charge thereof, a Duty on Wine, Rum, and diſtilled Liquors, and Rice, imported into this Province; *and ſuch other Laws of this Province as have been paſſed ſince the ſaid Reviſal; and to direct the printing of the ſaid Laws.*

What Specie the ſeveral Fines are in.

III. AND *be it further Enacted, by the Authority aforeſaid,* That all Fines and Forfeitures mentioned in any of the before recited Laws, where the particular Species of Money is not ſpecially named, the ſame ſhall be underſtood, deemed, and adjudged to be Proclamation Money, and no other.

Laws repealed, &c. and Titles to be printed.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That all and every Act and Acts, Clauſe and Clauſes, Section and Sections, of all and every Act and Acts of the General Aſſembly of this Province, in the ſaid reviſed Laws or Acts of the General Aſſembly, mentioned to be obſolete, expired, and repealed, are hereby enacted and declared to be obſolete, expired, and repealed; and the Titles, with ſuch Note only, be printed.

All Things heretofore done by Virtue of the Laws now repealed, &c. declared valid.

V. *PROVIDED always, nevertheleſs, and it is hereby Enacted,* That all and every Judgment, Order, Decree, or Sentence, of any Court heretofore given or paſſed, and all and every Matter or Thing heretofore done and performed, by any Officer or Officers, judicial or miniſterial, or by any other Perſon or Perſons whatſoever, in Virtue and by Force of any Act or Acts, Clauſe or Clauſes, of any Act or Acts of the General Aſſembly of this Province, in the ſaid reviſed Laws, mentioned to be obſolete, expired, or repealed, ſhall be deemed, held, and be taken for good and valid in Law, to all Intents and Purpoſes, as if the ſaid Acts were continued and in full Force; any Thing herein before contained, to the contrary, in any wiſe, notwithſtanding.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.
NATHANIEL RICE, Preſident.
SAMUEL SWANN, Speaker.

ANNO

A. D. 1749.

ANNO REGNI GEORGII II. REGIS, MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ, VICESSIMO TERTIO.

At a General ASSEMBLY, held at *Newbern*, the Seventeenth Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Forty Nine.

GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act for erecting the upper Part of New Hanover *County into a County and Pariſh, by the Name of* Duplin *County, and* St. Gabriel's *Pariſh; and for appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County.*

This Act repealed, but the Bounds of the County and Pariſh eſtabliſhed by Act paſſed Sept. 1756, Chap. 9.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame,* That *New Hanover* County be divided by a Line, beginning at the Mouth of *Rock-Fiſh* Creek, on the North Eaſt River of *Cape Fear*, running Eaſt to *Onſlow* County, and Weſtward by a ſtraight Line from the Mouth of the ſaid Creek, to the upper Forks of *Black* River, where *Coheery* and the Six Runs meet, thence up *Coheery* to the Head thereof; and that the upper Part of the ſaid County be erected into a County, by the Name of *Duplin* County, and *St. Gabriel*'s Pariſh: And that the ſaid County and Pariſh ſhall enjoy all the Privileges and Advantages that any other County and Pariſh in this Province now holds or enjoys.

Diviſion of the County.

CHAP. II.

An Act for erecting the upper Part of Bladen *County into a County and Pariſh, by the Name of* Anſon *County, and* St. George's *Pariſh; and for appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County.*

This Act repealed, but the Bounds of the County and Pariſh re-eſtabliſhed by Act, Sept. 1756, Chap. 9.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of*

Diviſion of the County.

A. D. 1749. *the ſame*, That *Bladen* County be divided by a Line, beginning at the Place where the South Line of this Province croſſeth the Weſtermoſt Branch of Little *Pee Dee* River, then by a ſtraight Line to a Place where the Commiſſioners for running the Southern Boundary of this Province croſſed that Branch of Little *Pee Dee* River, called *Drowning* Creek, thence up that Branch to the Head thereof; then by a Line, to run as near as may be equidiſtant from *Saxpahaw* River, and Great *Pee Dee* River; and that the upper Part of the ſaid County and Pariſh, ſo laid off and divided, be erected into a County and Pariſh, by the Name of *Anſon* County, and *St. George*'s Pariſh; and that all the Inhabitants to the Weſtward of the afore-mentioned dividing Line, ſhall belong and appertain to *Anſon* County: And that the ſaid County and Pariſh ſhall enjoy all and every the Privileges, which any other County or Pariſh in this Province holds or enjoys.

CHAP. III.

Repealed by Act, November 1760, Chap. 2. *An additional Act to an Act*, For obtaining an exact Liſt of Taxables, and for the effectual collecting as well all Arrears of Taxes, as all other Taxes, for the future due and payable.

CHAP. IV.

An Act to enable the Juſtices of the ſeveral Counties to provide certain Law Books, for the Uſe of their County Courts.

Juſtices impowered to purchaſe Law Books. I. BE *it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province*, That the Juſtices of each County Court within this Province ſhall and may have full Power and Authority, in ſome convenient Time, according to their Diſcretion, to purchaſe and provide the lateſt Editions of the Law Books following, *to wit*; *Nelſon*'s Juſtice, *Cary*'s Abridgment of the Statutes, *Swinburn* of Wills, or *Godolphin*'s Orphan's Legacy, and *Jacob*'s Law Dictionary, or *Wood*'s Inſtitutes: Which Books, when provided, ſhall be, for ever after, for the Uſe of the County Court, and ſhall be kept in the Offices of the ſeveral Clerks, and conſtantly, during the Sitting of every County Court, laid, by the Clerk of each Court, on the Court Table, for the Uſe and Peruſal of the Juſtices of ſuch Court, and of all ſuch as may have any Matters depending in Court.

Penalty on the Clerk for deſtroying ſuch Books. II. *AND be it further Enacted, by the Authority aforeſaid*, That if any County Court Clerk ſhall abuſe or deſtroy, or ſuffer to be abuſed or deſtroyed, any of the Books ſo committed to his Care, he ſhall be fined, at the Diſcretion of the Court, for ſuch his Neglect: Which Fine ſhall be applied towards repairing the Loſs or Damage of ſuch Books, occaſioned by ſuch Neglect.

Tax to be laid for purchaſing Books. III. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices in the ſeveral County Courts ſhall have full Power to lay ſuch an additional Tax on their reſpective Counties, as ſhall be ſufficient to purchaſe and provide the Books aforeſaid, and ſhall apply the ſame accordingly.

CHAP. V.

An Act to encourage Michael Higgins *to build a Bridge over* Trent *River, near* Wickliff*'s Ferry, in* Craven *County.*

Private. I. WHEREAS a Bridge over *Trent* River, near the Place called *Wickliff*'s Ferry, would be much for the Conveniency of all Travellers, and *Michael Higgins* being deſirous of building one there at his own Expence, on Condition of having the Benefit thereof for the Space of Twenty Five Years:

II. *BE*

II. *B E it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That it ſhall and may be lawful for the ſaid *Michael Higgins*, his Heirs or Aſſigns, to erect and build a good ſubſtantial Bridge over *Trent* River, as near as he conveniently can to the Place where the main Road croſſeth the ſaid River, near the Place commonly called *Wickliff*'s Ferry; and after building the ſaid Bridge as aforeſaid, it ſhall and may be lawful for the ſaid *Michael Higgins*, his Heirs, Executors, Adminiſtrators, or Aſſigns, to keep a ſufficient Gate thereon, and take and receive from all Perſons that ſhall paſs over the ſame, the following Rates, that is to ſay: For every Man and Horſe, Four Pence; for every Carriage drawn by One or Two Horſes or Oxen, One Shilling; and for every Horſe or Ox more, Four Pence each; and for every Head of Neat Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling, and ſo in Proportion, for a greater or leſſer Number of Hogs or Sheep; for and during the Space of Twenty Five Years, and no longer.

A. D. 1749.

Public Bridge to be built.

Toll ſettled.

III. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Bridge is ſo built and compleated as aforeſaid, it ſhall not be lawful, during the Time the ſaid Bridge ſhall be kept in Repair, and fit for Travellers and Carriages to paſs and repaſs over the ſame, for any Perſon whatſoever to keep any Ferry, build any Bridge, or ſet any Perſon or Perſons, Carriage or Carriages, Cattle, Hogs or Sheep, over the ſaid River, for Fee or Reward, within Six Miles of the ſame, during the Time aforeſaid, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered before any Magiſtrate of the County of *Craven*; to be applied to the Uſe of the Proprietor of the Bridge built by the ſaid *Michael Higgins*; and, during the ſaid Time, the Right and Property of the ſaid Bridge is hereby inveſted in the ſaid *Michael Higgins*, his Heirs, Executors, Adminiſtrators, or Aſſigns.

Pen. on Perſons keeping Ferry within 6 Miles of ſaid Bridge.

CHAP. VI.

An Act for appointing and laying out a Town on the Plantation of Mr. Samuel Jordan, *on the North Side of* Roanoke *River, in* Northampton *County; and for eſtabliſhing Two Fairs to be annually held therein.*

I. WHEREAS the Inhabitants of *Northampton* County have petitioned for an Act, for appointing a Town on the Plantation of Mr. *Samued Jordan*, on the North Side of *Roanoke* River, in *Northampton* County:

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That as ſoon as the Proprietor of the ſaid Land ſhall acknowledge his Conſent and Concurrence, in open Court of the ſaid County, to have ſuch Part of the ſaid Land laid out for a Town as herein after is directed, *Samuel Jordan*, *William Short*, *William Kinchen*, *Francis Corbin*, and *John Dawſon*, are hereby nominated and appointed Commiſſioners, and they, or the Majority of them, are hereby inveſted with full Power and Authority, to lay out Thirty Six Acres of Land, on the ſaid Plantation, for a Town, by the Name of *Hawns*; and to lay out the ſaid Thirty Six Acres into Lots, of Half an Acre each, with convenient Streets and Squares.

III. *AND be it further Enacted*, That when the Commiſſioners, or the Majority of them, have laid out the ſaid Town into Lots and Streets, as aforeſaid, every Perſon whatſoever who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not taken before; which Lot or Lots the Commiſſioners before appointed, or the Majority of them, are hereby impowered to grant, convey, and acknowledge, to the Perſon or Perſons

A. D. 1749. ſo taking up the ſame, his Heirs and Aſſigns, for ever, in Fee, upon the Payment of Five Pounds, Proclamation Money, or the Value thereof, to the Treaſurer herein after mentioned.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That *William Short* is hereby appointed Treaſurer and Receiver of all ſuch Sum or Sums of Money as ſhall ariſe by the Sale of ſuch Lots, for the Uſe hereafter mentioned; and on the Death, or Departure out of the Government, of the ſaid Treaſurer, the ſaid Commiſſioners, or the major Part of them, ſhall appoint ſome other Perſon Treaſurer, in the Place of the ſaid Treaſurer ſo dying, or departing the Government.

V. *AND be it Enacted, by the Authority aforeſaid*, That the Treaſurer that ſhall or may be hereafter appointed by the Commiſſioners as aforeſaid, ſhall give Security to the County Court, that he ſhall and will account with, and pay in all the Monies he ſhall receive, for the Sale of all and every the Lot or Lots that ſhall be ſold, yearly, on the Twenty Fifth Day of *March*, to Mr. *Samuel Jordan*, or the Proprietor of the ſaid Lands.

VI. *PROVIDED always*, That if any Lot or Lots ſhall be granted or conveyed by the ſaid Commiſſioners, to any Perſon or Perſons whatſoever, who ſhall not, within Two Years, build a good ſubſtantial habitable framed Houſe, not of leſs Dimenſions than Twenty Feet in Length, and Sixteen Feet wide, beſides Sheds or Leantoes, or make ſuch Preparation for ſo doing as the Commiſſioners, or the Majority of them, ſhall, on View, think reaſonable, ſuch Grant or Conveyance ſhall be void, and it is hereby declared void and of none Effect, as if the ſame had never been made; and the Commiſſioners may grant and convey ſuch Lot or Lots, which ſhall not be built on within the Time, and in the Manner as is herein before directed, to any other Perſon or Perſons applying for the ſame, and paying the Money for the ſaid Lot, as in this Act is before directed, for the Uſe of the ſaid *Samuel Jordan*, or other Proprietor, as aforeſaid.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, ſhall be, and they are hereby impowered and authorized, to remove all Nuſances within the Limits of the ſaid Town.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon, Inhabitant of the ſaid Town, or holding a Lot or Lots therein, ſhall incloſe the ſame, or keep the ſame incloſed, under a common Stake Fence; but every Lot therein ſhall be paled, or incloſed with Poſts and Rails ſet up.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons, Poſſeſſors or Owners of any Lot or Lots in the ſaid Town, ſhall, within Two Years from the Date of their Grant or Conveyance, clear, and keep conſtantly clear, their Lot or Lots, from all Manner of Wood, Underwood, Bruſh, and Grubs; under the Penalty of One Shilling, Proclamation Money, for every Month ſuch Owner or Owners of any Lot or Lots ſhall neglect to clear or keep the ſame clear; to be recovered by a Warrant from any Juſtice of the Peace, and applied, by the ſaid Commiſſioners, for and towards clearing the Streets in the ſaid Town.

X. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Inhabitants of the ſaid Town, to hold Two Fairs, annually, in the ſaid Town of *Hawns*, *to wit*; One on the Second *Tueſday* in the Month of *October*, and the other on the Firſt *Tueſday* in the Month of *January*, during the Space of Three Days at each Time; under ſuch Rules and Regulations, and, as near as may be, agreeable to the Rules and Regulations that Fairs are uſually held and kept in the Kingdom of *Great Britain*..

CHAP.

CHAP. VII.

A. D. 1749.

An additional Act to an Act, intituled, An Act to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and alſo for eſtabliſhing the Courts of Juſtice, and regulating the Proceedings therein. REP.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

NATHANIEL RICE, Preſident.

SAMUEL SWANN, Speaker.

ANNO

A. D. 1750.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO QUARTO.

GABRIEL JOHNSTON, Esq; Governor.

At a General ASSEMBLY, held at *Newbern*, the Fifth Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Fifty.

CHAP. I.

An Act to appoint a Public Treasurer, in the Room of Eleazer Allen, *Esq; deceased.* EXP.

This Act falls with the Rent-Roll Act.

CHAP. 2. *An Act to repeal Part of a Clause in an Act, intituled,* An Act for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quitrents.

3. *An Act for increasing the annual Allowance given to the Attorney General, for his Trouble and Expences in riding the Circuits.* EXP.

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.
NATHANIEL RICE, President.
SAMUEL SWANN, Speaker.

ANNO

A. D. 1751.

ANNO REGNI GEORGII II. REGIS, MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ, VICESSIMO QUINTO.

At a General ASSEMBLY, begun and held at *Newbern*, the Twelfth Day of *June*, in the Ninteenth Year of his Majeſty's Reign; and from thence continued, by ſeveral Prorogations, to the Twenty Seventh Day of *September*, in the Year of our Lord One Thouſand Seven Hundred and Fifty One. GABRIEL JOHNSTON, Eſq; Governor.

CHAP. I.

An Act to appoint Inſpectors in New Hanover *County, and for regulating the Exports at* Cape Fear. EXP.

CHAP. 2. *An Act for regulating the Pilotage at* Cape Fear *River, and to impower the Captain of Fort* Johnſton, *at the Mouth of the ſaid River, to examine all Veſſels entering the ſaid River, concerning the Health of their Crews on Board the ſaid Veſſels.* REP.

CHAP. III.

An additional Act to an Act, intituled, Feme Coverts how to paſs Lands.

I. WHEREAS the Method preſcribed for Feme Coverts to convey their Eſtates in Lands in this Province, by an Act of Aſſembly, made at a General Biennial Aſſembly, held on the Seventeenth Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Fifteen, intituled, *Feme Coverts how to paſs Lands*, in many Caſes hath been found, by Experience, to be impracticable; by Reaſon that the Right of Inheritance of many Lands in this Province is in Feme Coverts, who are Reſidents of neighbouring Governments; and in ſuch Caſes, Conveyances have been made by the Huſband, with the Wife's Conſent, and ſometimes by both, and at other Times by the Wife only, and afterwards ratified Preamble.

A. D. 1751. fied and confirmed by the Husband; by Means whereof the Titles of many Persons are become precarious and doubtful, and much Land lies uncultivated, to the great Diminution of the Revenue of the Crown.

Feme Coverts how to pass Lands.

II. *BE it Enacted, by his Excellency* Gabriel Johnston, *Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That from and after the passing of this Act, all Conveyances in Writing, and sealed by Husband and Wife, for any Lands, and by them personally acknowledged before the Chief Justice, or in the Court of the County where the Land lieth, the Wife being first privily examined before the Chief Justice, or some Member of the County Court, appointed by the said Court for that Purpose, whether she doth voluntarily assent thereto, and registered according to the Directions of the Laws of this Province, shall be as valid in Law to convey all the Estate and Title which such Wife may or shall have in any Lands, Tenements, or Hereditaments, so conveyed, whether in Fee Simple, Right of Dower, or other Estate, not being Fee Tail, as if done by Fine and Recovery, or any other Ways or Means whatsoever.

Proceedings to be had where the Wife is an Inhabitant of another Country, &c.

III. *PROVIDED nevertheless,* That where any such Conveyances as aforesaid shall be acknowledged by the Husband, or proved by the Oath of One or more Witnesses, before the Chief Justice or County Court where the Land lieth, and it shall be represented to the Chief Justice, or County Court aforesaid, that the Wife is a Resident of any other Country, or so aged or infirm that she cannot travel to the Chief Justice or County Court, to make such Acknowledgment as aforesaid, it shall and may be lawful for the Chief Justice or County Court, by his or their Order, to direct the Clerk of the County Court where such Land lieth, to issue a Commission to Two or more Commissioners, for receiving the Acknowledgment of any Deed of such Feme Covert, for passing her Estate in any Lands, Tenements, or Hereditaments; and such Deed, acknowledged before them, after they have examined her privily and apart from her Husband touching her Consent, and certified by the County Court to which the Commission shall be returnable, shall, by Order of the County Court, be registered, with the Commission and Return, and shall be as effectual as if personally acknowledged before the Chief Justice or County Court by such Feme Covert.

IV. AND for preventing Mistakes in issuing out such Commissions, *Be it Enacted, by the Authority aforesaid,* That the several Clerks of this Province shall issue the same in the Form following, *to wit,*

North Carolina, C. County, ff.

Form of the Commission.

GEORGE the Second, by the Grace of God, of *Great Britain, France,* and *Ireland,* King, Defender of the Faith, *&c.* To *A. B. C. D.* and *E.* Gentlemen, Greeting.

WHEREAS *F. G.* hath produced a Deed of Conveyance, made to him from *H. I.* and *K.* his Wife, of a certain Tract or Parcel of Land, lying and being in the County of ———, in our Province of *North Carolina,* and procured the same to be proved or acknowledged by the said *H. I.* before *I. K.* our Chief Justice of our said Province (or in the Court of our said County of *C.* as the Case may be) and it being represented to our said Chief Justice, or to our said Court, that *K.* Wife of the said *H. I.* is an Inhabitant of our said Province, or of ———, or is so aged and infirm (here as the Case may be) so that she cannot travel to our said Chief Justice, or Court of our said County of ———, to be privily examined as to her free Consent in executing the said Conveyance. Know ye that we, in Confidence of your Prudence and Fidelity, have appointed you, and by these Presents do give unto you, or unto any Two of you, full Power and Authority, to take the private Examination of the said *K.* Wife of the said *H. I.* concerning her free Consent in her executing the said Conveyance: And therefore we command you, or any Two of you, that

at

at ſuch certain Day and Place as you ſhall think fit, you go to the ſaid *K.* if ſhe cannot conveniently come to you, and privily, and apart from her Huſband, examine her the ſaid *K.* whether ſhe executed the ſaid Conveyance freely and of her own Accord, without Fear or Compulſion of the ſaid *H. I.* her Huſband; and the Examination being diſtinctly and plainly wrote on the ſaid Deed, or on ſome Paper annexed thereto, and when you ſhall have ſo taken the ſaid Examination, you are to ſend the ſame, cloſed up, under the Seals of you, or any Two of you, together with this Writ, unto our ſaid Court, to be held for the ſaid County of *C.* on the —— Day of —— next enſuing, in the —— Year of our Reign. Witneſs *L. M.* Clerk of our ſaid Court, at ——, the —— Day of ——, *Anno Dom.* 17--- *L. M.* Cl. C. *A. D.* 1751.

V. AND for the greater Security of Purchaſers, *Be it Enacted, by the Authority aforeſaid*, That all Deeds and Conveyances of Lands heretofore made by the Huſband and Wife, or by the Wife, and afterwards ratified and confirmed by the Huſband, wherein a valuable Conſideration is expreſſed, for any Eſtate or Title of any Feme Covert, in any Lands, Tenements, or Hereditaments, whether in Fee Simple, Right of Dower, or other Eſtate, not being Fee Tail, where ſuch Deeds or Conveyances have been regiſtered within Twelve Months from the Date thereof, or ſhall be regiſtered within the Space of One Year after the Return of the Commiſſion for taking the Examination of the Wife, as herein before mentioned, or where the Perſon or Perſons to whom the ſame hath been made hath actually entered thereupon, and hath continued in Poſſeſſion thereof for the Space of Seven Years, by Virtue of ſuch Deeds; they ſhall be reſpectively as valid in Law, and take Effect as fully, to the Benefit of all Perſons reſpectively in Poſſeſſion thereby, and their Heirs and Aſſigns, againſt the Huſband and Wife, and every of their Heirs and Aſſigns, and againſt all other Perſons claiming by, from, or under them, or any of them, as if the ſame had been done by Fine and Recovery, or any other Ways or Means whatſoever; any Law, Cuſtom, or Uſage, to the contrary, in any Wiſe, notwithſtanding. Purchaſers ſecured.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Chief Juſtice, County Court Clerks, and Public Regiſters, to take and receive, in Proclamation Money, or Bills of Credit, for the Services afore-mentioned, the following Fees, *to wit*,

The Chief Juſtice's Fees.

	Proclamation Money. *l.*	*ſ.*	*d.*
For an Order, directing the Clerk to iſſue a Commiſſion to take the Acknowledgment of a Feme Covert, to a Deed for Lands.	0	0	8

Chief Juſtice allowed a Salary, in Lieu of theſe Fees.

The Clerk's Fees.

For entering an Order for iſſuing a Commiſſion for taking the Acknowledgment of a Feme Covert to a Deed for Lands, - - - - - -	0	0	7
For iſſuing ſuch Commiſſion, - - - - - - - - - - - - - - - -	0	1	4
For entering an Order for regiſtering ſuch Return on ſuch Commiſſion,	0	0	7
For a Copy of ſuch Order, to be indorſed on the Return, - - - - -	0	0	7

Clerk's Allowance for theſe Services, ſettled by Act, Dec. 1770, Chap. 19.

The Regiſter's Fees.

For regiſtering a Commiſſion for taking the Acknowledgment of a Feme Covert, with the Order indorſed, and the Commiſſioners Certificate,	0	2	8

Regiſter's Fees.

VII. *AND be it Enacted, by the Authority aforeſaid*, That if any of the Officers aforeſaid ſhall demand, exort, exact, or receive, any other or larger Fees, for the Services aforeſaid, than what are herein particularly mentioned, or ſhall refuſe to do the particular Service in his Office for the ſaid Fees, ſuch Officer ſhall be liable to the ſame Forfeitures and Penalties, and the Party aggrieved have the ſame Action, Pen on Perſons taking greater Fees.

A. D. 1751. Remedy, and Relief, as is provided by one Act of Aſſembly, made in the Twenty Second Year of the Reign of his preſent Majeſty, intituled, *An Act for regulating the ſeveral Officers Fees within this Province, and aſcertaining the Method of paying the ſame.*

CHAP. IV.

An additional Act to the ſeveral Acts to appoint Public Treaſurers.

Preamble. I. WHEREAS many of the mortgage Bonds formerly taken by the ſeveral County Treaſurers, in Virtue of ſeveral Acts of Aſſembly then in Force, by Reaſon of the Neglect or Death of moſt of thoſe Treaſurers, remain uncancelled, and the Money due thereon unpaid; and the Times limited by the Law being long ſince expired, and no Perſon legally impowered to make Diſtreſs for the ſame, whereby the Public is very much injured: For Remedy whereof,

Treaſurers impowered to take into Poſſeſſion mortgage Bonds. II. WE pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of the ſaid Province, and by the Authority of the ſame,* That each of the Public Treaſurers, in their ſeveral Diſtricts, reſpectively, are hereby authorized, impowered and required, to take into his or their Keeping and Poſſeſſion, the ſeveral mortgage Bonds yet uncancelled and unpaid; and the ſeveral Perſons in whoſe Keeping or Poſſeſſion any of the ſaid uncancelled Bonds are remaining, are hereby required to deliver the ſame, on Demand, to the reſpective Public Treaſurer of the Diſtrict, under the Penalty of Ten Pounds, Proclamation Money, for every ſuch Refuſal or Neglect; to be ſued for and recovered by the Public Treaſurer of the Diſtrict where the Perſon ſo refuſing or neglecting may reſide, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province; wherein no Injunction or Wager of Law ſhall be allowed or admitted of; and applied, one Half to the Uſe of the Public, the other Half to the Treaſurer who ſhall ſue for the ſame.

Schedule of mortgaged Bonds to be ſet up at the Court Houſe Door. III. *AND be it further Enacted, by the Authority aforeſaid,* That the Public Treaſurers aforeſaid, in their reſpective Diſtricts, upon the Receipt of all or any of the ſaid mortgaged Bonds not cancelled nor paid, ſhall cauſe a Liſt or Schedule of ſuch Bonds, deſcribing the Place where the Lands lie, the Mortgager's Name, the Sum ſuppoſed to be due on each Mortgage, to be affixed on the Door of the Court-Houſe of the County, or the Court of Aſſize, or General Court, when held in the County where the Land lies, during the Sitting of at leaſt one ſuch Court.

Diſtreſs to be made on Defaulters. IV. *AND be it further Enacted, by the Authority aforeſaid,* That where any Perſon ſhall make Default for Thirty Days after ſuch Liſt hath been affixed as aforeſaid, to pay the ſeveral Sums due on each mortgage Bond, in ſuch Caſe, each and every Public Treaſurer is hereby impowered, directed, and required, to make Diſtreſs, by granting an Attachment, directed to the Sheriff of the County where any perſonal Eſtate belonging to any Defaulter lies; who is hereby authorized and required to execute the ſame, on any ſuch perſonal Eſtate in his County to be found.

Diſtrained Goods to be ſold at Vendue. V. *AND be it further Enacted, by the Authority aforeſaid,* That all ſuch Goods and Chattels ſo diſtrained on as aforeſaid, ſhall be ſet up and ſold at Public Vendue, at the next County Court, or Court of Aſſize, or General Court, after ſuch Diſtreſs ſhall be made; an Inventory of ſuch Goods having been firſt ſet up at ſuch Court-Houſe, at leaſt Ten Days before ſuch Sale.

Defaulters not having perſonal Eſtate, mort- VI. *AND be it further Enacted, by the Authority aforeſaid,* That where no perſonal Eſtate belonging to any Defaulter, ſhall be found in the County wherein the mortgaged Land lies, in ſuch Caſe, it ſhall and may be lawful for the Public Treaſurer,

Treaſurer, in his reſpective Diſtrict, by Virtue of ſuch Mortgage, to enter on the ſaid Land, and after having given Forty Days Notice, by fixing a Note on the County Court-Houſe, to expoſe the ſaid Lands to Sale, by Public Vendue, at the next County Court, Court of Aſſize, or General Court, after ſuch Notice; and whatſoever ſuch Land ſhall ſell for, more than what is due on ſuch Bonds, and the Charge of the Sale of ſuch Lands, and to the Treaſurer for conveying the ſame to the Purchaſer or Purchaſers, ſhall be returned to the Owner; which Sale, made by ſuch Treaſurer, ſhall be good and effectual in Law, to all Intents and Purpoſes whatſoever; and the ſaid Deed ſo given, if loſt, the Regiſtery thereof ſhall and may be given in Evidence, in any Court of Record within this Province. *A. D.* 1751. gaged Lands to be ſold, and the Overplus returned.

VII. AND whereas ſince the erecting Fort *Johnſton* at the Mouth of *Cape Fear* River, there appears to remain in the Hands of the Public Treaſurer of the Southern Counties, a Surplus of the Monies appropriated by Law for that Purpoſe, and it being neceſſary that the ſaid Fort now built ſhould be preſerved; *Be it Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners appointed by Act of Aſſembly, intituled, *An Act for erecting a Fortification on the lower Part of* Cape Fear *River*, by Warrant under their Hands, or the major Part of them, to draw, from Time to Time, out of the Hands of the ſaid Treaſurer, ſuch Sum or Sums of Money, as they ſhall judge neceſſary, for the guarding, watching, and preſerving the ſaid Fort. Commiſſioners of Fort Johnſton t receive Money & keep it in Repair, &c.

VIII. *PROVIDED* it does not exceed the Surplus of the Money formerly appropriated by Act of Aſſembly, to the erecting the ſaid Fort; and the Public Treaſurer ſhall pay ſuch Draught at *Wilmington*, each Court of Aſſize, and the Commiſſioners ſhall account for the ſame, in the ſame Manner as other Public Monies by Law are to be accounted for. Treaſurer to pay it at Wilmington each Court of Aſſize.

CHAP. V.

An Act to revive an Act, intituled, An Act to appoint an Agent to ſollicit the Affairs of this Province at the ſeveral Boards in *England.* EXP.

CHAP. 6. *An Act for granting to his Majeſty a Duty on the Importation of Rum and Wine into* Anſon *County from* South Carolina. REP.

7. *An Act to alter the Times for holding the Courts for the County of* Craven. Provided for by the Infer. Court Act, paſſed Nov. 1764, Chap. 2.

CHAP. VIII.

An Act to confirm the four Lots in Newbern *Town, lately conveyed to the Commiſſioners for the Public Buildings, for the Uſe of the Public for ever.*

I. WHEREAS by an Act of the General Aſſembly, paſſed at *Newbern*, the Seventeenth Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Forty Nine, intituled, *An additional Act to an Act, intituled, An Act to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and alſo for eſtabliſhing the Courts of Juſtice, and regulating the Proceedings therein*; *John Starkey*, *Edward Griffith*, and *Jeremiah Vail*, were appointed Commiſſioners, with full Power and Authority to agree with any Perſon or Perſons to erect, carry on, and perfect, the Public Buildings at the Town of *Newbern*; which ſaid Commiſſioners, agreeable to a Reſolve of the General Aſſembly, had, by the ſaid Commiſſioners for conveying Lots in the Town of *Newbern*, granted to them, their Heirs and Aſſigns, for the Uſe of the Public for ever, by Deed, bearing Date the Seventeenth Day of *April*, One Thouſand Seven Hundred and Fifty, Four Lots of Land in the ſaid Town, known Private.

A. D. 1751. in the Plan thereof by the Numbers 248, 249, 250, 251; which ſaid Lots, by Reaſon of the Proviſo in the ſaid Deed mentioned, will ſoon become lapſable, and thereby the Money already expended towards the Public Buildings now begun, will be loſt, and the good Intentions of the ſaid Law defeated: For Remedy whereof,

Lots ſaved. II. WE pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of the ſaid Province, and by the Authority of the ſame*, That the ſaid Four Lots of Land in the Town of *Newbern*, numbered 248, 249, 250, 251, ſhall, and they are hereby declared to be ſaved, for the Uſe of the Public for ever, for the Purpoſes aforeſaid, by Virtue of the ſaid Deed, in as full and ample Manner, as if the ſaid Commiſſioners had erected a Houſe on each of the ſaid Lots, of the Quality and Dimenſions preſcribed by one Act of Aſſembly, paſſed at a General Biennial Aſſembly, held at *Edenton*, in the Year of our Lord One Thouſand Seven Hundred and Twenty Three; and alſo mentioned in one other Act of Aſſembly, paſſed in the Year of our Lord One Thouſand Seven Hundred and Forty Eight, intituled, *An Act for the better regulating the Town of* Newbern, *for fencing the ſame, and ſecuring the Titles of the ſeveral Perſons who hold Lots in the ſaid Town*; any Law, Uſage, or Cuſtom, to the contrary, in any wiſe, notwithſtanding.

CHAP. IX.

An Act to amend and ſupply the Defects of an Act, intituled, An Act to appoint Commiſſioners in the Place and Stead of thoſe deceaſed, to compleat and finiſh the Church at *Newbern*, and for adding the preſent Churchwardens and Veſtrymen to the ſaid Commiſſioners, and for impowering the ſaid Commiſſioners, Churchwardens, and Veſtrymen, to call the former Commiſſioners to account, for all the Monies by them received for the Uſe of the ſaid Church, and to appropriate it to the Purpoſe aforeſaid, and, in Caſe of Inſufficiency, to lay a Levy to accompliſh the ſame. OBS.

This Act falls with the Road Act, which is repealed. CHAP. 10. *An Act to impower the Juſtices of* Johnſton *County to divide the ſame into Diſtricts, and to appoint Commiſſioners for the Roads.*

CHAP. XI.

An Act to inveſt the Property of a Bridge in John Peacock, *his Heirs and Aſſigns (by him already built over* Contentnee *Creek) for the Term of Twenty Five Years.*

Private. I. WHEREAS a Bridge over Great *Contentnee* Creek, on the main Road leading from *Johnſton* County to *Edgcomb* County, is much for the Conveniency of Travellers, and *Samuel Peacock* having already built one on his own Land, at his own Expence, where the main Road croſſeth the Creek, and petitioning to be allowed the Privilege of taking and receiving from Travellers the uſual Rates they were accuſtomed to pay when he kept a Ferry there, and to be inveſted with the ſole Property of the ſaid Bridge for the Space of Twenty Five Years:

Public Bridge to be built. II. WE pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That it ſhall and may be lawful for the ſaid *Samuel Peacock*, his Heirs or Aſſigns, to keep a ſufficient Gate on the Bridge built by him, on Great *Contentnee* Creek, where the Road now croſſeth the ſaid Creek, leading from *Johnſton* County to *Edgcomb* County, and take and receive from all Perſons that ſhall paſs over the ſame the following Rates, that is to ſay: For every Man and Horſe, Four Pence; for every Carriage drawn by One or Two Horſes or Oxen, One Shilling; and for every Horſe, Mare,

Toll ſettled.

or

or Ox, Four Pence each; and for every Head of Neat Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling, and ſo in Proportion for a greater or leſſer Number of Hogs or Sheep; for and during the Space of Twenty Five Years, and no longer. *A. D.* 1751.

Pen. for keeping any Ferry within 6 Miles of it.

III. *AND be it further Enacted*, That during the Time the Bridge ſhall be kept in Repair, and fit for Travellers and Carriages to paſs and repaſs the ſame, it ſhall not be lawful for any Perſon whatſoever to keep any Ferry, build any Bridge, or ſet any Perſon or Perſons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the ſaid Creek, for Fee or Reward, within Six Miles of the ſame, during the Time aforeſaid, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered by the ſaid *Samuel Peacock*, his Heirs, Executors, Adminiſtrators, or Aſſigns, before any Magiſtrate of the County, to be applied to the Uſe of the Proprietor of the Bridge built by the ſaid *Samuel Peacock*; and, during the ſaid Time, the Right and Property of the ſaid Bridge is hereby inveſted in the ſaid *Samuel Peacock*, his Heirs, Executors, Adminiſtrators, or Aſſigns.

CHAP. XII.

An Act for building a Church in Wilmington, *in* St. James's *Pariſh, in* New Hanover *County.* (a)

Private.

I. WHEREAS the Church of *St. James*'s Pariſh, in *New Hanover* County, is by Law appointed to be built in the Town of *Wilmington*; and whereas many well diſpoſed Perſons have ſubſcribed liberally thereto, and a further Sum is yet neceſſary to carry on and compleat the ſame: Wherefore,

Tax laid for building the Church.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That a Tax of One Shilling and Four Pence, Proclamation Money, be laid on all the Taxables of the ſaid Pariſh of *St. James*'s, for the Space of Three Years from the Ratification hereof; to be collected yearly, and every Year, as all other Taxes uſually are, by the Sheriff of *New Hanover* County, and to be by him accounted for, and paid yearly, to the Commiſſioners in this Act hereafter appointed, or the Majority of them.

Subſcribers to have Pews in the Church.

III. AND to encourage a further and larger Subſcription, for compleating the ſaid Church in a decent Manner, *Be it Enacted, by the Authority aforeſaid*, That every Subſcriber ſhall have a proper Place in the ſaid Church, to build a Seat or Pew upon, in Proportion to his Subſcription, as the Commiſſioners, or the Majority of them, may determine; which Piece or Parcel of Ground ſo adjuſted and ſet off, ſhall be an Eſtate of Inheritance to ſuch Perſon or Perſons, his or their Heirs or Aſſigns, for ever; ſuch Perſon or Perſons building, or cauſing to be built, ſuch Seat or Pew, as the Commiſſioners may judge proper and regular, ſo as the ſame be ſet up and finiſhed within Six Months after compleating the ſaid Church.

Commiſſioners to ſet off Places for erecting Seats.

IV. *AND be it Enacted, by the Authority aforeſaid*, That the Commiſſioners hereafter mentioned, or the Majority of them, ſhall have it in their Power to ſet off to ſuch Perſons and their Families, Inhabitants of *St. James*'s Pariſh, ſuch Places for erecting Seats, and under ſuch Regulations, as they, or the Majority of them, may judge moſt proper.

V. AND that the ſaid Church may be carried on and finiſhed in the beſt and neateſt Manner, and with all proper Œconomy, *Be it Enacted, by the Authority aforeſaid*,

(a) See Acts May 1757, Chap. 4, Nov. 1760, Chap. 8, Dec. 1770, Chap. 13, for amending this Act.

A. D. 1751. Commiſſioners appointed.

aforeſaid, That all the Members of his Majeſty's Council, *Samuel Swann*, *Joſeph Blake*, *William Faris*, *John Sampſon*, *Lewis D'Roſſet*, and *John Aſh*, Eſquires, be appointed Commiſſioners; and they, or the Majority of them, reſident in the ſaid Pariſh, ſhall have and maintain an Action in any Court of Record in this Province, againſt any Subſcriber neglecting or refuſing, after Demand made, to pay the Money by him or her ſubſcribed to and for building the ſaid Church: And the Commiſſioners, or the Majority of them, as aforeſaid, are hereby impowered to fix upon a proper Plan for the ſaid Church, and to agree with Artificers, to purchaſe and get the Materials together convenient for the Building, with all that may be neceſſary for compleating the ſame.

To make Uſe of 30 Feet of Market Street.

VI. AND whereas a Piece or Parcel of Land is already allotted, and made over by *Michael Higgins*, at that Time one of the Proprietors of the aforeſaid Town of *Wilmington*, for the building a Church and Church Yard, the whole containing only Half an Acre, which being too ſmall for anſwering both Purpoſes: *Be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall be at Liberty, and they are hereby impowered, to make Uſe of Thirty Feet of Market Street, for the Front of the ſaid Church to be ſeated upon, if they judge neceſſary.

Church Yard to be enlarged.

VII. AND for enlarging the Church Yard, *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners before mentioned, ſhall be, and they are hereby impowered, to purchaſe ſuch other Parcels of Ground, adjoining to the ſaid Half Acre, as they may judge convenient, for the Uſe of the Church and Church Yard.

Subſcribers dying poſſeſſed of Seats, and no Heir, &c. claiming in three Years, Churchwardens to claim.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Subſcriber ſhall die poſſeſſed of a Seat in the ſaid Church, and no Heir or Aſſign of any ſuch Subſcriber or Subſcribers, ſo dying poſſeſſed as aforeſaid, ſhall claim the ſame within Three Years after the Death of ſuch Subſcriber, the Churchwardens for the Time being, are hereby impowered to diſpoſe of the ſame, for the Benefit of the ſaid Pariſh; any Thing in this Act, to the contrary, notwithſtanding.

Commiſſioners to yearly ſettle their Accounts.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners ſhall yearly, on every *Eaſter Monday*, if required, produce a fair State of their Accounts, with the Vouchers, to the Veſtry and Churchwardens of the ſaid Pariſh of *St. James*'s, for the Time being.

Court-Houſe allotted for a Place of Worſhip, till Church finiſhed.

X. AND whereas the Commiſſioners of the Town of *Wilmington*, with ſeveral of the Inhabitants, have fitted up a decent Place for Public Worſhip, in a convenient Part of the Court or Town Houſe, *Be it Enacted, by the Authority aforeſaid*, That the ſame ſhall be continued as a Place fitted for the Public Worſhip of Almighty God, without any Interruption, Lett, or Hinderance, of the Sheriff or Commiſſioners of the ſaid Town, or any other Perſon whatſoever, until ſuch Time as the Church of the Pariſh is finiſhed, ſo as there be ſufficient Room remaining for the Courts of Aſſize, the County and other Courts, to be held therein.

Perſon to be employed to keep it clean.

XI. AND that the ſaid Houſe may be kept in a cleanly and decent Manner, *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town for the Time being, be, and they are hereby impowered, to agree with and pay a proper Perſon undertaking the ſame, a Sum not exceeding Five Pounds, Proclamation Money, *per Annum*, for the keeping the ſaid Houſe ſwept and clean, opening and ſhutting the Doors and Windows, ringing of the Bell, and other neceſſary Attendance on all Public Occaſions, to be defrayed out of the ſaid Tax of the ſaid Town.

No Meetings for Diverſion to be in the Court-Houſe.

XII. *AND be it Enacted, by the Authority aforeſaid*, That no Perſon or Perſons ſhall be allowed to hold any Public Meetings, for Diverſions of any Kind, in the ſaid Court or Town Houſe, by Allowance of any Commiſſioner, Sheriff, or any other Officer whatſoever, until the ſaid Church ſhall be finiſhed, under the Penalty of

of Ten Pounds, Proclamation Money; one Half for the Uſe of the Pariſh, the other Half to him or them that will ſue for the ſame, in any Court of Record in this Province; wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed or admitted of. A. D. 1751.

CHAP. XIII.

An Act to appoint Commiſſioners to receive, collect, and apply, Subſcriptions towards building of a Church in the Town of Brunſwick, *in* St. Philip's *Pariſh, and for other Uſes therein mentioned. (a)*

Private.

I. WHEREAS ſeveral well diſpoſed Perſons are inclined to ſubſcribe and contribute ſeveral Sums of Money towards building a Church in the Town of *Brunſwick*, in the Pariſh of *St. Philip*, and County of *New Hanover*: For the more effectual collecting and applying the ſaid Subſcriptions,

Commiſſioners appointed to receive Donations.

II. WE pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame*, That the Honourable *Matthew Rowan*, and *James Haſell*, Eſquires, *John Ruſſell*, and *William Dry*, Eſquires, *Richard Quince*, and *John Davis*, Gentlemen, be and are hereby appointed Commiſſioners, with full Power and Authority to collect and receive of and from all and every Perſon or Perſons, contributing to the building of the ſaid Church, the ſeveral Sum or Sums of Money, or other Donations whatſoever, which ſhall, at any Time hereafter, be by ſuch Perſon or Perſons ſeverally ſubſcribed and contributed.

And recover any Sums bequeathed to the Church.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe any Perſon or Perſons, ſubſcribing or contributing as aforeſaid, his or their Heirs, Executors, or Adminiſtrators, ſhall neglect or refuſe to pay to the ſaid Commiſſioners, or the Majority of them, or their Order, the Sum or Sums by them, their Anceſtors, Teſtators, or Inteſtates, reſpectively ſubſcribed, given, bequeathed or contributed as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or the Majority of them, for the Time being, to maintain an Action or Actions in their own Names, againſt ſuch Perſon or Perſons neglecting or refuſing as aforeſaid, in any Court within this Province, wherein the ſame is cognizable.

Commiſſioners to be kept up.

IV. *AND be it Enacted, by the Authority aforeſaid*, That in Caſe of the Death, Departure out of the Pariſh, or Refuſal to act, of any of the ſaid Commiſſioners, it ſhall be lawful for the remaining Commiſſioners, together with the Churchwardens and Veſtry of the ſaid Pariſh for the Time being, to chooſe and appoint another Commiſſioner, in the Room of ſuch Commiſſioner dying, departing the Pariſh, or refuſing to act as aforeſaid; and the Commiſſioner ſo elected and appointed, ſhall be inveſted with all the Powers and Authorities of any other Commiſſioner appointed by this Act.

Donations to be applied towards building the Church.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Sums of Money, or other Donations whatſoever, which ſhall be collected or received, by Virtue of this Act, ſhall be applied by the ſaid Commiſſioners, or the Majority of them, from Time to Time, for and towards building a Church in the Town of *Brunſwick* aforeſaid, and towards purchaſing a Glebe, and building a Manſion Houſe for the Uſe of the ſaid Pariſh.

Commiſſioners to account.

VI. *AND be it further Enacted*, That the Commiſſioners appointed, or to be appointed, by Virtue of this Act, ſhall account, upon Oath, with the Veſtry of the ſaid Pariſh, on *Eaſter Monday* in every Year, for all the Monies, or other Donations, which

(a) See Act Nov. 1760, Chap. 8.

A. D. 1751. which they or either of them ſhall receive, for the Uſe and Purpoſes herein before mentioned, under the Penalty of Ten Pounds, Proclamation Money, for each Commiſſioner refuſing or neglecting to account as aforeſaid; to be recovered by the Churchwardens of the ſaid Pariſh for the Time being, for the Uſe of the ſaid Pariſh, in any Court of Record within this Province, wherein the ſame is cognizable.

CHAP. XIV.

An Act to appoint a convenient Place for holding the County Court of Duplin, *and to impower the Commiſſioners therein named to build a Court-Houſe, Priſon, and Stocks, in the ſaid County, and for enlarging the Bounds thereof. (a)*

Private. I. WHEREAS by an Act, intituled, *An Act for erecting the upper Part of* New Hanover *County into a County and Pariſh, by the Name of* Duplin *County, and* St. Gabriel's *Pariſh, and for appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County*, amongſt other Things it was Enacted, That the Juſtices of the ſaid Court, or the Majority of them, at their firſt Meeting, ſhould nominate and appoint a convenient Place within the ſaid County, to build a Court-Houſe, Priſon, and Stocks; which ſaid Juſtices, being then unacquainted with the Bounds of the ſaid County, did, by Order of the ſaid Court, appoint a Place whereon to build a Court-Houſe, Priſon, and Stocks; which ſaid Place, on Examination, is found to be within Ten Miles of the Eaſtern Bounds of the ſaid County, to the great Incommodity and Detriment of the Inhabitants thereof attending the ſaid Court: Wherefore,

Place to be appointed for building Court Houſe, &c. II. WE pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of the ſaid Province, and by the Authority of the ſame*, That the Court-Houſe, Priſon, and Stocks, for the ſaid County of *Duplin*, ſhall be fixed as near the Centre of the ſaid County as conveniently can be, and that Mr. *Arthur Blackman*, Mr. *Anthony Williams*, Mr. *William M'Gee*, Mr. *John Brock*, of *Duplin* County, and Mr. *William Mills*, of *Onſlow* County, or the Majority of them, are hereby appointed, upon their Oaths, to fix the moſt convenient and central Place in the ſaid County to build the ſaid Court-Houſe, Priſon, and Stocks, on; and their Proceedings thereon return to the next County Court, after they, or the Majority of them, ſhall agree on the ſame.

Commiſſioners appointed for it. III. *AND be it further Enacted, by the Authority aforeſaid*, That Mr. *George Mears*, Mr. *William Houſton*, and Mr. *Joſeph Williams*, be, and they are hereby appointed Commiſſioners for erecting and building the ſaid Court-houſe, Priſon, and Stocks; and alſo to contract and agree with Workmen to build the ſame, of ſuch Dimenſions as ſhall be agreed on by the County Court.

Tax already collected, applied. IV. AND for defraying the Expence thereof, *Be it Enacted, by the Authority aforeſaid*, That ſo much of the Tax laid upon the Inhabitants of the ſaid County, and already collected, as well as what hereafter may be collected, for and towards building the Court-Houſe, Priſon, and Stocks, ſhall be by the Sheriff of the ſaid County, accounted for and paid unto the afore-mentioned Commiſſioners, and be by them applyed for and towards building the Court-Houſe, Priſon, and Stocks, in this Act mentioned to be built.

Clauſe repealed. V. *AND be it Enacted, by the Authority aforeſaid*, That the Clauſe in the before-recited Act, ſo far as relates to the appointing a Place for building a Court-Houſe, Priſon, and Stocks, and building the ſame, be and is hereby repealed, and made void, to all Intents, Purpoſes, and Conſtructions, as if the ſame had never been made.

VI. *AND*

(a) See Act, Feb. 1754, Chap. 11, for amending this Act.

VI. AND whereas the dividing Line between *New Hanover* County and *Duplin* is circumſcribed by *Cohery*, by which Means a long narrow Stripe of Land, between the ſaid *Cohery* and *Black River*, ſtill remains in *New Hanover* County, which renders it very inconvenient to the Inhabitants dwelling thereon to attend the Courts at *Wilmington*, by Reaſon of its great Diſtance therefrom; *Be it therefore Enacted, by the Authority aforeſaid*, That the Line between the ſaid Counties ſhall be continued from the Place where *Cohery* and the *Six Runs* meet, by a Weſt Courſe, until the ſame ſtrikes *Black River*, and from thence the County of *Duplin* ſhall be bounded by *Black River*, up to the Mouth of *Black Mingo* Creek, thence up the ſaid Creek to the Bounds of the ſaid County; any Thing in the Act for erecting the upper Part of *New Hanover* County into a County and Pariſh, by the Name of *Duplin* County, and *St. Gabriel*'s Pariſh, for the appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County, concerning the Bounds of the ſaid County, to the contrary, notwithſtanding.

A. D. 1751.

County Lines altered.

CHAP. XV.

An Act to impower the Court of Bladen *County, to lay out certain Diſtricts in the Places therein mentioned, and to appoint Commiſſioners of the Roads for the ſame.*

Provided for by the Road Act, paſſ'd Jan. 1764, Chap 3

CHAP. 16. *An Act to amend an Act, intituled,* An Act for eſtabliſhing the Church, for appointing Pariſhes, and the Method of electing Veſtries, and for directing the Settlement of Pariſh Accounts throughout this Province.

This Act falls with the Veſtry Act, which is repealed.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.

Matthew Rowan, Preſident.

Samuel Swann, Speaker.

A. D. 1752.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO QUINTO.

GABRIEL JOHNSTON, Esq; Governor.

At a General ASSEMBLY, held at *Bath* Town, the Thirty First Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Fifty Two.

CHAP. I.

An Act for licensing Traders, Pedlars, and Petty Chapmen, and granting to his Majesty an Impost or Duty on Goods, Wares, and Merchandize, to raise Supplies for defraying the necessary Charges of Government. EXP.

CHAP. 2 *An Act for facilitating the Navigation of Port* Bath, *Port* Roanoke, *and Port* Beaufort. EXP.

3. *An Act for appointing a Treasurer for the Counties of* Currituck, Pasquotank, Perquimons, Chowan, Tyrell, Bertie, Edgcomb, Northampton, *and* Granville; *and for continuing an Act, intituled,* An Act to appoint a Public Treasurer, in the Room of *Eleazer Allen,* Esq; deceased. EXP.

4. *An Act to amend and extend an Act, to appoint Inspectors in* New Hanover *County, and for regulating the Exports at* Cape Fear. REP.

5. *An Act to amend an Act, for regulating the Pilotage of* Cape Fear *River, and to impower the Captain of Fort* Johnston, *at the Mouth of the said River, to examine all Vessels entering the said River, concerning the Health of their Crews on Board the said Vessels.* REP.

This Act repealed, but the Bounds of Orange County re-established by Act Sept. 1756, Chap. 22.

6. *An Act for dividing Part of* Granville, Johnston, *and* Bladen *Counties, into a County and Parish, by the Name of* Orange *County, and Parish of* St. Matthew; *and for appointing Vestrymen for the said Parish, and other Purposes therein mentioned.* REP.

CHAP.

CHAP. VII.

A. D. 1752.

An Act for appointing and laying out a Town at a Place called Blackman's Landing, *on the Weſt Side of* Caſia *River, on a Plantation belonging to* Joſeph Wimberly.

Private.

I. WHEREAS many of the Inhabitants of *Bertie* County have petitioned for an Act for appointing a Town at a Place called *Blackman's Landing*, on the Weſt Side of *Caſia* River, on a Plantation belonging to *Joſeph Wimberly*, and that Commiſſioners may be appointed for laying out the ſame:

Town of Wimberly erected.

II. WE pray it may be Enacted, *And be it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That as ſoon as the Proprietor of the ſaid Land, at the Place called *Blackman's Landing*, ſhall acknowledge his Conſent and Concurrence, in open Court of the ſaid County, to have Fifty Acres of Land laid out for a Town, as herein after is directed, it ſhall and may be lawful for *Thomas Whitmill*, *John Hill*, and *John Hearſt*, who are hereby nominated and appointed Commiſſioners, with full Power and Authority to lay out Fifty Acres of Land, at the ſaid Place called *Blackman's Landing*, for a Town, by the Name of *Wimberly*; and they, or the major Part of them, are hereby directed and impowered to lay out Fifty Acres of Land, at and adjoining the ſaid Landing, into Lots, of Half an Acre each, with convenient Streets, and a Place for a Church and Market.

Lots to be granted.

III. *AND be it further Enacted, by the Authority aforeſaid*, That when the Commiſſioners as aforeſaid, or the major Part of them, have laid out the ſaid Town in Manner as aforeſaid, every Perſon whatſoever who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not before taken up; which Lot or Lots the Commiſſioners, or the Majority of them, are hereby impowered and directed to grant, convey, and acknowledge, by Deed, to the Perſon or Perſons ſo taking up the ſame, and his Heirs and Aſſigns, for ever, in Fee Simple, upon Payment of Thirty Shillings, Proclamation Money.

Treaſurer appointed.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That Mr. *Robert Hunter* be, and he is hereby appointed Treaſurer and Receiver of all ſuch Sum and Sums of Money which ſhall ariſe by the Sale of the ſaid Lots, for the Uſe of the ſaid *Joſeph Wimberly*, his Heirs and Aſſigns; and on the Death, or Departure out of the Government, of the ſaid Treaſurer, the ſaid Commiſſioners, or the Majority of them, ſhall appoint ſome other Perſon, in the Place of the ſaid Treaſurer.

To give Security for paying Monies to the Proprietor.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Treaſurer herein appointed, and every Treaſurer that may be hereafter appointed, by the Commiſſioners as aforeſaid, ſhall give Security to the County Court, that he ſhall and will account and pay in all the Monies he ſhall receive by the Sale of all and every the Lot and Lots that ſhall be ſold in each Year, on the Twenty Fifth Day of *March*, yearly, to Mr. *Joſeph Wimberly*, his Heirs or Aſſigns.

Lot to be ſaved in 18 Months, or forfeited.

VI. *PROVIDED always*, That if any Lot or Lots ſhall be granted and conveyed by the ſaid Commiſſioners, to any Perſon or Perſons whatſoever, who ſhall not, within Eighteen Months, build a good, ſubſtantial, habitable framed or Brick Houſe, not of leſs Dimenſions than Twenty Feet in length, and Sixteen Feet wide, with a Brick Chimney, ſuch Grant or Conveyance ſhall be void and of none Effect, as if the ſame had never been made; and the Commiſſioners may grant and convey ſuch Lot or Lots, which ſhall not be built on within the Time, and in the Manner as is before directed, to any other Perſon or Perſons applying for the ſame, and paying the Money for the ſaid Lot or Lots, as is in this Act before directed, for the Uſe of the ſaid *Joſeph Wimberly*, his Heirs or Aſſigns, as aforeſaid.

A. D. 1752.

CHAP. VIII.

An Act to explain and amend an Act, intituled, An Act for impowering the ſeveral Commiſſioners herein after named to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein-after appointed, in ſuch Manner as they judge moſt uſeful to the Public. REP.

CHAP. IX.

An Act to encourage Caleb Grainger *to build a Bridge over* Smith*'s Creek, near the Place known by the Name of* Smith*'s Creek Ferry, in* New Hanover *County.*

Private.

I. WHEREAS a Bridge over *Smith*'s Creek, near the Place where the Ferry now is, would be very convenient for Travellers; and *Caleb Grainger* being deſirous of building one there, at his own Expence, on Condition of having the Benefit thereof for the Space of Twenty Five Years:

Bridge to be built.

II. *BE it Enacted, by his Excellency* Gabriel Johnſton, *Eſq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame,* That it ſhall and may be lawful for the ſaid *Caleb Grainger*, his Executors, Adminiſtrators, or Aſſigns, to erect and build a good ſubſtantial Bridge over *Smith*'s Creek, as near as he conveniently can to the Place where the main Road croſſeth the ſaid Creek, near the Place commonly called *Smith*'s *Creek Ferry*; and after building the ſaid Bridge as aforeſaid, it ſhall and may be lawful for the ſaid *Caleb Grainger*, his Heirs, Executors, Adminiſtrators, or Aſſigns, to keep a ſufficient Gate thereon, and take and receive, from all Perſons that ſhall paſs over the ſame, the following Rates, that is to ſay: For every Man and Horſe, Four Pence; for every Carriage, drawn by One or Two Horſes or Oxen, One Shilling; and for every Ox or Horſe more, Four Pence each; and for every Head of Neat Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling, and ſo in Proportion for a greater or leſſer Number of Hogs or Sheep: And for all Travellers on Foot, living in the County of *New Hanover*, Two Pence each, for and during the Space of Twenty Five Years.

Toll ſettled.

No Ferry to be kept within 6 Miles.

III. *AND be it further Enacted, by the Authority aforeſaid,* That after the ſaid Bridge is ſo built and compleated as aforeſaid (provided the ſaid Bridge ſhall be ſo done within Two Years after the paſſing of this Act) it ſhall not be lawful, during the Time the ſaid Bridge ſhall be kept in Repair, and fit for Travellers and Carriages to paſs and repaſs over the ſame, for any Perſon whatſoever to keep any Ferry, build any Bridge, or ſet any Perſon or Perſons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the ſaid Creek, for Fee or Reward, within Six Miles of the ſame, during the Time aforeſaid, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered, by a Warrant, by the ſaid *Caleb Grainger*, his Heirs, Executors, Adminiſtrators, or Aſſigns, before any Magiſtrate of the County of *New Hanover*; to be applied to the Uſe of the Proprietor of the Bridge built by the ſaid *Caleb Grainger*: And during the ſaid Time, the Right and Property of the ſaid Bridge is hereby inveſted in the ſaid *Caleb Grainger*, his Heirs, Executors, Adminiſtrators, or Aſſigns.

Bridge to be kept in Repair.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That when the aforeſaid Bridge ſhall be built, the aforeſaid *Caleb Grainger*, his Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall keep the ſame in good Order, and fit for paſſing over, during the aforeſaid Space of Twenty Five Years; and ſhall, at the Expiration thereof, leave the ſame in like good Order.

SIGNED by

GABRIEL JOHNSTON, Eſq; Governor.
Matthew Rowan, Preſident.
Samuel Swann, Speaker.

A. D. 1753.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO SEXTO.

At a General ASSEMBLY, begun and held at *Newbern*, the Twenty Seventh Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Three.

MATTHEW ROWAN, Eſq; Preſident.

CHAP. I.

An Act to prevent exceſſive and deceitful Gaming. EXP.

CHAP. II.

An Act for appointing and laying out a Town on Core Banks, *near* Ocacock *Inlet, in* Carteret *County, and for appointing Commiſſioners for compleating the Fort at or near the ſame Place.*

Private.

I. WHEREAS the Trade of this Province is greatly obſtructed by Reaſon of the Shoals which lay within *Ocacock* Inlet, ſo that the Merchants and other Traders are obliged to employ ſmall Veſſels, in lightening others of greater Burthen over the Swatch, which is not only very expenſive, but alſo very dangerous, for Veſſels of large Burthen laying at the Swatch, during the Time they are ſo lightening over it, notwithſtanding Ships of very great Burthen may with great Safety come over *Ocacock* Inlet, and commodiouſly ride at Anchor in the Harbour adjoining *Core* Banks: And as it is found, by Experience, that the Merchants trading in *Albemarle* County, *Pamplico*, and *Neuſe* Rivers, are obliged to ſend down to *Ocacock* Inlet or *Core* Banks, ſometimes the whole, and almoſt always one Half of the Loading of their Veſſels, of any conſiderable Burthen, ſo that it is abſolutely neceſſary to have Warehouſes and other Conveniences on the ſaid Banks, near the ſaid Harbour, for the Reception and ſafe-keeping of the Commodities they are conſtantly obliged to ſend down, for compleating the Loading of their Ships:

II. WE therefore pray it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, by and with the Advice and Conſent of his Majeſty's Council,*

A. D. 1753. Commiſſioners appointed for laying out the Town.

Council, and the General Aſſembly of this Province, and by the Authority of the ſame, That it ſhall and may be lawful for Mr. *Joſeph Bell*, of *Carteret* County, Mr. *John Williams*, and Mr. *Joſeph Leech*, of *Newbern* Town, Mr. *Michael Coutanch*, of *Bath* Town, Mr. *John Campbell*, of *Edenton*, or any Three of them, who are hereby appointed Commiſſioners, with full Power and Authority to lay out Fifty Acres of Land on *Core* Banks, moſt convenient to the ſaid Harbour, adjoining the ſaid Banks, for a Town, by the Name of *Portſmouth*, into Lots of Half an Acre each, with convenient Streets, as they may think requiſite.

And granting Lots.

III. *AND be it Enacted, by the Authority aforeſaid*, That when the Commiſſioners aforeſaid, or the major Part of them, have ſo laid out the Town in Manner aforeſaid, every Perſon whatſoever who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots of Land ſo laid out as aforeſaid, and not before taken up, which Lot or Lots the Commiſſioners, or the Majority of them, are hereby impowered and directed to grant, convey, and acknowledge, by Deed, to the Perſon or Perſons ſo taking up the ſame, and his or their Heirs and Aſſigns, for ever, in Fee Simple, upon the Payment of Twenty Shillings, Proclamation Money.

Treaſurer appointed.

IV. *AND be it further Enacted*, That Mr. *Joſeph Bell* be, and is hereby appointed Treaſurer and Receiver of all ſuch Monies which ſhall ariſe by the Sale of the ſaid Lots, for the Uſe of *John Kerſey*, the now Proprietor of the ſaid Land, his Heirs and Aſſigns; and on the Death, or Departure out of this Government, of the ſaid Treaſurer, or any one of the before mentioned Commiſſioners, that the ſaid Commiſſioners, or the Majority of them, ſhall appoint ſome other Perſon (in the Place of the ſaid Treaſurer or Commiſſioner ſo dead or departed) in the Place or County where the ſaid Treaſurer or Commiſſioner ſo dead or departed did reſide.

Who is to give Security.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Treaſurer herein appointed, and every Treaſurer to be choſen or elected by Virtue of this Act, ſhall give Security to the County Court of *Carteret*, that he ſhall and will, from Time to Time, account and pay in all the Monies he ſhall receive, by the Sale of all and every Lot or Lots that ſhall be ſold in each Year, on the Twenty Fifth Day of *March* yearly, to the ſaid *John Kerſey*, his Heirs or Aſſigns.

Lots to be ſaved in 18 Months.

VI. *PROVIDED*, That if any Lot or Lots of Land ſhall be granted and conveyed by the ſaid Commiſſioners, to any Perſon or Perſons whatſoever, who ſhall not, within Eighteen Months after the ſaid Conveyance, build a good, ſubſtantial, habitable framed or Brick Houſe, or a good ſubſtantial Warehouſe, of not leſs Dimenſions than Twenty Feet in length, and Sixteen Feet wide, ſuch Grant or Conveyance ſhall be void and of none Effect, as if the ſame had never been made; and the Commiſſioners may and ſhall grant and convey ſuch Lot or Lots to any other Perſon or Perſons applying for the ſame, on their paying the Money for the ſaid Lot or Lots, as is in this Act before directed, for the Uſe of the ſaid *John Kerſey*, Proprietor of the ſaid Land, his Heirs or Aſſigns aforeſaid.

Money granted for building a Fort.

VII. AND whereas the ſaid Town will be a maritime Town, far diſtant from the Bulk of the Inhabitants of this Province, and liable to the Depredations of an Enemy in Time of War, and Inſults from Pirates and other rude People in Time of Peace; *Be it therefore further Enacted*, That the Sum of Two Thouſand Pounds, Proclamation Money, heretofore appropriated for building a Fort or Fortification at or near *Ocacock* Inlet, by an Act of Aſſembly, intituled, *An Act for granting unto his Majeſty the Sum of Twenty One Thouſand Three Hundred and Fifty Pounds, Proclamation Money, and for ſtamping and emitting the ſaid Sum*, depoſited in the Hands of the Treaſurer of the Northern Diſtrict, be, and is hereby appropriated towards diſcharging the Expences of building and erecting the ſaid Fort or Fortification.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commander in Chief for the Time being, the Honourable *Francis Corbin*, and *John Rieuſſett*,

Rieuſſett, Eſquires, Mr. *Joſeph Bell*, Mr. *John Williams*, Mr. *Joſeph Leech*, Mr. *Michael Coutanch*, and Mr. *John Campbell*, be, and are hereby nominated Commiſſioners, in the Place and Stead of the Commiſſioners nominated in the aforeſaid Act, to compleat and finiſh the ſaid Fort or Fortification; and they, or the Majority of them, ſhall be, and are hereby inveſted with all the Powers and Authorities given to the Commiſſioners in the before mentioned Act, nominated and appointed for building the ſame; and that the ſaid Fort ſhall be called Fort *Granville*. *A. D.* 1753.

CHAP. III.

An Act to revive and continue a Clauſe in an Act of the General Aſſembly of this Province, intituled, An Act to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and alſo for eſtabliſhing the Courts of Juſtice, and regulating the Proceedings therein. EXP.

CHAP. IV.

An Act to relieve ſuch Perſons that have, or may ſuffer, by the Loſs of the Records in Onſlow *County*.

Preamble.

I. WHEREAS by a violent Storm or Whirlwind, in *September* laſt paſt, the Houſe of Mr. *Thomas Black*, late Clerk of the Court for the County of *Onſlow*, together with the Court-Houſe, and moſt of the Records belonging to the County Court, were blown away and deſtroyed, whereby the Eſtates of many Orphans and other Perſons may be very much perplexed and prejudiced: For Remedy whereof,

Copy of Records to be given in Evidence.

II. *BE it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That from and after the paſſing of this Act, the Copy of any Judgment, Order, Settlement of Orphans and their Eſtates, or other Record of any Matter or Thing tranſacted or done in the County Court of *Onſlow*, atteſted under the Hand of the Clerk who recorded the ſame (in ſuch Caſes where the Original is loſt or deſtroyed) ſhall and may be given in Evidence in any Diſpute or Controverſy, or in any Court whatſoever, and ſhall have the ſame Weight and Credit given to it as the original Record might, or ought to have, could it have been produced.

Where Copies of Records are loſt, Clerk to record them, on due Proof made to the Court.

III. *AND be it further Enacted, by the Authority aforeſaid*, That where Perſons have neglected taking Copies from the Clerk's Office, or may have loſt them, and are deſirous to perpetuate the Memory of ſuch Judgments, Order, Probat of a Will or Deed, Diſpoſal of, or Settlement of Orphans Eſtates, or any other Matter or Thing tranſacted and done in the ſaid County Court, it ſhall and may be lawful, upon due Proof made in open Court, to the Satisfaction of the Juſtices of ſuch Court, at any Time within Two Years next enſuing the paſſing of this Act, to cauſe the ſame to be entered on Record by the Clerk of the Court, in a particular Book for that Purpoſe, and therein ſhall recite the Witneſſes proving the ſame, and that the original Record was loſt in the Storm; for which Service he ſhall be allowed a ſufficient Reward, at the Diſcretion of the Juſtices of the County Court, to be paid out of the County Tax.

Such Records deemed good.

IV. *AND be it further Enacted*, That ſuch Record, ſo made, ſhall and may, at all Times hereafter, be pleaded and given in Evidence, and have the ſame Authority in any Cauſe or Court whatſoever, as the Original would have, could it have been produced.

V. AND

A. D. 1753.

Court not held in Johnſton, to be no Error in Proceedings.

V. AND whereas ſince the Storm, for Want of Houſes and Accommodations, the Court could not be held at *Johnſton*; *Be it Enacted*, That it ſhall not be deemed or adjudged Error in any Proceedings, or other Public Buſineſs, tranſacted in the ſaid Court or County of *Onſlow*, by Reaſon the ſame hath not been held, or hereafter ſhall not be held and tranſacted in the Town of *Johnſton*, until a new Court-Houſe ſhall be built for the ſaid County, in the Town of *Johnſton*; and that the ſame ſhall be built within Two Years from the paſſing hereof.

CHAP. V.

An Act to prohibit the Exportation of Grain in Time of Scarcity. EXP.

CHAP. VI.

An additional Act to an Act concerniug Servants and Slaves.

Preamble.

I. WHEREAS by an Act, intituled, *An Act concerning Servants and Slaves*, among other Things, it is provided, that no Slave ſhall go armed with Gun, Sword, Club, or any other Weapon, or ſhall keep any ſuch Weapon, or ſhall hunt or range in the Woods with a Gun, upon any Pretence whatſoever, except ſuch Slave or Slaves who ſhall have a Certificate, as in the ſaid Act is provided; and whereas the Remedy in the ſaid Act provided has proved ineffectual to reſtrain many Slaves in divers Parts of this Province from going armed, which may prove of dangerous Conſequence: For Remedy whereof,

Slaves not to hunt with a Gun unleſs their Owners give Security for their Behaviour.

II. WE pray it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq*; *Preſident, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province*, That from and after the paſſing of this Act, no Certificate ſhall be ſigned by any Chairman of any County Court in this Province, allowing any Slave to carry a Gun and hunt in the Woods, unleſs the Maſter, Miſtreſs, or Manager of ſuch Slave, ſhall firſt enter into Bond, with ſufficient Security, to the County Court, either before, or at the Time ſuch Certificate ſhall be given, for the good and honeſt Behaviour of ſuch Slave; which Bond may be aſſigned over to any Perſon or Perſons who ſhall be injured by ſuch Slave; which Aſſignnee ſhall and may maintain an Action thereon, and recover ſuch Damages as he or ſhe ſhall or may ſuſtain by ſuch Slave, in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Eſſoin, Injunction, Protection, or Wager of Law, ſhall be allowed or admitted of.

In what Caſes Slaves may carry Guns.

III. *AND be it further Enacted*, That no Slave ſhall have or carry a Gun in any Plantation where Crop is not tended, nor more than one in any Plantation where there is Crop tended, nor after Crop is houſed: And the Maſter, Miſtreſs, or Overſeer of any Slave, with whom ſhall be found any Gun, Sword, or other Weapon, contrary to the true Intent and Meaning of this and the before recited Act, ſhall forfeit and pay, to the Perſon finding the ſame, the Sum of Twenty Shillings, Proclamation Money; to be recovered by a Warrant before any one Juſtice of the Peace for the County where the Offence ſhall be committed, any Puniſhment inflicted on the Slave, Forfeiture of the Gun, Sword, or other Weapon, notwithſtanding; unleſs ſuch Maſter, Miſtreſs, or Overſeer, ſhall, by their own Oath, or other Proof, make appear that ſuch Slave carrying a Gun, Sword, or other Weapon, was without their Conſent or Knowledge.

Court to appoint Searchers.

IV. *AND be it further Enacted*, That the Juſtices of each County Court, when and where they judge it neceſſary, ſhall divide their reſpective Counties into Diſtricts, and yearly, at the firſt Court to be held for their Counties reſpectively after the firſt Day of *May*, ſhall appoint three Freeholders in each Diſtrict as Searchers, who ſhall take the following Oath, *viz.*

I

I A. B. *do ſwear that I will, as Searcher for Guns, Swords, and other Weapons, among the Slaves in my Diſtrict, faithfully, and as privately as I can, diſcharge the Truſt repoſed in me, as the Law directs, to the beſt of my Power.* SO HELP ME GOD. *A. D.* 1753. Their Oath.

Which Searchers ſhall four Times in a Year, or oftener if they think neceſſary, ſearch and examine the Quarters and other Places where Negroes reſort in their Diſtrict, for any Gun, Sword, or other Weapon, and upon finding any of the ſaid Weapons, are hereby required to ſeize the ſame, and convert them to their own Uſe, as by the afore-recited Act is directed. Who are to ſearch Negro Quarters.

V. *AND be it further Enacted*, That any Perſon appointed Searcher as aforeſaid, who ſhall neglect or refuſe to act, ſhall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to ſuch Perſon who ſhall next ſucceed him; to be recovered as other Fines in this Act mentioned. Pen. on Searcher refuſing to act.

VI. AND for the Encouragement of ſuch Searchers faithfully to execute their Office, *Be it further Enacted, by the Authority aforeſaid*, That each and every Searcher ſhall, as to his own Perſon, be, during the Time of his Continuance in his Office, exempted from ſerving as a Conſtable, or upon the Roads, or in the Militia, or as a Juror, and ſhall not be obliged to pay any Provincial, County, or Pariſh Tax, of what Kind or Nature ſoever. Searchers Privileges.

VII. *PROVIDED always*, That no Perſon but ſuch as are liable to be appointed Conſtables, ſhall be obliged to ſerve as Searchers; any Thing in this Act, to the contrary, notwithſtanding. Who may be appointed Searchers.

VIII. *AND be it Enacted, by the Authority aforeſaid*, That no Slave ſhall hunt or range in the Woods with a Dog or Dogs, except ſuch as ſhall have a Certificate for hunting, obtained as is in this Act directed: And if any Slave ſhall be found offending herein, it ſhall and may be lawful for any Perſon or Perſons to kill and deſtroy the ſaid Dog or Dogs, and to bring the ſaid Slave before the next Magiſtrate, who ſhall, on due Proof of his Offence, order the ſaid Slave ſuch Correction as he ſhall judge reaſonable, not exceeding Thirty Laſhes. Penalty on Slaves hunting with Dogs.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Slave or Slaves ſhall be killed on Outlawry, or ſhall commit any Crime or Miſdemeanor for which he, ſhe, or they, ſhall be capitally convicted, the Owner of ſuch Slave or Slaves ſo outlawed or executed, ſhall be debarred all Claim on the Public for the Value of ſuch Slave or Slaves, and the Juſtices of the County Court and Freeholders, who ſhall value the Slave or Slaves ſo killed, or ſit on the Trial of ſuch Slave or Slaves ſo capitally convicted, ſhall not make any Certificate of the Value of the ſame, unleſs it ſhall be made appear, on Motion for ſuch Certificate, by the Owner, or ſome other Perſon, that ſuch Slave or Slaves, killed on Outlawry, or capitally convicted, ſhall have been ſufficiently cloathed, and ſhall likewiſe have conſtantly received, for the preceding Year, an Allowance, not leſs than a Quart of Corn *per Diem*. In what Caſes outlaw'd or convicted Slaves ſhall be paid for.

X. *AND be it Enacted, by the Authority aforeſaid*, That in Caſe any Slave or Slaves, who ſhall not appear to have been cloathed and fed according to the Intent and Meaning of this Act, ſhall be convicted of ſtealing any Corn, Cattle, Hogs, or other Goods whatſoever, from any Perſon not the Owner of ſuch Slave or Slaves, ſuch injured Perſon ſhall and may maintain an Action of Treſpaſs againſt the Maſter, Owner, or Poſſeſſor of ſuch Slave, in the General or County Court, and ſhall recover his or her Damages, with Coſts of Suit; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Slaves not fed according to this Act, ſtealing Corn, &c injured Perſon to ſue the Owner for Treſpaſs.

A. D. 1752.

This Act repealed, but the Bounds of Rowan County re-eſtabliſhed by Act, Sept. 1756, Ch. 22.

CHAP. VII.

An Act for erecting the upper Part of Anſon *County into a County and Pariſh, by the Name of* Rowan *County, and* St. Luke's *Pariſh; and for appointing a Place for holding a Court in the ſaid County.*

CHAP. VIII.

An Act to amend an Act, intituled, An Act for dividing Part of *Granville, Johnſton,* and *Bladen* Counties, into a County and Pariſh, by the Name of *Orange* County, and the Pariſh of *St. Matthew,* and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein mentioned. REP.

SIGNED by

MATTHEW ROWAN, Eſq; Preſident.

James Murray, Preſident of the Council.

Samuel Swann, Speaker.

A. D. 1754.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO SEPTIMO.

At a General ASSEMBLY, begun and held at *Wilmington*, the Nineteenth Day of *February*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Four. MATTHEW ROWAN, Eſq; Preſident.

CHAP. I.

An Act for granting to his Majeſty the Sum of Forty Thouſand Pounds, in Public Bills of Credit, at the Rate of Proclamation Money, to be applied towards defraying the Expence of raiſing and ſubſiſting the Forces for his Majeſty's Service in this Province, to be ſent to the Aſſiſtance of his Majeſty's Colony of Virginia, *and for other Purpoſes therein mentioned.*

I. WHEREAS his Majeſty hath been pleaſed, by Inſtruction to the Commander in Chief of this Province, to direct, that in Caſe any *European* Power, or *Indians* under their Influence, ſhould make any hoſtile Invaſions on this his Majeſty's Province, to repel Force with Force; and, on Application, to aſſiſt any neighbouring Province, if any Attack ſhould be made on them: Preamble.

II. AND whereas the Government of *Virginia* hath deſired the Aſſiſtance of ſome of the Militia of this Province to drive off the *French*, who have lately actually committed Hoſtilities on that Colony, and diſperſed and plundered many of the Inhabitants, built a ſtrong Fort, and placed a Garriſon within the known Bounds of that Colony; this Aſſembly, being deſirous of ſhewing their Duty to his Majeſty, and Zeal for his Service, and their Concern and Deſire to promote good Order, Literature, and true Religion, in all the Parts of this Province, and finding it impracticable (the Scarcity of Money being ſuch) to procure a Sum ſufficient to raiſe and ſubſiſt Forces to be ſent to the Aid of *Virginia*, and for the other Purpoſes above mentioned, by an immediate Tax on the People: Therefore,

III. WE pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by*

A. D. 1754. *the Authority of the ſame*, That the Honourable *John Swann*, and *Lewis De Roſſet*, Eſquires, *Samuel Swann*, and *John Starkey*, Eſquires, are hereby authorized and impowered Commiſſioners, to ſtamp and make out, or cauſe to be ſtamped with Copper-Plates, and ſigned with their Hands, Public Bills of Credit of this Province, to the Amount of Forty Thouſand Pounds, at the Rate of Proclamation Money, that is to ſay: Two Thouſand Five Hundred Forty Shilling Bills, Four Thouſand Thirty Shilling Bills, Four Thouſand Twenty Six Shillings and Eight Pence Bills, Six Thouſand Twenty Shilling Bills, Six Thouſand Fifteen Shilling Bills, Eight Thouſand Ten Shilling Bills, Eight Thouſand Five Shilling Bills, Ten Thouſand Four Shilling Bills, Eleven Thouſand Two Shilling and Eight Penny Bills, Thirty Thouſand One Shilling Bills, Forty Thouſand Eight Penny Bills, and Thirty One Thouſand Four Penny Bills.

Commiſſioners appointed for emitting the Money.

Number of Bills.

Value of the Money.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Bills of Credit to be emitted by Virtue of this Act ſhall be current, and a lawful Tender in all Payments whatſoever, as Proclamation Money, or as Sterling Money, at the proper Difference there is between Proclamation Money and Sterling Money, that is to ſay; at Four Shillings, Proclamation Money, for Three Shillings Sterling.

Penalty on Perſons counterfeiting it.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall counterfeit, alter, or eraſe, any of the ſaid Public Bills of Credit of this Province, or ſhall aid or aſſiſt in counterfeiting, altering, or eraſing ſuch Bills, or ſhall utter any of the ſaid Bills, knowing them to be ſo counterfeited, altered, or eraſed, ſuch Perſon or Perſons ſo offending, ſhall, for the firſt Offence, be whipped at the Diſcretion of the Court before which ſuch Perſon ſhall be convicted, not exceeding Forty Laſhes, and ſtand on the Pillory Two Hours, and have both his Ears nailed thereto, and cut off; and for the ſecond Offence, be deemed a Felon, without Benefit of Clergy, and ſhall be adjudged and ſuffer accordingly.

Commiſſioners to give Bond.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That each of the Commiſſioners herein before appointed ſhall, before he enters upon the Execution of his Office, give Bond to his Honour the Preſident, or Commander in Chief for the Time being, for the Uſe of the Public, in the Sum of Five Thouſand Pounds, Proclamation Money, for the due and faithful Execution of his Office, according to the true Intent and Meaning of this Act; which ſaid Bond ſhall be lodged in the Secretary's Office of this Province: And ſhall alſo take an Oath, for the due and faithful Execution of his Office of Commiſſioner aforeſaid.

Their Reward for emitting and paying out the Money.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall have and receive, for their ſtamping and paying out the ſaid Bills of Credit, the Sum of Eight Hundred Pounds, Proclamation Money.

Money to be paid the Public Treaſurers.

VIII. *AND be it Enacted, by the Authority aforeſaid*, That as ſoon as the ſaid Commiſſioners ſhall have ſtamped and ſigned the ſeveral Bills to the Amount of Forty Thouſand Pounds, Proclamation Money aforeſaid, they ſhall deliver the ſame (except Twelve Thouſand Pounds, to be paid in Manner as hereafter directed) to the Public Treaſurers, in ſuch Proportion as may be neceſſary to diſcharge the Payments that are to be made for the Purpoſes in this Act mentioned, in the reſpective Diſtricts of the ſaid Treaſurers; which ſaid Treaſurers (on Notice given by the aforeſaid Commiſſioners, of the Day and Place they will deliver the ſaid Bills) ſhall and they are hereby required and directed, then and there to attend, to receive the ſame in Manner aforeſaid, from the Commiſſioners aforeſaid, and place the ſame in their ſeveral Offices, to and for the Uſes, Intents, and Purpoſes, in this Act aftermentioned.

Treaſurers Allowance for receiving.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That each of the ſaid Public Treaſurers ſhall have and be allowed One *per Cent.* for his Trouble, on all the Public Bills of Credit that he ſhall receive as aforeſaid, and pay in Virtue of this

this Act, and no more; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. *A. D.* 1754.

X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Commiſſioner or Commiſſioners aforeſaid, before the Sum of Forty Thouſand Pounds ſhall be ſtamped and ſigned, ſhall die or depart this Government, that then the Governor, or Commander in Chief for the Time being, ſhall, and is hereby authorized and impowered, to appoint another Perſon or Perſons, in the Room and Stead of ſuch Commiſſioner or Commiſſioners, ſo dying or departing this Government; and ſuch Perſon or Perſons, ſo appointed, ſhall be veſted with the ſame Power, Benefits, and Authority, and be ſubject to the ſame Regulation and Reſtrictions, as the Commiſſioner or Commiſſioners appointed by Virtue of this Act. Commiſſioners dying, &c. Governor to appoint others.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Sum of Forty Thouſand Pounds, when it ſhall be ſtamped and ſigned, be, and is hereby applied and appropriated for the Uſes, Intents, and Purpoſes, herein after mentioned, that is to ſay: The Sum of Twelve Thouſand Pounds for the enliſting, ſubſiſting, and paying, the Forces deſigned for the Aſſiſtance of the Colony of *Virginia*, againſt the *French* and *Indians*, who have invaded the ſaid Colony at *Ohio*, which ſhall be paid by the ſaid Commiſſioners, by Warrant or Warrants from the Governor, or Commander in Chief, to the Colonel or Commanding Officer of the Regiment, or his Order; which ſaid Officer ſhall firſt give Bond, with ſufficient Security, in the Sum of Twelve Thouſand Pounds, Proclamation Money, payable to his Majeſty, his Heirs and Succeſſors, for the Uſe of the Public, for the due Application of all ſuch Monies he may or ſhall receive in Virtue of any ſuch Warrant or Warrants, and ſhall alſo account for the ſame in ſuch Manner as all other Public Monies are by Law to be accounted for; which Bond ſhall be lodged in the Secretary's Office: And ſuch Officer ſhall retain One *per Cent.* for receiving and paying the ſaid Money. Money appropriated. 12,000 l. to the Forces.

AND the Sum of Two Thouſand Pounds to the Uſe of Fort *Johnſton*, for ſtrengthening, guarding, watching, and preſerving the ſaid Fort; to be drawn out of the Hands of the Public Treaſurer, by Order or Warrant, under the Hands of the Commiſſioners appointed, or to be appointed, according to Law, for building the ſaid Fort, or the Major Part of them, in the ſame Manner as they by Law are impowered to do. 2000 l. to Fort Johnſton.

AND the Sum of Two Thouſand Pounds for the finiſhing Fort *Granville*, at *Ocacock* Inlet, to be paid by the Treaſurer to the Commiſſioners for building the ſaid Fort, by a Warrant from the Governor, or Commander in Chief for the Time being; they firſt giving Bond, payable to his Majeſty, his Heirs and Succeſſors, in the Sum of Four Thouſand Pounds, Proclamation Money, for the Uſe of the Public, to apply the ſame for the Uſes by this Act intended, and to account for the ſame with the Public Treaſurer; which ſaid Bond ſhall be lodged in the Secretary's Office. 2000 l. to Fort Granville.

AND the Sum of One Thouſand Pounds for the Frontier Counties of *Anſon* and *Rowan*, for purchaſing Arms and Ammunition for the Uſe of the poorer Inhabitants of the ſaid Counties; to be paid by the Public Treaſurer, by Warrant from the Governor, or Commander in Chief for the Time being, that is to ſay: Five Hundred Pounds to Mr. *Caleb Howell*, and Mr. *Charles Robinſon*, of *Anſon* County, and Five Hundred Pounds to Mr. *James Carter*, and Mr. *John Brandon*, of *Rowan* County, to be by them reſpectively applied for the Uſe by this Act intended, each of them firſt giving Bond, with ſufficient Securities, payable to his Majeſty, his Heirs and Succeſſors, in the Sum of Five Hundred Pounds, Proclamation Money, for the Uſe of the Public, for the faithful Diſcharge of the Truſt hereby repoſed in them; which ſaid Bond ſhall be lodged in the Secretary's Office; and ſhall produce to the Public Treaſurer, a Certificate from the Court of the County reſpectively, that 1000 l. to the Counties of Anſon and Rowan.

A. D. 1754. that the Securities ſo taken are ſufficient; and ſhall account with the ſaid Treaſurer for the Money aforeſaid, by them ſo received. And the Sum of Four Thouſand Two Hundred Pounds, Proclamation Money, for and towards paying the Public Debts of this Province.

4200 l. for Pub. Debts.

18,000l. applied.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sum of Eighteen Thouſand Pounds, Remainder of the Forty Thouſand Pounds of the Bills of Credit to be ſtamped and ſigned by Virtue of this Act, ſhall be applied to and for the following Uſes, Intents, and Purpoſes, that is to ſay: The Sum of Six Thouſand Pounds for the founding and endowing a Public School, in ſuch Manner, and under ſuch Regulations, as the Governor, or Commander in Chief, for the Time being, the Council, and General Aſſembly, ſhall order, direct, and appoint. The Sum of Seven Thouſand Two Hundred Pounds to the Uſe of the Twenty Four Pariſhes now erected, out of which ſaid Sum, Three Hundred Pounds ſhall be paid into the Hands of the Churchwardens and Veſtry of every reſpective Pariſh in this Government; to be by them applied towards building or finiſhing a Pariſh Church, purchaſing Land and Stock for a Glebe, and building a Parſonage Houſe, within their ſeveral and reſpective Pariſhes; to be paid by the Treaſurers to the Churchwardens of each and every Pariſh, by Order of the ſeveral and reſpective Veſtries; to be by them applied to the Uſes and Purpoſes by this Act intended, and no other. And the Sum of Two Thouſand Pounds, for and towards finiſhing the Public Buildings in this Province; to be applied by the Commiſſioners already appointed, whereof the preſent Treaſurer of the Southern Diſtrict is one, towards compleating and finiſhing the ſaid Buildings, and ſhall, by the ſaid Commiſſioners, be accounted for, from Time to Time, with the General Aſſembly. And the Sum of Two Thouſand Eight Hundred Pounds, for and towards defraying the contingent Charges of this Government.

6000 l. for a Public School.

7200 l. to the Uſe of the Pariſhes.

2000 l. to the Public Buildings.

2800 l. for Contingencies of Government.

Suſpending Clauſe

XIII. *PROVIDED always, and it is hereby Enacted and Declared*, That the ſaid remaining Public Bills of Credit, to the Amount of Eighteen Thouſand Pounds, ſhall not be iſſued or paid by the ſaid Treaſurers, or any other Perſon or Perſons whatſoever, for and towards the Purpoſes herein before mentioned, or to any other Purpoſe whatſoever, until his Majeſty's Royal Approbation or Conſent ſhall be ſignified to the Governor, or Commander in Chief of this Province for the Time being; any Thing in this Act, to the contrary, notwithſtanding.

Tax laid for ſinking the Money.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Tax of One Shilling, Proclamation Money, for ſinking the preſent Currency, ſhall continue to be annually levied on every taxable Perſon within this Province, and be collected by the Sheriff of every reſpective County, and ſhall be paid in Gold, Silver, or Bills of Credit, on or before the Firſt Day of *March*, yearly; and that all Perſons neglecting to pay the ſaid Tax at the Time by Law limited, ſhall be liable to ſuch Diſtreſs, to be made by the Sheriff, as for Non-Payment of other Taxes; and the ſaid Sheriff of each and every County, on or before the Tenth Day of *June*, yearly, ſhall return a Liſt of Taxables, and alſo account, upon Oath, and pay into the Hands of the Public Treaſurer of the reſpective Diſtrict, all ſuch Sums of Money as he ſhall have received in Virtue of this Act, under the Penalty of Two Hundred Pounds, Proclamation Money, for every Default; and every ſuch Sheriff and his Securities, ſhall be further liable to a Suit or Suits, and Recovery, on the Security Bond given for the Performance of his Office.

Duty of 4d per Gallon laid on Liquors.

XV. AND for the more ſpeedy and effectual calling in and ſinking the Bills of Credit, to be emitted by Virtue of this Act, *Be it Enacted, by the Authority aforeſaid*, That from and after the Expiration of the Act for licenſing Traders, Pedlars, and Petty Chapmen, and granting to his Majeſty an Impoſt on Goods, Wares, and Merchandize, to raiſe Supplies for the neceſſary Charges of Government, there ſhall be paid for every Gallon of Wine, Rum, or other diſtilled Liquors, imported or brought into this Province, either by Land or Water, from any Port or Place whatſoever,

whatſoever, (*Great Britain* excepted) the Duty of Four Pence *per* Gallon, Proclamation Money. *A. D.* 1754.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That the Maſter of every Veſſel hereafter importing Liquors liable to a Duty, by Virtue of this or the before recited Act, to any Port or Place within this Province, ſhall, within Forty Eight Hours after his Arrival, make a true and juſt Report, upon Oath, to the Receiver of the Duty on ſuch Liquors, of the Quantity of Liquor, with the particular Marks and Numbers of every Caſk or Package containing the ſame, and to whom conſigned, to the beſt of his Knowledge, under the Penalty of forfeiting One Hundred Pounds, Proclamation Money.

Importer to make Report in Forty Eight Hours.

XVII. *AND be it further Enacted,* That from and after the paſſing of this Act, no Wine, Rum, or other diſtilled Liquor, ſhall be landed or put on Shore, or any other Way delivered out of the Veſſel importing the ſame, before due Entry made thereof, upon Oath, by the Importer, Owner, or Factor, with the Receiver appointed by this or the before mentioned Act, for receiving the Duty in the Place or Port where the ſame ſhall be imported, or before the ſaid Duty ſhall be fully ſatisfied and paid, or ſecured to be paid, in Manner as hereafter directed, and a Permit had under the Hand of the Receiver for the Landing or Delivery thereof; and all Liquors landed, or put on Shore, contrary to the Direction and true Intent and Meaning of this Act, ſhall be forfeited, or the Value thereof.

Not to be landed till Entry made, on Oath, and Duty paid.

XVIII. *AND be it further Enacted,* That any Perſon or Perſons bringing any Wine, Rum, or other diſtilled Liquors, into this Province, by Land, ſhall, within Forty Eight Hours after he has lodged or houſed the ſame, make a due Report, on Oath, of the Quantity thereof, to the Receiver of the reſpective Ports or Places, appointed by Virtue of this or the before mentioned Act, and pay the Duty impoſed, or give Bond, with good Security, to our Sovereign Lord the King, his Heirs and Succeſſors, for the Uſe of the Public, for Payment thereof within Six Months, and obtain a Permit, under the Hand of the ſaid Receiver, for ſelling or uſing the ſame; and on Default thereof all ſuch Liquors, or the Value thereof, ſhall be forfeited.

Liquors imported by Land, how to be entered, and Duty how to be paid.

XIX. *AND be it further Enacted,* That if any Perſon or Perſons whatſoever, ſhall wittingly or willingly make a falſe Entry of any of the Liquors before mentioned, and be thereof lawfully convicted, ſuch Perſon or Perſons ſhall forfeit and pay One Hundred Pounds, Proclamation Money.

Penalty for making falſe Entry.

XX. *AND be it further Enacted,* That if any Receiver appointed by this or the before mentioned Act to receive the Duty aforeſaid, or any other Perſon or Perſons for him, ſhall take or receive, directly or indirectly, any Bribe, Recompence, or Reward whatſoever, for conniving at any falſe Entry of Wine, Rum, or other diſtilled Liquors, that ſhall be imported into this Province, either by Land or Water, whereby the Public may be defrauded, ſuch Perſon ſhall forfeit and pay the Sum of One Hundred Pounds, Proclamation Money; and the Perſon or Perſons giving or paying any ſuch Bribe, Recompence, or Reward, ſhall forfeit and pay the Sum of One Hundred Pounds like Money.

Penalty on Receivers taking Bribes.

XXI. *AND be it further Enacted, by the Authority aforeſaid,* That the Receiver or Receivers of the aforeſaid Duty, or any Perſon by him, them, or any of them, appointed, ſhall have full Power and Authority to enter on Board any Veſſel, provided ſhe hath been in Port Six Days, and bring on Shore ſo much of the Liquors reported or entered, and liable to pay the Duty aforeſaid, as ſhall be ſufficient to pay the Duty on ſuch Liquors ſo reported, and the ſame to ſell at public Vendue, to the higheſt Bidder; and after the Duty aforeſaid ſhall be paid, and the Charges of bringing ſuch Liquors on Shore, and Vendue thereof defrayed, the Surplus (if any) ſhall be paid to the Perſon from whom the ſaid Liquors were taken.

Receivers Power to ſecure the Duty.

XXII. *AND*

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Their Power to ſearch for ſecreted Liquors.

XXII. *AND be it further Enacted*, That upon Information made on Oath, or violent Suſpicion, it ſhall and may be lawful for any of the Receivers of the ſaid Duty upon Liquors, by a Warrant under the Hand of a Juſtice of the Peace, and accompanied with a Conſtable, to open any Houſe, Warehouſe, or Store, in the Day Time, and ſearch for, ſeize, and carry away, any Liquors liable to the Duty aforeſaid, and for which the ſaid Duty hath not been paid, or ſecured to be paid, in Manner aforeſaid: And in all Caſes, where any Diſpute ſhall ariſe on any Seizure, being made by Virtue of this Act, for Non-Payment of the Duty aforeſaid, the *Onus Probandi* ſhall lie on the Owner or Claimer of ſuch Liquors. And if any Receiver or Conſtable, or their Aſſiſtants, ſhall be moleſted or ſued for any Thing done in executing the Powers hereby given them, ſuch Receiver, Conſtable, or Aſſiſtant, may plead the General Iſſue, and give this Act in Evidence; and if in any ſuch Suit the Plaintiff be non-ſuit, or Judgment paſs againſt him, the Defendant ſhall recover double Coſts.

Officer ſued, may plead General Iſſue.

Manner of obtaining Certificate for Liquors tranſported from one Diſtrict to another.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That where any Perſon is deſirous of tranſporting any Liquors that are liable to the Duty aforeſaid, from one Diſtrict to another, and for which the Duty hath been paid, or ſecured to be paid, he ſhall apply to the Receiver of the Duty on Liquors for a Certificate, which Certificate ſuch Receiver is hereby authorized, impowered, and required, to give, ſetting forth the Number of Caſks, the Marks, and the Contents thereof, and that the Duties thereof have been paid, or ſecured to be paid, on producing of which to the Receiver of the Duty of ſuch Diſtrict to which the ſame ſhall be tranſported, and making Oath that the Liquors by him tranſported are *bona fide* the ſame for which ſuch Certificate was obtained, no farther Duty ſhall be demanded; and all Liquors liable to the Duty aforeſaid, brought into any Diſtrict without ſuch Certificate, either by Land or Water, ſhall be deemed not to have paid the Duty, and ſuch Liquor, or the Value thereof, ſhall be forfeited.

Penalty on Collector for clearing Veſſels without Certificate.

XXIV. *AND be it further Enacted*, That no Collector of any of the Ports in this Province ſhall, from and after the paſſing this Act, clear out any Veſſel importing any of the aforeſaid Liquors, before the Maſter ſhall produce a Certificate, ſigned by ſome one of the Receivers appointed by Virtue of this or the before mentioned Act, that he hath paid, or ſecured to be paid, the Duty aforeſaid, under the Penalty of Fifty Pounds, Proclamation Money.

Collectors of the Duty appointed in the ſeveral Ports.

XXV. *AND be it further Enacted*, That Mr. *Jeremiah Vail* ſhall be, and he is hereby appointed Receiver of the Duty ariſing in Virtue of this Act, on all the Wine, Rum, and diſtilled Liquors, imported into *Neuſe* River; and Mr. *John Spooner* ſhall be, and he is hereby appointed Receiver of the Duty on all the Wine, Rum, and diſtilled Liquors, imported into any of the Inlets in *Onſlow* County; and that the ſeveral Collectors of his Majeſty's Cuſtoms, for the Time being, ſhall be, and they are hereby appointed Receivers of the ſaid Duty, on all the Wine, Rum, and diſtilled Liquors, that ſhall be imported by Water, at every other Place within their ſeveral and reſpective Ports: And that the Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council, ſhall be, and is hereby impowered, to nominate and appoint ſuch and ſo many Receivers of the Duty on Liquors brought into this Province by Land, as ſhall be neceſſary: And if any of the aforeſaid Receivers appointed, or to be appointed by Virtue of this Act, ſhall die, remove, or refuſe to Act, or neglect their Duty, the Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council, ſhall appoint others in their Stead and Place.

Collectors to give Bond.

XXVI. *AND be it further Enacted*, That every Receiver of the Duty on Liquors ſhall, before he enters on the Execution of his Office, give Bond, with ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, in the Sum of Five Hundred Pounds, Proclamation Money, for the Uſe of the Public; with Condition that he will honeſtly, faithfully, and juſtly, execute the Office of Receiver

Receiver of the Impoſt or Duty aforeſaid, and will fully account for and pay all ſuch Sum or Sums of Money by him to be received and accounted for; which Bond ſo given, ſhall be lodged in the Secretary's Office. *A. D.* 1754.

XXVII. *AND be it further Enacted*, That the ſeveral and reſpective Receivers, appointed by Virtue of this or the before mentioned Act, ſhall annually account, upon Oath, with the Public Treaſurers of this Province, in their ſeveral and reſpective Diſtricts; and for their receiving the aforeſaid Duty, and fully accounting for, and paying the ſame to the Treaſurers aforeſaid, they ſhall be allowed Five *per Cent.* To account with the public Treaſurers.

XXVIII. *AND be it further Enacted*, That all the Money ariſing by the Duty impoſed by this Act, ſhall be paid to the Public Treaſurers, and ſhall be by them accounted for and paid (their Commiſſions deducted) to the General Aſſembly, and ſhall be applied and appropriated for and towards ſinking the Public Bills of Credit to be emitted by Virtue of this Act, and to no other Uſe or Purpoſe whatſoever; and, together with the before mentioned Tax of One Shilling *per* Poll, ſhall continue to be collected and paid, until the preſent Bills of Credit, and the Bills of Credit now to be emitted, in Virtue of this Act, ſhall be all called in, ſunk, and deſtroyed. Duty appropriated.

XXIX. *AND be it further Enacted*, That the ſeveral Fines and Forfeitures in this Act mentioned, ſhall be applied, one Half to his Majeſty, for and towards the contingent Charges of Government, and the other Half to him who will inform and ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province; wherein no Eſſoin, Injunction, Protection, or Wager of Law, ſhall be allowed or admitted of. Fines and Forfeitures applied.

CHAP. II.

An Act for the further and better Regulation of the Town called Wilmington, *and for repealing the ſeveral Acts therein mentioned.* REP.

CHAP. 3. *An Act for appointing Commiſſioners of the Roads for the South Weſt Diſtrict of* New Hanover *County.* REP.

4. *An additional Act to an Act, intituled*, An Act for impowering the ſeveral Commiſſioners herein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful to the Public. REP.

5. *An Act for granting unto the Town of* Brunſwick *the Privilege of chuſing and ſending a Repreſentative to the General Aſſembly.* REP.

6. *An Act to impower the Juſtices of* Craven *County to ſell the Lot of Land in* Newbern, *whereon the Court-Houſe, Priſon, and Stocks, now are.* Provided for by Act, paſſed April 1761, Chap. 8.

7. *An Act to continue an Act, intituled*, An Act to appoint an Agent to ſollicit the Affairs of this Province at the ſeveral Boards in *England*; *alſo an Act, intituled*, An Act to encourage *James Davis* to ſet up and carry on his Buſineſs of a Printer in this Province, and for other Purpoſes therein mentioned; *alſo an Act, intituled*, An Act to appoint Inſpectors in *New Hanover* County, and for regulating the Exports at *Cape Fear*; *and alſo one other Act, intituled*, An Act for the better regulating the Militia of this Province. EXP.

A. D. 1754.

This Act repealed, but the Bounds of Cumberland County re-eſtabliſhed by Act, &c. ...y ...ied by ...pt. 1756, ...ap. 22.

CHAP. VIII.

An Act for erecting the upper Part of Bladen *County into a County and Pariſh, by the Name of* Cumberland *County, and* St. David's *Pariſh.*

CHAP. IX.

An Act to appoint and lay out a Town on the Plantation of Mr. Henry Skibbow, *on the Eaſt Side of the North Eaſt Branch of* Cape Fear *River, at a Place called the* Sand Hill, *and to appoint an Inſpector in the ſaid Town, and other Purpoſes therein mentioned.*

Private.

I. WHEREAS the Inhabitants of *New Hanover*, *Onſlow*, and *Duplin* Counties, have petitioned for an Act to appoint a Town on the Plantation of *Henry Skibbow*, on the Eaſt Side of the North Eaſt Branch of *Cape Fear* River, in *New Hanover* County, at a Place called the *Sand Hill*, and to appoint an Inſpector for the ſaid Town:

New Exeter erected.

II. WE therefore pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That as ſoon as the Proprietor of the ſaid Land ſhall acknowledge his Conſent and Concurrence, in open Court of the ſaid County, to have ſuch Part of his Land laid out for a Town as herein after is directed, *Alexander Lillington*, *Samuel Aſhe*, *Thomas Merrick*, *John Gardner*, and *Henry Skibbow*, are hereby nominated and appointed Commiſſioners; and they, or the Majority of them, are hereby inveſted with full Power and Authority to lay out Forty Acres of Land on the ſaid Plantation for a Town, by the Name of *New Exeter*, and to lay out the ſaid Forty Acres into Lots of Half an Acre each, with convenient Streets and Squares, for a Church, Church Yard, and Market Place.

Lots may be granted.

III. *AND be it further Enacted*, That every Perſon whatſoever who ſhall be willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take any Lot or Lots ſo to be laid out as aforeſaid, and not before taken up; which Lot or Lots the ſaid Commiſſioners, or any Two of them, are hereby directed and impowered to grant, convey, and acknowledge, to the Perſon or Perſons ſo taking up the ſame, and to his or their Heirs and Aſſigns, for ever, in Fee Simple, upon the Payment of Forty Shillings, Proclamation Money.

Commiſſioners to be kept up.

IV. *AND be it further Enacted*, That if any of the above Commiſſioners ſhall refuſe to act, or die, or remove out of this Province, that then the remaining Commiſſioners, or the Majority of them, ſhall elect and chuſe another Perſon or Perſons Commiſſioner or Commiſſioners aforeſaid, in the Room and Stead of ſuch Perſon or Perſons ſo refuſing to act, or that ſhall die or remove as aforeſaid; and ſuch Commiſſioner or Commiſſioners ſo elected and choſen, are hereby veſted with the ſame Powers and Authorities, and ſubject to the like Rules and Regulations, as the Commiſſioners appointed in Virtue of this Act.

Treaſurer appointed.

V. *AND be it Enacted, by the Authority aforeſaid*, That *John Gardner* is hereby appointed Treaſurer and Receiver of all ſuch Sum or Sums of Money as ſhall ariſe by the Sale of ſuch Lots, for the Uſe herein after mentioned; and on the Death, or Departure out of the Government, of the ſaid Treaſurer, the ſaid Commiſſioners, or the major Part of them, ſhall appoint ſome other Perſon Treaſurer, in the Place of the ſaid Treaſurer ſo dying or departing the Government.

To give Security.

VI. *AND be it Enacted, by the Authority aforeſaid*, That the Treaſurer aforeſaid, and every Treaſurer that ſhall or may be hereafter appointed by the Commiſſioners aforeſaid, ſhall give Security to the County Court, that he ſhall and will account

account with and pay in all the Monies he ſhall receive for the Sale of all and every the Lot or Lots that ſhall be ſold, yearly, on the Twenty Fifth Day of *March*, to *Henry Skibbow*, or the Proprietor of the ſaid Lands. *A. D.* 1754.

Lots to be ſaved within 2 Years, or forfeited.

VII. *PROVIDED always*, That if any Lot or Lots ſhall be granted or conveyed by the ſaid Commiſſioners to any Perſon or Perſons whatſoever, who ſhall not, within two Years, build a good ſubſtantial habitable framed or Brick Houſe, of not leſs Dimenſions than Twenty Feet in Length, and Sixteen Feet wide, beſides Sheds or Leantos, or make Preparation for ſo doing, as the Commiſſioners, or the Majority of them, ſhall think reaſonable, ſuch Grant or Conveyance ſhall be void, and it is hereby declared void and of none Effect, as if the ſame had never been made; and the Commiſſioners may grant or convey ſuch Lot or Lots as is herein before directed, to any other Perſon or Perſons applying for the ſame, and paying the Money for the ſaid Lot, as in this Act is before directed, for the Uſe of the ſaid *Henry Skibbow*, his Heirs and Aſſigns.

Nuſances to be removed.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, ſhall be, and they are hereby impowered and authorized, to order the Removal of all Nuſances within the Limits of the ſaid Town.

Lots to be paled.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon, Inhabitant of the ſaid Town, or holding a Lot or Lots therein, ſhall incloſe the ſame, or keep the ſame incloſed, under a common Stake Fence, but every Lot therein ſhall be paled, or incloſed with Poſts and Rails ſet up.

And kept clear of Grubs.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons, Poſſeſſors or Owners of any Lot or Lots in the ſaid Town, ſhall, within Two Years from the Date of their Grant or Conveyance, clear, and keep conſtantly clear, their Lot or Lots, from all Manner of Wood, Underwood, Bruſh, and Grubs, under the Penalty of Two Shillings, Proclamation Money, for every Month ſuch Owner or Owners of any Lot or Lots ſhall neglect to clear, or keep the ſame clear; to be recovered by a Warrant from any Juſtice of the Peace, and applied by the ſaid Commiſſioners for and towards clearing the Streets in the ſaid Town. *(a)*

CHAP. X.

An Act to alter the Times for holding the Courts of Orange, Rowan, *and* Bladen *Counties.*

Provided for by the Infer. Court Acts.

CHAP. XI.

An Act to amend an Act, intituled, An Act to appoint a convenient Place for holding the County Court of *Duplin*, and to impower the Commiſſioners therein named to build a Court-Houſe, Priſon, and Stocks, in the ſaid County, and for enlarging the Bounds thereof.

Private.

I. WHEREAS in and by the before recited Act, Mr. *George Mears*, Mr. *William Houſton*, and Mr. *Joſeph Williams*, were appointed Commiſſioners for erecting and building a Court-Houſe, Priſon, and Stocks, in the ſaid County; and alſo to contract and agree with Workmen to build the ſame, of ſuch Dimenſions as ſhall be agreed on by the County Court: And whereas the building the ſaid Court-Houſe, Priſon, and Stocks, is retarded, and wholly ſtopped, by Reaſon the ſaid Act doth not impower the ſaid *George Mears*, *William Houſton*, and *Joſeph Williams*, or the Majority of them, to build the ſaid Court-Houſe, Priſon, and Stocks, in the ſaid County:

(a) The Remainder of this Act, relating to Inſpectors, repealed.

A. D. 1754.

Commiſſioners appointed for building Court-Houſe, &c.

II. WE therefore pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame,* That the ſaid Mr. *George Mears*, Mr. *William Houſton*, and Mr. *Joſeph Williams*, or any Two of them, are hereby impowered to build a Court-Houſe, Priſon, and Stocks, in the ſaid County of *Duplin*, and alſo to contract and agree with Workmen to build the ſame, of ſuch Dimenſions as is or ſhall be agreed on by the Court of the ſaid County.

Lands to be valued.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the Court of the County of *Duplin*, ſhall appoint Three Perſons, Freeholders in the ſaid County, who, on their Oaths, ſhall value the Lands fixed on by Mr. *Arthur Blackman*, Mr. *Anthony Williams*, Mr. *William M'Gee*, Mr. *John Brock*, and Mr. *William Mills*, or the Majority of them, for building the Court-Houſe, Priſon, and Stocks, in the ſaid County, and an Account of ſuch Valuation ſhall return to the next County Court thereafter to be held for the ſaid County; and the Amount of ſuch Valuation the ſaid County Court ſhall pay to the Proprietor or Owner of the ſaid Land, out of the Tax to be raiſed in Virtue of an Act, intituled, *An Act for erecting the upper Part of* New Hanover *County into a County and Pariſh, by the Name of* Duplin *County, and* St. Gabriel's *Pariſh; and for appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County*; which ſaid Valuation and Payment of the ſame to the ſaid Proprietor or Owner, entered on the Records of the ſaid County, ſhall be a good and ſufficient Title to the ſaid County, for the ſaid Land ſo valued, paid for, and recorded.

CHAP. XII.

An Act to appoint a convenient Place for holding the County Court of Orange, *and to impower the Commiſſioners hereafter named to build a Court-Houſe, Priſon, and Stocks, in the ſaid County.*

Private.

I. WHEREAS by an Act, intituled, *An Act for dividing Part of* Granville, Johnſton, *and* Bladen *Counties, into a County and Pariſh, by the Name of* Orange *County, and the Pariſh of* St. Matthew, *and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein mentioned,* among other Things, it was Enacted, That the Juſtices of the ſaid Court, at the Court to be held for the ſaid County at the Houſe of *John Gray*, on the Second *Tueſday* in *June* next after paſſing the ſaid Act, or the then next ſucceeding Court, ſhould agree on and appoint a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County; which ſaid Juſtices, being then unacquainted with the Bounds of the ſaid County, did, by Order of the ſaid Court, appoint a Place whereon to build a Court-Houſe, Priſon, and Stocks; which ſaid Place, on Examination, is found to be within Fifteen Miles of the Weſt Line of the ſaid County, to the great Inconveniency and Detriment of the Inhabitants of the ſaid County attending the ſaid Court: Wherefore,

Place for erecting Court-Houſe, &c.

II. WE pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame,* That the Court-Houſe, Priſon, and Stocks, for the ſaid County of *Orange*, ſhall be erected on or near where the Weſtern Path croſſes the River *Eno*, on a Piece of Land where *James Watſon* now lives.

Commiſſioners appointed for it.

III. *AND be it further Enacted, by the Authority aforeſaid,* That Mr. *Alexander Mybain*, Mr. *John Gray*, Mr. *John Paterſon*, Mr. *James Elliſon*, and Mr. *Marmaduke Kimbrough*, or the Majority of them, be, and they are hereby appointed Commiſſioners, to make Choice of a ſuitable and convenient Place at or near the ſaid Path, where it croſſeth *Eno* River, for the erecting and building thereon a Court-Houſe, Priſon, and Stocks, and alſo to contract and agree with Workmen to build the ſame, of ſuch Dimenſions as to them ſhall ſeem meet and convenient. IV. AND

IV. AND for defraying the Expence thereof, *Be it Enacted, by the Authority aforeſaid*, That the Tax laid by the before recited Act, ſhall be applied towards building the Court-Houſe, Priſon, and Stocks, at the Place in this Act before mentioned. *A. D.* 1754. Tax laid for it.

V. *PROVIDED always*, That nothing in this Act ſhall be conſtrued to make void any Contract or Agreement entered into by the Juſtices of the ſaid County, with any Perſon or Perſons, for the building the Court-Houſe, Priſon, and Stocks, at the Place appointed by the Juſtices of the ſaid County, in Virtue of the before recited Act, or to annul, invalidate, or make void, any Suit that is, or may be brought thereon. Not invalidate former Agreements.

VI. *AND be it Enacted, by the Authority aforeſaid*, That the Clauſe of the before recited Act, ſo far as relates to the appointing a Place for building a Court-Houſe, Priſon, and Stocks, be, and is hereby repealed and made void, to all Intents, Purpoſes, and Conſtructions, as if the ſame had never been made. Repealing Clauſe.

CHAP. XIII.

An Act for appointing and laying out a Town on the Land of John Jenkins, *on the South Side of* Pee Dee *River, in* Anſon *County, and for other Purpoſes therein mentioned.*

I. WHEREAS the Inhabitants of *Anſon* County labour under great Diſadvantages for Want of Trade, by being ſo inconvenient to, and diſtant from, any of the navigable Rivers of this Province, only *Pee Dee*, and that diſchargeth itſelf into *South Carolina*, which renders it very impracticable for them to diſpoſe of any Thing that ariſeth from the Produce of the Soil, either to pay their public or private Debts in this Province: For Remedy whereof, Private.

II. WE pray that it may be Enacted, *And be it Enacted, by the Honourable* Matthew Rowan, *Eſq; Preſident, and Commander in Chief, by and with the Advice and Conſent of his Majeſty's Council, and the General Aſſembly of this Province, and by the Authority of the ſame*, That as ſoon as the Proprietor of the ſaid Land ſhall acknowledge his Conſent and Concurrence in open Court of the ſaid County, to have ſuch Part of his ſaid Land laid out for a Town, as is herein after directed, Mr. *Charles Robinſon*, Mr. *Caleb Howell*, Mr. *Thomas Tomkins*, Mr. *William Forbes*, and Mr. *Edmund Cartledge*, are hereby nominated and appointed Commiſſioners; and they, or the Majority of them, are hereby inveſted with full Power and Authority to lay out Fifty Acres of Land on the ſaid Plantation for a Town, by the Name of *Glouceſter*; and to lay out the ſame Fifty Acres into Lots of Half an Acre each, with convenient Streets and Squares, for a Church, Church Yard, and Market Place. Glouceſter erected.

III. *AND be it further Enacted, by the Authority aforeſaid*, That when the Commiſſioners, or the Majority of them, have laid out the ſaid Town as aforeſaid, every Perſon whatſoever who is willing to be an Inhabitant of the ſaid Town, ſhall have Liberty to take up any Lot or Lots ſo laid out as aforeſaid, and not before taken up; which Lot or Lots the ſaid Commiſſioners, or the Majority of them, are hereby impowered to grant, convey, and acknowledge, to the Perſon or Perſons taking up the ſame, his or their Heirs and Aſſigns, for ever, in Fee Simple, upon the Payment of Forty Shillings, Proclamation Money, to the Treaſurer hereafter mentioned. Lots may be granted.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That *Thomas Tomkins* be, and is hereby appointed Treaſurer and Receiver of all ſuch Sum or Sums of Money as ſhall ariſe by the Sale of the ſaid Lots, for the Uſe hereafter mentioned; and on the Death, or Departure out of this Government, of the ſaid Treaſurer, the ſaid Commiſſioners, or the Majority of them, ſhall appoint ſome other Perſon Treaſurer, in the Place and Stead of the ſaid Treaſurer ſo dying or removing. Treaſurer appointed.

V. *AND*

A. D. 1754.

Who is to give Security.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Treaſurer that is now, or may hereafter be appointed by the Commiſſioners as aforeſaid, ſhall give Security to the County Court, in the Sum of One Hundred Pounds, that he will and ſhall account with, and pay all the Monies he ſhall receive for the Sale of the ſaid Lots, that ſhall be ſold, yearly, on the Firſt Day of *May*, to the Proprietor of the ſaid Town.

Lots not ſaved in 2 Years, forfeited.

VI. *PROVIDED always*, That if any Lot or Lots ſhall be granted or conveyed by the ſaid Commiſſioners to any Perſon or Perſons whatſoever, who ſhall not, within Two Years, build a good ſubſtantial habitable framed Brick or Stone Houſe, of no leſs Dimenſions than Twenty Four Feet in Length, and Sixteen Feet wide, beſides Sheds or Leantos, or make Preparation for ſo doing, as the Commiſſioners, or the Majority of them, ſhall, on View, think reaſonable, ſuch Grant or Conveyance ſhall be void and of none Effect, as if the ſame had never been made; and the Commiſſioners, or the Majority of them, may grant and convey ſuch Lot or Lots, which ſhall not be built on within the Time, and in the Manner aforeſaid, to any other Perſon or Perſons applying for the ſame, and paying the Purchaſe Money as aforeſaid, to the Uſe of the Proprietor of the ſaid Land.

Nuſances to be removed.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, ſhall be, and they are hereby impowered to remove all Nuſances within the Limits of the ſaid Town.

And Lots kept cleared.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons, Poſſeſſors or Owners of any Lot or Lots in the ſaid Town, ſhall, within Two Years from the Date of his or her Grant or Conveyance, clear, and keep conſtantly clear, his or her Lot or Lots, from all Manner of Wood, Underwood, Bruſh, and Grubs, under the Penalty of One Shilling, Proclamation Money, for every Month ſuch Owner or Owners of any Lot or Lots ſhall neglect the ſame; to be recovered by a Warrant from any Juſtice of the Peace of the County, and applied by the Commiſſioners for and towards clearing the Streets of the ſaid Town. *(a)*

SIGNED by

MATTHEW ROWAN, Eſq; Preſident.

James Murray, Preſident of the Council.

Samuel Swann, Speaker.

ANNO

(a) The remaining Clauſes of this Act, relating to building a Warehouſe in the ſaid Town, and appointing an Inſpector, obſolete.

A. D. 1754.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO OCTAVO.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Fifty Four; being the First Session of this Assembly.

ARTHUR DOBBS, Esq; Governor.

CHAP I.

An Act for establishing the Supreme Courts of Justice, Oyer *and* Terminer, *and General Gaol Delivery, of* North Carolina.

Repealed by Proclamation.

CHAP. 2. *An Act for establishing County Courts, for enlarging their Jurisdiction, and settling the Proceedings therein.*

Repealed by Proclamation.

3. *An Act to provide indifferent Jurymen in all Causes, criminal and civil, and for an Allowance for the Attendance of Jurors attending at the Supreme Courts.*

Repealed by Proclamation.

4. *An Act for appointing Parishes and Vestries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Protestant Religion, and for the Direction of the Settlement of Parish Accounts.*

Repealed by Proclamation.

5. *An Act for granting an Aid to his Majesty, for the Defence of the Frontier of this Province, and other Purposes.*

Part of this Act had its Effect, and the other Part provided for by the Act for appointing public Treasurers.

6. *An Act for securing the Payment of Quitrents due to his Majesty, and Earl* Granville, *for quieting the Freeholders in the Possession of their Lands, and for other Purposes.*

This Act was passed under a suspending Clause till the King's Pleasure was known; and as that is not yet signified, 'tis not printed.

CHAP.

A. D. 1754.

CHAP. VII.

An Act for granting to his Majeſty a Duty upon the Tonage of Ships and other Veſſels coming into this Province, for the Purpoſes therein mentioned. EXP.

This Act had its Effect.

CHAP. 8. *An Act for raiſing a Fund for paying the Salaries of the Chief Juſtice and Attorney General, and for other Purpoſes.*

9. *An Act to reſtrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majeſty's Cuſtoms.* EXP.

10. *An Act to facilitate the raiſing Recruits to ſerve his Majeſty, in the intended Expedition againſt the* French *on the* Ohio, *and guarding the Frontiers of this Province.* EXP.

CHAP. XI.

An Act for appointing the ſeveral Ferries therein mentioned, and for obliging the Commiſſioners of the ſeveral Diſtricts to make Roads to the ſame.

This Act, all but the laſt Section, provided for by the Road Act.

VII. AND whereas the ſaid High-Road will tend to the great Eaſe and Convenience, not only of the ſaid Diſtricts, but alſo to the Inhabitants of the Town of *Wilmington*, and of the Diſtricts adjacent, who have been long expoſed to great Hardſhips and Expences, and at ſometimes to the Danger of their Lives, from the Want of the ſaid Roads; *Be it therefore Enacted*, That as ſoon as the ſaid Road ſhall be ſtaked out, in Manner as herein before directed, it ſhall and may be lawful for the Inhabitants of the Town of *Wilmington*, and for the Inhabitants of any other Diſtrict in the County of *New Hanover*, or in the County of *Bladen*, or any of them, to ſend, at any Time, proper for working on the ſaid High-Road, a Number of not leſs than Ten able Perſons, to work on the ſaid Road, under the Direction of ſuch an Overſeer as ſhall be approved by the Commiſſioners of the Diſtrict where they are to work, or the Majority of them; and every ſuch Overſeer certifying, or making Oath, if required, what Number of Perſons have wrought on the ſaid Roads, and for what Time ſuch Certificate ſhall be counterſigned by the Commiſſioners of the Roads where ſuch Work ſhall have been done, or the Majority of them, the like Number of Days ſhall be allowed to the Perſon or Perſons poſſeſſed of ſuch Certificate, out of the Work that otherwiſe would have been due from him or them within his or their reſpective Diſtricts; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

CHAP. XII.

An Act to eſtabliſh a Public Ferry from Newbey's *Point to* Phelps's *Point, whereon the Court-Houſe now ſtands, on* Perquimons *River.* EXP.

CHAP. 13. *An Act to amend an Act, intituled,* An Act for deſtroying Vermin in this Province. REP.

CHAP. XIV.

An Act to repeal an Act, paſſed by the General Aſſembly, held at Newbern, *the Sixth Day of* April, *in the Year of our Lord One Thouſand Seven Hundred and Forty Eight, intituled,* An Act to prevent the Exportation of raw Hides, Pieces of Hides, and Calf Skins, out of this Government.

Recital.

I. WHEREAS an Act, paſſed by the General Aſſembly, held at *Newbern*, the Sixth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Forty Eight, intituled, *An Act to prevent the Exportation of raw Hides, Pieces*

Pieces of Hides, and Calf Skins, out of this Government, is found, by Experience, to be very inconvenient and prejudicial, in many Reſpects, to the Inhabitants of this Province, and not to anſwer the good Ends intended thereby: Therefore, *A. D.* 1754.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the aforeſaid Act, and every Matter and Thing therein contained, ſhall be, and is repealed, determined, made void, and of none Effect and Force, as if the ſame had never been made. Act repealed.

CHAP. XV.

An Act to prevent malicious Maiming and Wounding.

I. WHEREAS many miſchievous and ill-diſpoſed Perſons have of late, in a malicious and barbarous Manner, maimed, wounded, and defaced, many of his Majeſty's Subjects: For the Prevention of which inhuman Practices, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That if any Perſon or Perſons, from and after the Ratification of this Act, on Purpoſe, ſhall unlawfully cut out, or diſable the Tongue, put out an Eye, ſlit the Noſe, bite or cut off a Noſe or Lip, bite or cut off, or diſable, any Limb or Member of any Subject of his Majeſty, in ſo doing to maim or disfigure, in any of the Manners before mentioned, ſuch his Majeſty's Subjects; that then, and in every ſuch Caſe, the Perſon or Perſons ſo offending, their Counſellors, Abettors, and Aiders, knowing of, and privy to the Offence as aforeſaid, ſhall be, and are hereby declared to be Felons, and ſhall ſuffer as in Caſe of Felony; provided that no Attainder of ſuch Felony ſhall extend to corrupt the Blood, or forfeit the Dower of the Wife, or the Lands, Goods, or Chattels, of the Offender. Malicious maiming prevented.

CHAP. XVI.

An Act to confirm an Agreement made by the preſent Churchwardens and Veſtry of Chriſt-Church *Pariſh, in* Craven *County, with the Reverend* James Reed.

I. WHEREAS the Churchwardens and Veſtry of the Pariſh of *Chriſt-Church* heretofore ſent to *England* an Order of Veſtry of the ſaid Pariſh, thereby promiſing, amongſt other Things, the Sum of One Hundred and Thirty Three Pounds Six Shillings and Eight Pence, Proclamation Money, *per Annum*, to be paid to a Miniſter of the Church of *England*, in Conſideration of having divine Service performed at the Church of the Pariſh aforeſaid, and at the ſeveral Chappels within the ſaid Pariſh, at the ſeveral Times herein ſpecified: And whereas, in Conſequence of the ſaid Order, the ſaid Reverend *James Reed*, at great Charges and Expence, tranſported himſelf from *England* hither, and hath officiated and performed Divine Service at the ſaid Church, and at the ſeveral Chappels within the ſaid Pariſh, One Year and upwards, to the Approbation of the ſaid Pariſh; and the ſaid Churchwardens and Veſtry, having contracted and agreed with the ſaid *James Reed*, that they will give and pay unto him, during the Time he ſhall continue to perform Divine Service at the Church of the ſaid Pariſh in *Newbern*, and at the ſeveral Chappels within the ſaid Pariſh now erected, the Sum of One Hundred and Thirty Three Pounds Six Shillings and Eight Pence, Proclamation Money, *per Annum*, and find and provide a good Glebe Houſe, Kitchen, and other neceſſary Houſes, on a Lot in *Newbern*, and the ſaid Lot to be well and ſufficiently paled in; in Conſideration of which, the ſaid *James Reed* covenanted to perform divine Service at the ſaid Pariſh Church in *Newbern* all *Sundays* in the Year, except ſuch as he ſhall be attending the Chappels within the ſaid Pariſh, or have Leave from the Veſtry to be abſent; at each of which ſaid Chappels the ſaid *James Reed* ſhall attend and perform divine Service, Three Times in each Year: Therefore, Private.

A. D. 1754. Contract with the Veſtry made valid.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid Contract ſo made by and between the ſaid *James Reed* and the ſaid Churchwardens and Veſtry of the Pariſh of *Chriſt-Church* aforeſaid, is hereby confirmed, and ſhall be good and valid in Law, and ſhall be binding, to all Intents and Purpoſes, as well on the ſaid *James Reed* as on the ſaid Churchwardens and Veſtry, and their Succeſſors, Churchwardens and Veſtry of the ſaid Pariſh.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

Matthew Rowan, Preſident.

John Campbell, Speaker.

ANNO

A. D. 1755.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

VICESSIMO NONO.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Four, and from thence continued, by ſeveral Prorogations, to the Twenty Fifth Day of *September*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Five: Being the Second Seſſion of this Aſſembly.

ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act for granting a further Aid to his Majeſty, to repel the French, *and* Indians *in their Alliance, from their Encroachment on his Majeſty's Territories in* America, *and other Purpoſes.*

This Act had its Effect.

CHAP. 2. *An Act for appointing Sheriffs, and directing their Duty in Office; and for compelling Collectors of Public Taxes, and Perſons intruſted with laying out Public Money, to apply and account for the ſame.* REP.

3. *An Act for Inſpection of Pork, Beef, Rice, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles, and Lumber.* EXP.

4. *An Act for regulating Orphans, their Guardians, and Eſtates.*

This Act re-enacted, by Act Nov. 1762, Ch. 5.

5. *An Act to quiet Freeholders in the Poſſeſſion of their Lands, and for other Purpoſes.*

Repealed by Proclamation.

A. D. 1755.

This Act continued by ſeveral ſubſequent Acts, to the Year 1775.

CHAP. VI.

An Act for the Reſtraint of Vagrants, and for making Proviſion for the Poor, and other Purpoſes.

Preamble.

I. WHEREAS divers idle and diſorderly Perſons, having no viſible Eſtates or Employments, and who are able to work, frequently ſtrole from one County to another, neglecting to labour; and either failing altogether to liſt themſelves as Taxables, or by their idle and diſorderly Life, rendering themſelves incapable of paying their Levies, when liſted: For Remedy whereof,

No Perſon to hire or entertain in his Houſe, above 48 Hours, any taxable Perſon removing from one Pariſh to another, without a Certificate from his Pariſh of his having paid Levy there the preceding Year, &c. on Pen. of 20 s.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That it ſhall not be lawful for any Inhabitant of this Government, to entertain, hire, or employ, in his or her Houſe, above the Space of Forty Eight Hours, any ſuch Perſon or Perſons whatſoever, being taxable, and removing from the Pariſh where he or ſhe formerly reſided, unleſs ſuch Perſon ſhall firſt produce a Certificate, under the Hand of the Sheriff, or ſome Magiſtrate of the County from whence he or ſhe came, that ſuch Perſon paid Levy there for the preceding Year, or that he or ſhe came into this Government ſince, or was a Servant at the Time of taking the laſt Liſt of Taxables; and if any one ſhall entertain, hire, or employ, any ſuch Perſon or Perſons whatſoever, being taxable, not having ſuch Certificate as aforeſaid, he or ſhe ſo offending, ſhall forfeit and pay Twenty Shillings, Proclamation Money, for every ſuch Offence, to the Informer; recoverable before any Juſtice of the Peace of the County where the Offence ſhall be committed: And if any taxable Perſon, not having ſuch Certificate, ſhall offer himſelf, or ſeek to be employed, he ſhall be liable to the like Penalty of Twenty Shillings, Proclamation Money; to be recovered and applied as aforeſaid.

Like Penalty on the Perſon offering to hire, without ſuch Certificate.

Perſons deemed Rogues and Vagabonds.

III. *AND be it further Enacted, by the Authority aforeſaid*, That all able bodied Perſons, not having wherewithal to maintain themſelves, who ſhall be found loitering and neglecting to labour for reaſonable Wages; all Perſons who run from their Habitations, and have Wives or Children, without ſuitable Means for their Subſiſtence, whereby they are like to become burthenſome to the Pariſh wherein they inhabit; and all other idle, vagrant, or diſſolute Perſons, wandering abroad, without betaking themſelves to ſome lawful Employments, or honeſt Labour, or going about begging, ſhall be deemed Rogues and Vagabonds.

Method by which ſuch Perſons are to be dealt with, where they are apprehended.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That if any ſuch Vagabonds ſhall be found in any County or Place, wandering, begging, or miſordering him or herſelf, it ſhall be lawful for any Juſtice of the Peace of that County, and he is hereby impowered and required, by Warrant under his Hand, to cauſe ſuch Vagabonds to be brought before him, and to examine and inform himſelf, as well by the Oath and Examination of the Perſon apprehended, as of any other Perſon or Perſons (which Oath or Oaths the Juſtice is hereby impowered to adminiſter) and by any other Ways or Means he ſhall think proper, of the Condition and Circumſtances of the Perſon or Perſons ſo apprehended; and if it ſhall appear that he or ſhe is under the Deſcription of Vagabonds within this Act, the ſaid Juſtice ſhall, by his Warrant, order and direct him or her to be conveyed and whipt, in the ſame Manner as Runaways are, from Conſtable to Conſtable, to the County wherein his Wife or Children do inhabit, or where he or ſhe did laſt reſide (as the Caſe ſhall be) and there delivered to a Juſtice of the Peace, who is hereby required to cauſe every ſuch Vagabond to give ſufficient Security for his or her good Behaviour, and for betaking him or herſelf to ſome lawful Calling, or honeſt Labour; and if he or ſhe ſhall fail ſo to do, then to commit him or her to the common Jail of the County, there to remain until ſuch Security be given, or until the next Court; which Court is hereby impowered, if no Security be then offered, to bind ſuch Vagabond to Service, on Wages, for the Term of One Year; and ſuch Wages, after deducting the Charges of the Proſecution, and neceſſary Cloathing, ſhall be applied towards ſupporting the Family of ſuch Servant (if any) or otherwiſe paid to the Perſon ſo bound,

bound, after his or her Time of Service is expired, in full of all other Recompence or Reward: But if any ſuch Vagabond be of ſuch evil Repute, that no Perſon will receive him or her into Service, in ſuch Caſe the Court ſhall order him or her to receive Thirty Nine Laſhes on his or her bare Back, well laid on, at the Public Whipping Poſt, and then to be diſcharged; and in both Caſes, every ſuch Vagabond ſhall be afterwards liable to the like Proſecution and Puniſhment, for every Offence of Vagrancy whereof he or ſhe ſhall be guilty as aforeſaid; and when any ſuch Vagabond ſhall be brought before a Juſtice of the Peace, and it ſhall not appear to the ſaid Juſtice that he or ſhe has acquired a legal Settlement in any Pariſh, the ſaid Juſtice is hereby required to cauſe ſuch Vagabond to give Security for his or her good Behaviour, and for betaking him or herſelf to ſome honeſt Calling or Employment; and on Failure thereof, ſhall commit him or her to the Jail of the County, there to remain and be dealt with as is before herein directed. *A. D.* 1755.

One Year's Reſidence in any County, declared a legal Settlement.

V. AND for determining all Diſputes concerning what ſhall be accounted a legal Settlement, whereby any Perſon may be intitled to be provided for at the Pariſh Charge; *It is hereby Enacted and Declared*, That no Perſon ſhall be accounted an Inhabitant, ſo as to have gained a legal Settlement in any Pariſh, until ſuch Perſon ſhall have been actually reſident in ſuch Pariſh one whole Year.

Method to be taken where poor People come into any Pariſh, and are likely to become chargeable thereto.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That upon Complaint made by the Churchwardens of any Pariſh, before a Juſtice of Peace, that any poor Perſon or Perſons is or are come into their Pariſh, and likely to become chargeable thereto, it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand, to cauſe ſuch poor Perſons to be removed to the Pariſh where he or ſhe was legally laſt ſettled; but if ſuch poor Perſons be ſick or diſabled, and cannot be removed without Danger of Life, the Churchwardens ſhall provide for his or her Maintenance and Cure, at the Charge of the Pariſh, and after Recovery, ſhall cauſe him or her to be ſo removed; and the Pariſh wherein he or ſhe was laſt legally ſettled ſhall repay all Charges occaſioned by the Sickneſs, Maintenance, and Cure of ſuch poor Perſon, and alſo all Charges and Expences, if ſuch Perſon ſhall die before Removal: And if the Churchwarden or Churchwardens of the Pariſh to which ſuch poor Perſon belongs, ſhall refuſe to receive and provide for the Perſon or Perſons removed by Warrant as aforeſaid, every Churchwarden ſo refuſing ſhall forfeit and pay Twenty Pounds, Proclamation Money; one Half to our Sovereign Lord the King, for the Uſe of the Pariſh from whence the Removal was, and the other Moiety to the Informer; to be recovered, by Action of Debt or Information, in the County Court where the Information was made, with Coſts of Suit: And if the Veſtry of the Pariſh where ſuch poor Perſon was laſt legally ſettled, ſhall refuſe to pay and ſatisfy all the Charges and Expences aforeſaid, in ſuch Caſe, the Veſtry of the Pariſh refuſing ſhall be liable for the ſame, to the Churchwardens aggrieved; to be recovered, with Coſts, in the County Court, as aforeſaid: And if any Houſe-Keeper ſhall entertain ſuch poor Perſon, and ſhall not give Notice thereof to the Churchwardens of the Pariſh, or One of them, within One Month, he or ſhe ſo offending, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered, with Coſts, by the Churchwardens, for the Uſe of the Pariſh, by Action of Debt or Information, in any County Court.

Pen. on Churchwardens of the Pariſh where ſuch Poor belongs, refuſing to receive and provide for them;

And on the Veſtry refuſing to pay all Expences of ſuch Poor.

Pen. on Houſekeepers entertaining ſuch Poor without giving Notice to the Churchwardens.

Proceedings to be had againſt Maſters of Veſſels, bringing Perſons into this Province, who may be chargeable to any Pariſh.

VII. AND whereas it frequently happens that Maſters of Veſſels bring with them into this Province Perſons who have not wherewith to ſupport themſelves, and are incapable of getting a Livelihood, by Means of which the Expence of the Pariſh in which they are left is greatly increaſed: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *January* next, after the paſſing of this Act, when any Maſter of a Veſſel from any other Port ſhall bring into this Province any Perſon or Perſons who may probably be an Expence to any Pariſh within the ſame, it ſhall and may be lawful, on Complaint of any Freeholder to any Three Juſtices of the County where ſuch Maſter of a Veſſel ſhall at that Time reſide, for the ſaid Juſtices, by their Warrant, to convene ſuch Maſter

A. D. 1755. Maſter of a Veſſel before them, and to take the Depoſition of Witneſſes concerning the Matter of the Complaint; and if, on hearing the ſame, it ſhall appear to them, or any Two of them, that the Perſon or Perſons brought into this Province has or have not brought with him or them ſufficient Effects for his or their Support and Maintenance, and that he, ſhe, or they, is or are incapable of getting a Livelihood, by his, her, or their Induſtry, ſuch Maſter of a Veſſel ſhall, by the Judgment of the ſaid Juſtices, be obliged to give Bond, with Two ſufficient Securities, to the Governor, or Commander in Chief for the Time being, in the Sum of Forty Pounds, Proclamation Money; with Condition that he will tranſport ſuch Perſon or Perſons out of this Province within ſix Months from the Date of ſuch Bond, or at all Times thereafter indemnify every Pariſh within this Province from any Expence which they may be at, by Means of ſuch Perſon or Perſons being a Pariſh Charge; and if ſuch Maſter of a Veſſel ſhall refuſe to comply with ſuch Orders, it ſhall and may be lawful for the ſaid Two Juſtices, by Warrant under their Hands and Seals, to commit him to the Public Jail, there to remain until he ſhall comply with the ſame: And as often as any Perſon or Perſons ſo imported ſhall become chargeable to any Pariſh, it ſhall and may be lawful for the Churchwardens of ſuch Pariſh to bring Suit, and recover, on the ſaid Bond, in the Name of the Governor, but to the Uſe of the Pariſh, ſo much as the Pariſh have been damnified thereby, with Coſts of Suit, until the whole Penalty of the Bond ſhall be recovered.

Continuance of the Act.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall continue and be in Force for the Space of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. VII.

An Act to direct the Method of appraiſing Lands whereon Forts or Batteries now are, or hereafter ſhall be erected, for the Defence of this Province. OBS.

CHAP. 8. *An Act to prevent the Exportation of Proviſions and live Stock from this Province to the French or Neutral Ports.* EXP.

9. *An Act to prevent malignant and infectious Diſtempers being ſpread by Shipping importing diſtempered Perſons into this Province, and other Purpoſes.* REP.

Provided for by the Navigation Act, Nov. 1766, Chap. 8.

10. *An Act to amend an Act for facilitating the Navigation of Port* Bath, *Port* Roanoke, *and Port* Beaufort.

11. *An Act for aſcertaining a proper Place for building thereat a Court-Houſe, Priſon, Pillory, and Stocks, for the County of* Beaufort. REP.

CHAP. XII.

An Act to appoint the Place for erecting the Court-Houſe and Priſon in the County of Onſlow, *and other Purpoſes therein mentioned.*

Private.

I. WHEREAS by Experience it is found that the Situation of the Court-Houſe in *Onſlow* County, before it was deſtroyed by the Storm, was not central, and by Reaſon of a wide Ferry, often impaſſable, very inconvenient to the greateſt Part of the Inhabitants, and that there are no Houſes for Accommodation near the Place: For Remedy whereof,

Court Houſe where erected.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Juſtices of the County of *Onſlow* ſhall have full Power and Authority, and are hereby required, within the Space of Six Months next after the paſſing this Act, to erect a Court-Houſe, Priſon, Pillory, and Stocks, for the Uſe of

of the County, and to agree with Workmen to build and finiſh the ſame, at *Wantland*'s Ferry, in the ſaid County. *A. D.* 1755.

III. *AND be it further Enacted*, That ſo much of the County Taxes heretofore annually levied for that Purpoſe, and now in the Hands of the Juſtices, ſhall be applied to the erecting the ſaid new Court-Houſe, Priſon, Pillory, and Stocks, near *Wantland*'s Ferry, and to no other Purpoſe whatſoever; and that hereafter all Elections, and other Buſineſs of the ſaid County, ſhall be tranſacted at the ſaid Court-Houſe by this Act appointed to be built and erected. Taxes applied.

IV. *AND be it further Enacted*, That for the Convenience of the Inhabitants of the ſaid County paſſing to and from the ſaid Court-Houſe, to tranſact their public Buſineſs, the Ferry called *Wantland*'s Ferry, at all ſuch Times, ſhall be maintained at the County Charge, to be paid out of the County Tax. County Ferry.

V. *AND be it further Enacted*, That ſo much of an Act, intituled, *An Act for the appointing and laying out a Town at or near* Mittam's *Point, on the South Side of* New *River, in* Onſlow *County, by the Name of* Johnſton, for ſo much thereof as relates to holding the Court, and tranſacting all other public Buſineſs for the ſaid County in the Town of *Johnſton*, is hereby from henceforth repealed. Repealing Clauſe.

CHAP. XIII.

An Act for erecting that Part of Rowan *County, called* Wachovia, *into a diſtinct Pariſh.*

I. WHEREAS the *Unitas Fratrum*, or the People called the United Brethren, inhabiting that Part of the County of *Rowan* called and known by the Name of *Wachovia*, have repreſented to this Aſſembly, that their being erected into a ſeparate Pariſh, will enable them to diſcharge their ſeveral Parochial Duties with greater Eaſe and Convenience than they can at preſent: Private.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Tract of Land in the County of *Rowan*, called and known by the Name of *Wachovia*, and the ſeveral Surveys of Land to the ſaid United Brethren belonging, contiguous, and adjoining to the ſaid Tract of Land called *Wachovia*, according to the known Boundaries and Limits thereof, ſhall be, and is hereby erected into a Pariſh, diſtinct and ſeparate from the Pariſh of *St. Luke*, in the ſaid County, and ſhall be called and known by the Name of the Pariſh of *Dobbs*; and ſhall and may, from Time to Time, hold, uſe, and exerciſe, the like Authorities and Powers, and poſſeſs and enjoy the ſame Immunities and Privileges, as other Pariſhes in this Province ſhall, may, or can do; and all and every other Perſon and Perſons who are, or ſhall be Inhabitants of the ſaid Pariſh of *Dobbs*, ſhall be, and are from henceforth, releaſed and diſcharged of and from all Parochial Duties to the ſaid Pariſh of *St. Luke*. Dobbs Pariſh erected.

III. *AND be it Enacted, by the Authority aforeſaid*, That the Freeholders of the ſaid Pariſh of *Dobbs* ſhall, and they are hereby impowered and required, to meet at the Court-Houſe of the ſaid County of *Rowan*, on the Firſt *Tueſday* in *June* next, then and there to elect and chooſe Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen of the ſame; which Election ſhall be made by the Sheriff of the ſaid County of *Rowan*, under the like Rules and Reſtrictions, and under the like Pains and Penalties, as other Elections of Veſtries in this Province are by Law appointed to be made; and the Twelve Freeholders ſo elected, within Forty Days after being ſo, ſhall, inſtead of the Oaths appointed for the Qualification of Public Officers, make a Declaration of the ſame, according to the Form of the Act of Parliament, intituled, *An Act for encouraging the People known by the Name of* Unitas Fratrum, *or United Brethren, to ſettle in his Majeſty's Colonies in* America, and ſubſcribe To elect Veſtrymen.

A. D. 1755. ſcribe the Declaration by Law appointed to be ſubſcribed by Veſtrymen; and from thenceforth ſhall be, and are hereby declared to be, the Veſtry of the ſaid Pariſh of *Dobbs*; and ſhall and may, and are hereby required, to exerciſe and uſe the ſame Powers and Authorities as any other Veſtries in this Province can, may, or ought to exerciſe, uſe, or enjoy, and ſhall be liable to the ſame Penalties and Forfeitures as other Veſtries, or Perſons elected Veſtrymen, are in any Manner liable and ſubject to; and the ſaid Veſtry, when qualified as aforeſaid, ſhall chooſe Two Churchwardens for the ſaid Pariſh the enſuing Year, who ſhall and may continue in Office One Year, and no longer, at which Time the ſaid Veſtry ſhall chooſe other Churchwardens.

CHAP. XIV.

Provided for by the Road Act. *An Act for laying out a Road from* Orange *County Court-Houſe to a Landing on the North Weſt of* Cape Fear *River.*

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

Matthew Rowan, Preſident.

John Campbell, Speaker.

ANNO

A. D. 1756.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO.

At a General ASSEMBLY, began and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Four; and from thence continued, by ſeveral Prorogations, to the Thirtieth Day of *September*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Six: Being the Third Seſſion of this Aſſembly. ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act for granting to his Majeſty an Aid of Three Thouſand Four Hundred Pounds, to defray the Expence of erecting a Fort, raiſing and paying two Companies, for the Defence of the Weſtern Frontier of this Province. This Act had its Effect.

CHAP. 2. *An Act for the better Regulation of the Militia, and other Purpoſes.* EXP.

3. *An Act to amend an Act for eſtabliſhing the Supreme Courts of Juſtice,* Oyer *and* Terminer, *and General Gaol Delivery, of* North Carolina. Provided for by the Superior Crt. Act.

CHAP. IV.

An Act for aſcertaining the Method of proving Book Debts.

I. WHEREAS Doubts have ariſen upon Conſtruction of the Law now in Force, preſcribing the Manner of proving Book Debts: For Prevention whereof for the future, Preamble.

A. D. 1756.

Manner of proving Book Debts.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That in any Action of Debt, or upon the Caſe, which hath been, or ſhall be brought, where the Plaintiff hath declared, or ſhall declare, upon an *Emiſſit*, *Indebitatas Aſſumpſit*, *Quantum Valebant*, or *Quantum Meriut*, for Goods, Wares, and Merchandizes, by him ſold and delivered, or for Work done and performed, ſhall file his Account with his Declaration; and upon the Trial of the Iſſue, or executing a Writ of Enquiry of Damages in ſuch Action, ſhall declare upon his corporal Oath, or ſolemn Affirmation (as the Caſe may be) that the Matter in Diſpute is a Book Account, and that he hath no Means to prove the Delivery of ſuch Articles as he ſhall then propoſe to prove by his own Oath, or any of them, but by his Book; and in that Caſe, ſuch Book ſhall and may be given in Evidence, if he ſhall make out, by his own Oath or Affirmation, that ſuch Book doth contain a true Account of all the Dealings, or the laſt Settlement of Accounts between them, and that all the Articles therein contained, and by him ſo proved, were *bona fide* delivered, and that he hath given the Defendant all juſt Credits; and ſuch Book, and Oath or Affirmation, ſhall be admitted and received as good Evidence in any Court of Law, for the ſeveral Articles ſo proved to be delivered within Two Years before the ſaid Action brought, but not for any Article of a longer ſtanding: And where the Perſon who delivered ſuch Goods, Wares, or Merchandizes, or performed ſuch Work and Labour, ſhall die, his Executors or Adminiſtrators may give his Book in Evidence, upon his or their making Oath, or Affirmation, that they verily believe the Account as there charged is juſt and true, and that there are no Witneſſes to his or their Knowledge, capable of proving the Delivery of the ſeveral Articles as he ſhall propoſe to prove by the ſaid Book, and Oath or Affirmation, and that he found the Book ſo ſtated, and doth not know of any other or further Credit to be given than what is there mentioned; and ſuch Book, and Oath or Affirmation, ſhall be admitted and received as Evidence for any Articles delivered within the Time aforeſaid.

Copy of Accounts may be proved, if agreed to by the Defendant.

III. BUT whereas it may be inconvenient and hazardous, by Reaſon of bad Weather and Accidents, to carry Books of Accounts great Diſtances to Court, when a Copy of the Account, proved in the ſame Manner as by this Law the Book is to be proved, may ſatisfy the Defendant as fully; *Be it therefore Enacted, by the Authority aforeſaid*, That a Copy from the Book of Accounts, proved in Manner herein before directed, ſhall and may be given in Evidence in any ſuch Action as aforeſaid, and ſhall be as available as if ſuch Book had been produced, unleſs the Defendant, or his Attorney, ſhall give Notice to the Plaintiff, or his Attorney, at the joining of the Iſſue, that he will require the Book to be produced at Trial; and in that Caſe, no ſuch Copy ſhall be admitted, or received as Evidence.

Defendant may conteſt the Plaintiff's Evidence; and Executor or Adminiſtrator's Books to go againſt each other.

IV. *PROVIDED neverthelefs*, That the Defendant ſhall be at Liberty to conteſt the Plaintiff's Evidence, and oppoſe the ſame by other legal Evidence; and where the Defendant ſhall be an Executor or Adminiſtrator, his Teſtator, or Inteſtate's Book, ſhall and may be given in Evidence againſt the Plaintiff's Book, where the Plaintiff is an Executor or Adminiſtrator, for ſuch Articles as ſhall be proved in Manner aforeſaid.

No Book Debt to be proved for more than 5 Years ſtanding, except Parties out of the Country, or Book ſigned.

V. *PROVIDED alſo*, That no Book of Accounts, although the ſame may be proved by Witneſs or Witneſſes, ſhall be admitted or received as Evidence in any Action for Goods, Wares, or Merchandizes delivered, or for Work done, above Five Years before the ſaid Action brought; except in Caſe of Perſons being out of the Government, or where the Account ſhall be ſettled and ſigned by the Parties.

Articles of above 30 l. not to be proved by Book, and Oath of the Party.

VI. *PROVIDED neverthelefs*, That no Plaintiff ſhall be at Liberty to prove by his Book, and Oath or Affirmation as aforeſaid, on the Trial of any ſuch Action as afore-mentioned, any Article or Articles, the Amount whereof ſhall exceed the Sum of Thirty Pounds, Proclamation Money.

VII. AND

VII. AND for preventing a Multiplicity of Law-Suits, *Be it further Enacted, by the Authority aforesaid*, That in all Cases where there are, or shall be mutual Debts subsisting between the Plaintiff and Defendant, or if either Party sue, or be sued, as Executor or Administrator, where there are mutual Debts subsisting between the Testator or Intestate, and either Party, one Debt may be set against the other, either by being pleaded in Bar, or given in Evidence, on the General Issue, on Notice given of the particular Sum intended to be set off, and on what Account the same is due, notwithstanding such Debts shall or may be deemed in Law to be of a different Nature; but if either Debt arose by Reason of a Penalty, the Sum intended to be set off shall be pleaded in Bar, setting forth what is justly due on either Side; any Law, Usage, or Custom, to the contrary, in any wise, notwithstanding.

A. D. 1756.

In Suits brought by this Act, one Debt to go against another.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That one Act of Assembly made in the Thirteenth Year of his present Majesty's Reign, intituled, *An Act prescribing the Method of proving Book Debts*, shall be, and is hereby repealed.

Repealing Clause.

CHAP. V.

An Act for the Punishment of Mutiny and Desertion, and preventing the harbouring and entertaining of deserted Soldiers. EXP.

CHAP. VI.

An Act for the Relief of such Persons as have suffered, or may suffer, by not having had their Deeds and mesne Conveyances proved and registered within the Time heretofore appointed for such Purposes, and to prevent Disputes and Law-Suits concerning Lands.

See Act passed Nov. 1760, Ch. 6 for amending this Act.

I. WHEREAS from the Difficulty of convening Witnesses to Deeds and mesne Conveyances before the Chief Justice, or before the Court of any County wherein the Lands by the same granted lie, many of them have not been proved nor registered within the Time heretofore appointed by Law for that Purpose, which may occasion litigious Law-Suits, and the Estates of fair and honest Purchasers thereby be drawn in Question: For Remedy whereof,

Preamble.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged, or proved, shall and may, within Eighteen Months after the passing of this Act, be acknowledged by the Grantors, their Agents or Attornies, or proved by One or more of the subscribing Witnesses to the same, and tendered and delivered to the Registers of the Counties wherein such Lands, Tenements, and Hereditaments, respectively lie; and all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, hereafter to be made, shall and may, at any Time within Two Years from the respective Dates thereof, be acknowledged, or proved in Manner aforesaid, and delivered to the Registers of the Counties wherein they are respectively situated.

Further Time allowed for proving Deeds and Conveyances.

III. *AND be it further Enacted, by the Authority aforesaid*, That all Deeds and mesne Conveyances whatsoever, which shall be acknowledged or proved, according to the Directions of this Act, and also all such as have been heretofore recorded by the Clerk, or registered by the Register of any Precinct or County wherein the Lands or Tenements mentioned in the same lie, though not within One Year after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect, as fully and effectually, to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged, or proved and registered, agreeable to the Direction of any Act of Assembly heretofore made; and the Registry, or Copy of the

All such as shall be proved agreeable to this Act, declared good, & Copies of the Registry may be given in Evidence.

A. D. 1756. Record of any Deed or Conveyance, regiſtered or recorded as mentioned in this Act, and atteſted by the Regiſter or Clerk, ſhall and may, where the original Deed or Conveyance is loſt, be given in Evidence in any Court of Record, and ſhall be held, and is hereby declared to be full and ſufficient Evidence of ſuch Deed or Conveyance; any Law, Statute, or Uſage, to the contrary, notwithſtanding.

Evidence to Deeds may be ſummoned to prove the ſame, & Manner of ſummoning.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Grantee or Grantees, in any Deed heretofore made, or hereafter to be made, ſhall and may, at his own Expence, on Motion to the County Court wherein the Land by the ſame granted lies, obtain a Summon for any one or more of the ſubſcribing Witneſſes to ſuch Deed, which ſhall be ſigned by the Clerk, and directed to the Sheriff, commanding him to ſummon ſuch Witneſs to appear at the next County Court, and give his Evidence concerning the Execution of ſuch Deed, under the Penalty of Twenty Pounds: And the Sheriff ſhall, and is hereby required to execute the ſame, at leaſt Five Days before the Court to which the ſame is returnable, and make due Return thereof; for which Summon, Service, and Return, the Clerk and Sheriff ſhall be paid the ſame Fees as are allowed on iſſuing, ſerving, and returning, Subpœnas in Actions; and if any Witneſs to a Deed, ſo ſummoned, ſhall fail to appear on the Return of ſuch Summons, the Court ſhall give Judgment againſt him for the Penalty aforeſaid, for which Execution may be taken out, either againſt his Body or Goods, by him or them at whoſe Inſtance he ſhall be ſummoned, unleſs he ſhew ſufficient Cauſe to the next ſucceeding Court for not having appeared to give his Evidence.

Pen. on Regiſter neglecting to regiſter Deeds.

V. *AND be it Enacted, by the Authority aforeſaid,* That every Regiſter who ſhall neglect or delay to regiſter any Deed or Conveyance within Two Months after the ſame ſhall be delivered to him, ſuch Regiſter, for each and every Two Months he ſhall ſo neglect or delay, ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; one Half to the Churchwardens, for the Uſe of the Pariſh wherein he ſhall reſide, and the other Half to him or them who will ſue for the ſame; to be recovered by Action of Debt, with Coſts.

Validity of Patents granted by Lords Proprietors, declared good.

VI. AND whereas the Validity of ſeveral Patents, granted by the Deputies of the late Lords Proprietors, has been queſtioned, on Suppoſition that their Power had been determined before the Arrival of a Governor in this Province, appointed by his Majeſty: Wherefore, to ſecure the Poſſeſſions of ſuch as complied with the Forms of Government, then uſed, in taking out Patents, *Be it Enacted, by the Authority aforeſaid,* That all Patents made and iſſued by the Deputies of the late Lords Proprietors, at any Time whilſt they had the Adminiſtration of the Government of this Province, until the Revocation or Determination of their Power to grant Lands, was publicly ſignified and made known by ſome Public Act of Government, ſhall, and are hereby declared to be good and available in Law, and ſhall enure and take Effect, as fully and abſolutely, to the Benefit and Advantage of all Perſons in Poſſeſſion of any Lands granted thereby, and to their Heirs and Aſſigns, as if their Power to make and iſſue ſuch Patents had, at the Time of making and iſſuing the ſame, been in no-wiſe revoked or determined, except ſuch as have been by the Patentees at any Time reſigned or ſurrendered; which Patents, ſo reſigned or ſurrendered, ſhall receive no additional Validity hereby, and ſhall be of no more Force or Efficacy, than they would have been before the paſſing this Act; any Thing herein, to the contrary, notwithſtanding.

Repealed by the Inſpection Act, 1763, Ch. 9.

CHAP. VII.

An Act to amend an Act, intituled, An Act to reſtrain the Exportation of bad and unmerchantable Tobacco, and for preventing Frauds in his Majeſty's Cuſtoms.

CHAP. VIII.

This Act had its Effect.

An Act for laying a Tax for repairing the Court-Houſe in Edenton.

CHAP.

CHAP. IX.

A. D. 1756.

An Act for re-eſtabliſhing ſeveral Counties and Towns, and for other Purpoſes.

Preamble.

I. WHEREAS his Majeſty, by his Orders in his Privy Council, dated the Eighth Day of *April*, One Thouſand Seven Hundred and Fifty Four, did repeal, declare void, and of none Effect, Twelve Acts, paſſed at ſundry Times in this Province; which Acts are intituled, as follows, *viz.*

Recital of Acts repealed.

'An Act appointing that Part of *Albemarle* County, lying on the Weſt Side of *Chowan* River, to be a Precinct, by the Name of *Bertie* Precinct.' Paſſed in the Year 1722.

'An Act for incorporating the Sea Port of *Beaufort*, in *Carteret* Precinct, into a Townſhip, by the Name of *Beaufort*.' Paſſed in the Year 1723.

'An Act to appoint that Part of *Albemarle* County, lying on the South Side of *Albemarle* Sound and *Morattuck* River, as high as the *Rainbow* Banks, to be a Precinct, by the Name of *Tyrrell* Precinct.' Paſſed in the Year 1729.

'An Act to eſtabliſh the Precincts of *Onſlow* and *Bladen*, and for appointing them diſtinct Precincts.' Paſſed in the Year 1734.

'An Act for erecting the Village called *Newton*, in *New Hanover* County, into a Town and Townſhip, by the Name of *Wilmington*, and regulating and aſcertaining the Bounds thereof.' Paſſed in the Year 1739.

'An Act for confirming Titles to the Town Lands of *Edenton*, for ſecuring the Privileges heretofore granted to the ſaid Town, and for the further Encouragement and better Regulation thereof.' Paſſed in the Year 1740.

'An Act to confirm and erect that Part of the Province called *Edgcomb* County into a County, by the Name of *Edgcomb* County, and for eſtabliſhing the ſaid County a Pariſh, and for aſcertaining the Boundary Line between the *North Weſt* and *Society* Pariſhes, in *Bertie* County.' Paſſed in the Year 1741.

'An Act for erecting the upper Part of *Bertie* County into a County, by the Name of *Northampton* County, and for regulating the Limits between *Society* Pariſh and the *North Weſt* Pariſh of *Bertie*, and for removing the Seat of *Bertie* County Court.' Paſſed in the Year 1741.

'An Act for erecting the upper Part of *Craven* County into a County and Pariſh, and for appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County.' Paſſed in the Year 1746.

'An Act for dividing *Edgcomb* County and Precinct, and for erecting the upper Part thereof into a County and Pariſh, by the Name of *Granville* County, and *St. John*'s Pariſh, and for appointing Veſtrymen of the ſaid Pariſh.' Paſſed in the Year 1746.

'An Act for erecting the upper Part of *New Hanover* County into a County and Pariſh, by the Name of *Duplin* County, and *St. Gabriel*'s Pariſh, and for appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County.' Paſſed in the Year 1749.

'An Act for erecting the upper Part of *Bladen* County into a County and Pariſh, by the Name of *Anſon* County, and *St. George*'s Pariſh, and for appointing a Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County.' Paſſed in the Year 1749.

Several Counties and Towns re-eſtabliſhed.

II. AND whereas his Majeſty, taking into his Royal Conſideration the humble Repreſentation of the Aſſembly of this Province, ſetting forth that many Inconveniences, with Reſpect to the future Settlement of this Province, might ariſe from the Repeal of the ſaid Acts; his Majeſty has been graciouſly pleaſed, by an Inſtruction from their Excellencies the Lords Juſtices to the Governor of this Province, dated the Firſt Day of *July*, One Thouſand Seven Hundred and Fifty Five, to authorize and direct the ſaid Governor to give his Aſſent to any Acts which ſhall be paſſed by the Council and Aſſembly of this Province, for re-eſtabliſhing the ſeveral Towns, Precincts, and Counties, heretofore erected by the Twelve Acts which have been repealed as aforeſaid, and for confirming the Rights of the People, as by the

A. D. 1756. the ſaid Acts they were eſtabliſhed, under certain Proviſions and Reſtrictions in the ſaid Orders mentioned; *Be it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſeveral Diviſions, Precincts, or Diſtricts of this Province, which have heretofore belonged to the ſeveral and reſpective Counties and Towns aforeſaid, before the Repeal of the before-recited Acts of Aſſembly, ſhall, and they are hereby declared to be re-eſtabliſhed into Counties and Towns, by the ſeveral and reſpective Names by which each Diviſion, Precinct, or Diſtrict, at the Time of repealing the aforeſaid Acts, was known and denominated; and each of the ſaid Counties ſhall be limited and bounded according to the Bounds and Limits heretofore known and reputed to be the Bounds and Limits thereof.

Royal Prerogative for incorporating Towns, reſerved.

III. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid Counties and Towns; of ordering, appointing, and directing the Election of a Member or Members, to repreſent them in Aſſembly; and of granting Markets and Fairs to be kept and held in them reſpectively: But that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

Deeds & Conveyances for Lands, in any Counties or Towns aforeſaid, declared good.

IV. *AND be it further Enacted*, That all Deeds and Conveyances for the conveying of any Lands, Lots, or Tenements, in either of the Counties or Towns aforeſaid, to any Perſon or Perſons whatſoever, either to the Uſe of the Public, or to their own Uſe, in Conſequence of any or either of the ſaid Acts of Aſſembly ſo repealed as aforeſaid, ſhall, and are hereby declared to be good and valid in Law; and ſhall enure and take Effect as fully, to the Benefit of the Grantees, their Heirs and Aſſigns, and all others concerned, as if the ſame Acts had never been repealed.

Acts, containing Clauſes forbid by his Majeſty, repealed.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Five Acts of the General Aſſembly of this Province, intituled, as follows, *viz.*

'An Act for dividing Part of *Granville*, *Johnſton*, and *Bladen* Counties, into a County and Pariſh, by the Name of *Orange* County, and the Pariſh of *St. Matthew*, and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein-mentioned.' Paſſed in the Year 1752.

'An Act for erecting the upper Part of *Anſon* County into a County and Pariſh, by the Name of *Rowan* County, and *St. Luke*'s Pariſh, and for appointing a Place for holding a Court in ſaid County.' Paſſed in the Year 1753.

'An Act for the further and better Regulation of the Town of *Wilmington*, and for repealing the ſeveral Acts therein-mentioned.' Paſſed in the Year 1754.

'An Act for granting unto the Town of *Brunſwick*, the Privilege of chooſing and ſending a Repreſentative to the General Aſſembly.' Paſſed in the Year 1754.

'An Act for erecting the upper Part of *Bladen* County into a County and Pariſh, by the Name of *Cumberland* County, and *St. David*'s Pariſh.' Paſſed in the Year 1754; containing certain Clauſes forbid by his Majeſty's ſaid Orders, dated the Firſt Day of *July*, One Thouſand Seven Hundred and Fifty Five, be, and are hereby repealed, and from henceforth declared void and of none Effect.

CHAP. X.

Repealed by the Road Act, all but the 5th Sect.

An Act to amend an Act for impowering the ſeveral Commiſſioners therein after named, to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts therein-after appointed, in ſuch Manner as they judge moſt uſeful to the Public, and other Purpoſes.

V. AND whereas *Bladen* County extends down the North Weſt River of *Cape Fear*, the Diſtance of Fifteen Miles below the upper Bounds of *New Hanover* County, which makes it very inconvenient for the Inhabitants of *Bladen* County to

to work on the Public Roads in that Diſtrict: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That a North Eaſt Line be run directly from, and oppoſite the Mouth of *Levingſton*'s Creek, to *Black* River, then down the ſaid River to the Mouth thereof, and then up the *North Weſt* River to the Mouth of the ſaid Creek; and all the Lands within the ſaid Bounds are hereby annexed to the County of *New Hanover*, and ſhall hereafter be deemed and held to be within the Limits of the ſame, and make Part of the North Weſt Diſtrict of *New Hanover* County; and the Inhabitants thereof ſubject and liable to ſuch Duties, Taxes, and Impoſitions, and alſo intitled to the Rights, Privileges, and Advantages, as the other Inhabitants of the ſaid County are. *A. D.* 1756.

CHAP. XI.

An Act for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in ſeveral Counties.

Repealed by the Road Act.

CHAP. XII.

An Act for the better Regulation of the Town of Newbern, *and for ſecuring the Titles of Perſons who hold Lots in the ſaid Town.*

See Acts November 1757, Chap. 10, and November 1760, Chap. 10, November 1771, Chap. 17. for amending this Act.

I. WHEREAS the Laws heretofore made for regulating the Town of *Newbern*, have been found inconvenient: For Remedy whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, it ſhall and may be lawful for the Freeholders of the ſaid Town to meet at the Court-Houſe, annually, on the Second *Tueſday* in *November*, and then and there to chooſe Five Freeholders of the ſaid Town to be Commiſſioners for the enſuing Year; which Election of Commiſſioners ſhall be by the Suffrage of the Majority of the Freeholders of the ſaid Town; and that upon the ſaid Commiſſioners being ſo choſen and elected, and their Names entered on the Journals of the ſaid Town, they ſhall, before they enter upon the Execution of their Office, take the following Oath. Commiſſioners to be elected.

I *A. B. do ſwear, That I will execute the Office of a Commiſſioner, for the Town of* Newbern, *faithfully, impartially, and truly, without Favour, Affection, or Prejudice; and that I will, to the utmoſt of my Power, in all Things, act for the Good of the ſaid Town, and the well governing of it, to the beſt of my Skill and Judgment.* SO HELP ME GOD. Their Oath.

Which ſaid Commiſſioners, after they have been ſo ſworn, ſhall proceed to chooſe one out of their Number to be Treaſurer of the ſaid Town; into whoſe Hands all Monies ariſing by the Sale of Lots in the ſaid Town, or otherwiſe howſoever ariſing or becoming due to the ſaid Town, ſhall be paid, and there kept till diſpoſed of as hereafter directed. Treaſurer to be appointed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Treaſurer, before he enters upon the Execution of his ſaid Office, ſhall give Bond, with Two ſufficient Securities, in the Sum of Two Hundred Pounds, Proclamation Money, to the Commiſſioners of the ſaid Town, and their Succeſſors, for the faithful Diſcharge of his ſaid Office. To give Bond.

IV. AND for the better determining who ſhall be qualified to be elected as Commiſſioners of the ſaid Town; *Be it Enacted*, That no Perſon ſhall be deemed qualified to act as a Commiſſioner of the ſaid Town of *Newbern*, unleſs he hath a Lot of Land therein, with a Houſe on the ſame, of not leſs Dimenſions than Twenty Four Feet long, and 16 Feet wide, with a Brick Chimney or Chimnies to the Qualification of Commiſſioners.

A. D. 1756.

the ſame; and who ſhall have beſides, a viſible Eſtate, of at leaſt One Hundred Pounds, Proclamation Money.

Tax to be laid on the male Taxables of the Town by the Commiſſioners only, as altered by Act, Nov. 1757, Ch. 10.

V. AND whereas by the Laws heretofore made for regulating the ſaid Town, the Method therein preſcribed for clearing the Streets, making and repairing Bridges, and Public Wharfs, has been found inconvenient; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, together with the Freeholders thereof, ſhall meet at the Court-Houſe in the ſaid Town on the Third *Tueſday* in *November* next after the paſſing of this Act, and ſo yearly, and every Year, on the ſaid Third *Tueſday* in *November*, and then and there, by the Conſent of the Majority of the ſaid Commiſſioners and Freeholders then met, lay ſuch a Tax on the Inhabitants of the ſaid Town, as ſhall be ſufficient to defray the Expence of clearing, making and repairing the Streets, making and mending Public Wharfs and Bridges, and for doing all Public Services the Inhabitants of the ſaid Town are now ſubject to do and perform; and for defraying the Expence of procuring a correct Plan of the ſaid Town, and for all other neceſſary Expences the Commiſſioners may be at, in building a Pound, employing a Clerk, or appointing Guards or Watches, or other Contingencies that may happen; provided the ſaid Tax does not exceed the Sum of Ten Shillings, Proclamation Money, *per* Poll; which ſaid Tax ſhall be collected by the Sheriff of the County of *Craven*, and paid to the Treaſurer of the ſaid Town, within One Month after the ſame ſhall be laid; and if any Perſon ſhall withhold, and not pay the ſaid Tax, within One Month after the ſame is laid, it ſhall and may be lawful for the ſaid Sheriff to make Diſtreſs and Sale of the Offender's Goods and Chattels, in the ſame Manner as for Non-Payment of other Taxes, and to take and receive for his Trouble Two Shillings and Eight Pence, Proclamation Money.

Tax how collected.

Town Inhabitants exempt from working on the Roads.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Inhabitants of the ſaid Town of *Newbern* ſhall be for ever hereafter excuſed from working on the Streets of the ſaid Town, or from working on the Country Public Roads, ſo long as they continue to live in the ſaid Town, and no longer.

Town Lots how granted.

VII. AND whereas the Settlement of the ſaid Town of *Newbern* hath been much retarded, by Perſons taking up Lots in the ſaid Town, and not building thereon, as by the Tenor of their Deeds or Grants is provided; and whereas after the Time limited therein for improving the ſame, the ſame Perſons have been permitted to enter and take up the ſame again, whereby many Lots in the ſaid Town lie unimproved: For Prevention whereof, *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, for the Time being, or any Three of them, are hereby authorized, impowered, and directed, to grant, convey, and acknowledge, under the ſame Reſtrictions and Limitations in Deeds given for Lots by former Commiſſioners of the ſaid Town, to any Perſon requiring the ſame, and to their Heirs and Aſſigns, for ever, in Fee-Simple, any Lot or Lots of Land within the ſaid Town, not already taken up and built on, agreeable to the Laws heretofore made for regulating the ſaid Town, or any Lot or Lots that may hereafter be liable to be taken up for want of being built on as aforeſaid, he or they paying for each Lot Twenty Shillings, Proclamation Money, for the Purchaſe Money thereof, to and for the Uſe of the Proprietors of the ſaid Town.

To be ſaved within 18 Months or not granted again to the ſame Perſon.

VIII. *PROVIDED nevertheleſs*, That where any Perſon or Perſons ſhall hereafter take up any Lot or Lots in the ſaid Town, and ſhall not build thereon, within Eighteen Months from the Date of their Conveyance, a good habitable Brick, Stone, or framed Houſe, of not leſs Dimenſions than Sixteen Feet wide, and Twenty Four Feet long, the ſame Perſon (except where the Title of ſuch Lot or Lots, before the Expiration of the Time for building thereon, ſhall fall to a Minor or Minors) ſhall not be allowed to take up the ſame again, until the ſaid Lot or Lots hath lain vacant Six Months; but the ſame may be immediately, or at any Time, granted to any other Perſon or Perſons deſiring the ſame, on the Conditions herein-before-mentioned.

IX. AND

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Town Lots confirmed to the Commiſſioners, in Truſt, for the Purchaſers.

IX. AND whereas ſundry Diſputes may hereafter ariſe concerning the Titles to Lots in the ſaid Town of *Newbern*, and the Bounds thereof; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners or Juſtices, formerly appointed by an Act of Aſſembly of this Province, and their Succeſſors, are hereby declared to have had a good, abſolute, indefeaſible Eſtate, in Fee, in the Two Hundred and Fifty Acres of Land, laid out by the ſaid Act, for the ſaid Town of *Newbern*, in Truſt and Confidence, to and for the Uſes in the ſaid Act mentioned; and the Commiſſioners by this Act to be elected and choſen, are hereby declared to have a good, abſolute, and indefeaſible Eſtate, in Fee, in all ſuch Lots within the ſaid Town, which have not been diſpoſed of by the former Commiſſioners or Juſtices, and built on agreeable to Law, in Truſt and Confidence, to and for the Uſes in this Act mentioned; and the ſaid Two Hundred and Fifty Acres of Land, laid out for the Town of *Newbern* as aforeſaid, ſhall for ever hereafter be confirmed to the ſaid Commiſſioners for the Time being, in Truſt and Confidence, to and for the Uſes in this Act mentioned. And all and every Perſon and Perſons whatſoever, who have heretofore purchaſed and paid for any Lot or Lots in the ſaid Town, and have fully complied with the Conditions of their Deed or Grant, or who may hereafter purchaſe, pay for, and fully comply with the Conditions of their Deed or Grant, are hereby declared to be inveſted with a good, abſolute, and indefeaſible Eſtate, in Fee, to ſuch Lot or Lots, and the ſame are hereby confirmed, in Fee, to ſuch Perſon or Perſons, and to his and their Heirs and Aſſigns, for ever.

Water Lots declared Part of the Town, and confirmed to the Purchaſers.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all Water or Front Lots adjoining the Streets or Lots of the ſaid Town of *Newbern*, ſhall be deemed, held, and taken to be Part of the ſaid Town; and it ſhall and may be lawful for any Perſon to take up the ſame, and build thereon any Wharf, Store-Houſe, or other Improvement, as they ſhall think proper, after giving Three Months Notice in Writing to the Owner or Owners of ſuch Lot or Lots as ſhall front ſuch Water Lots: And where any of the ſaid Water or Front Lots have been heretofore ſold and conveyed by *Cullen Pollock*, Eſq; deceaſed, the late Proprietor of the ſaid Town, or any former Commiſſioners of the ſaid Town, to any Perſon or Perſons whatſoever, ſuch Sale is hereby declared to be good and available in Law, to paſs the Fee-Simple Eſtate of ſuch Lot or Lots to ſuch Purchaſer or Purchaſers, his or their Heirs and Aſſigns, for ever; and ſuch Purchaſer or Purchaſers, his or their Heirs and Aſſigns, are hereby declared to have a good, abſolute, and indefeaſible Eſtate, in Fee, in and to the ſame.

Certificates of Lots being ſaved, a good Title.

XI. AND for quieting the Inhabitants of the ſaid Town in the Poſſeſſion of their Lots within the ſame, *Be it Enacted, by the Authority aforeſaid*, That where a Certificate ſhall be obtained from the Commiſſioners of the ſaid Town, or Oath made in the County Court of *Craven*, by one credible Witneſs, that any Lot or Lots within the ſaid Town have been ſaved according to the Deed or Grant for the ſame, ſuch Certificate or Oath ſhall be deemed good Evidence in any Court within this Province, againſt any other ſubſequent Deed or Deeds that ſhall or may be given for any Lot or Lots within the ſaid Town; and all Courts within this Province are hereby required to receive ſuch Certificate or Oath as Evidence accordingly.

Town Clerk to be choſen.

His Duty.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town ſhall chooſe a proper Perſon to be Clerk of the ſaid Town, who ſhall, before he enters upon the Execution of his Office, give Bond to the Commiſſioners of the ſaid Town, with Two good and ſufficient Sureties, in the Sum of One Hundred Pounds, for the due Execution of his Office; which Clerk ſhall keep a regular and fair Journal of all the Proceedings of the Commiſſioners of the ſaid Town, and regiſter therein all Deeds given by the Commiſſioners for Lots in the ſaid Town, with the Time when they were granted, and to whom, and alſo of the Time when the ſame became lapſable, if ſuffered to become ſo; to which Book all Perſons ſhall have free Acceſs, on paying One Shilling, Proclamation Money, on Penalty of Twenty Shillings like Money for every Refuſal; to be recovered as herein after directed: And the ſaid Commiſſioners are hereby impowered

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Commiſſioners to lay out the Town, and make a Plan. See Act November 1771, Chap. 17.

and required to cauſe the Streets and Paſſages of the ſaid Town to be laid out, beginning at the South Weſt Corner of the Church Lots, and good ſubſtantial Poſts to be ſet up at the Corner of every Square of Lots in the ſaid Town; and alſo to cauſe a true and exact Plan of the ſaid Town to be made, with proper Deſcriptions, and lay the ſame before the next Seſſion of Aſſembly, and if by them approved of, to be for ever hereafter deemed the true Plan of the ſaid Town. *Provided*, That in ſuch Plan Regard be had to the firſt Owner of every ſaved Lot, to preſerve his Title thereto, although it ſhould appear to be miſnumbered.

Town to be fenced.

XIII. AND whereas the Fence lately erected around the ſaid Town is, by Reaſon of its being done with Rails only, gone greatly to decay, the Rails being many of them rotten; and whereas it will be commodious for the Inhabitants of the ſaid Town that the ſaid Fence be kept in good Repair, *Be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners and Freeholders, at the Time they lay the Tax on the Inhabitants of the ſaid Town, for clearing the Streets thereof, ſhall, and they are hereby impowered and required, to lay ſuch other Tax on the Owner or Owners of every ſaved Lot or Lots within the ſaid Town, as ſhall be ſufficient to fence the ſaid Town with Poſts and Rails, and to keep the ſame in continual Repair; provided that ſuch Tax does not exceed One Shilling, Proclamation Money, in any one Year: And the ſaid Commiſſioners are hereby alſo impowered and required to employ a proper Perſon annually to keep the ſaid Fence in Repair, and alſo to diſpoſe and make Sale of the remaining Rails now to be found belonging to the ſaid Fence, for the beſt Price that can be got for the ſame, and to apply the Money to the common Stock of the ſaid Town; which ſaid Tax ſhall be collected and paid in the ſame Manner of the Tax laid on the Inhabitants for clearing the Streets of the ſaid Town.

Pen. for deſtroying the Fence.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall wilfully pull down, take away, or by any Means deſtroy the Rails of the ſaid Fence, or ſhall wilfully unhang, leave open, or otherwiſe injure the Gates of the ſaid Town, whereby Horſes, or other Creatures, may be let out of the ſaid Town, ſuch Perſon or Perſons, being thereof lawfully convicted, ſhall forfeit and pay, for the firſt Offence, Forty Shillings, Proclamation Money, and for the ſecond, and every ſubſequent Offence, Three Pounds like Money; to be recovered as herein after directed: And if any Offender ſhall not be able to pay ſuch Fine, or is a Servant or Slave, he, ſhe, or they, ſhall receive at the Public Whipping-Poſt Thirty Nine Laſhes, on his, her, or their bare Back, well laid on.

No Stock to run at large in Town.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon, Inhabitant or Freeholder of the ſaid Town, ſhall keep running at large therein more than one Cow and Calf, and one Horſe, or ſix Head of Sheep, for every ſaved Lot he or ſhe ſhall be poſſeſſed of, on Penalty of Twenty Shillings for every Offence, to be recovered as herein after directed; and that no Perſon whatſoever (except the Inhabitants or Freeholders thereof) ſhall keep running at large in the ſaid Town any Horſes, Cattle, Sheep, or Hogs (except their riding Horſes, during their Stay therein, and Perſons bringing Cattle to the Market of the ſaid Town) on Penalty of Twenty Shillings, Proclamation Money, for every Offence, to be recovered as herein after directed; and the Commiſſioners of the ſaid Town ſhall cauſe a Pound to be built, wherein ſhall be impounded all Hogs, Cattle, Horſes, or Sheep, found running at large in the ſaid Town, contrary to this Act.

Commiſſioners to make Rules and Orders, for regulating the Town.

XVI. AND that the ſaid Town of *Newbern* may be the better regulated, *Be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, ſhall have full Power and abſolute Authority to paſs ſuch neceſſary Rules and Orders as to them ſhall ſeem meet, for removing all Nuſances within the Bounds of the ſaid Town, for Perſons to remove Dirt and Rubbiſh from before their Doors, to grub and clear their Lots, and make proper Drains and Water-Courſes through them; for pulling down all wooden Chimnies already built in the ſaid Town, and preventing

preventing the building thereof for the future, in Order to prevent Dangers by Fire, provided that Six Months Notice be given to the Owners of ſuch Chimnies as are already built to pull down the ſame; and for all other Things that may tend to the Advantage and Improvement of the ſaid Town, ſo as the ſame be not repugnant, but as near as may be, agreeable to the Laws of *England* and this Province. *A. D.* 1756.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures in this Act mentioned, the Recovery of which is not otherwiſe directed, ſhall be by Warrant under the Hands and Seals of the Commiſſioners, or the Majority of them, directed to any ſworn Officer of the County of *Craven*, to convene ſuch Delinquent or Delinquents before them, at a certain Day mentioned in the ſaid Warrant, and on Conviction, to give Judgment, and award Execution, for ſuch Officer to levy the ſaid Fine by Diſtreſs and Sale of the Offender's Goods and Chattels; which ſaid Fines ſuch Officer ſhall pay into the Hands of the Treaſurer of the ſaid Town, as Part of the common Stock, and ſhall be applied towards defraying the contingent Charges of the ſaid Town: And the Commiſſioners of the ſaid Town, or the Majority of them, are hereby inveſted with full Power and Authority to lay out and appropriate all Monies which ſhall be paid to the ſaid Treaſurer by Virtue of this Act, as they ſhall think moſt for the Good of the ſaid Town: And the ſaid Treaſurer ſhall be obliged to account with, and pay to the Proprietor of the ſaid Town, all Monies which he ſhall receive for the Purchaſe of Lots in the ſaid Town, and alſo ſhall pay all Monies belonging to the ſaid Town to ſuch Perſon or Perſons as the Commiſſioners, or the Majority of them, ſhall direct, by Warrant under their Hands, to him directed.

Fines how recovered.

Commiſſioners to appropriate Town Monies.

Treaſurer to account with the Proprietor.

XVIII. AND that the Number of Commiſſioners for the ſaid Town may be always kept up, *Be it Enacted*, That if any of the ſaid Commiſſioners ſhall die, or remove out of the Province, or refuſe to qualify, the remaining Commiſſioners ſhall elect and chooſe others, in the Room and Stead of thoſe ſo dying, removing, or refuſing to qualify as aforeſaid.

Commiſſioners to be kept up.

XIX. AND for the Encouragement of the ſaid Town of *Newbern*, *Be it Enacted, by the Authority aforeſaid*, That the Clerk of the Court of *Craven* County, and the Sheriff of the ſaid County, ſhall keep their reſpective Offices in the ſaid Town, on Penalty of Five Pounds for every Week they ſhall neglect the ſame; to be recovered in any Court of Record in this Province where the ſame is cognizable, by any Perſon that ſhall ſue for the ſame: And all Elections, and other Public Buſineſs of the like Nature, belonging or appertaining to the County of *Craven*, ſhall be held and done in the ſaid Town, and at no other Place whatſoever.

Public Buſineſs, & Public Offices, to be kept in Town.

XX. AND whereas heretofore little Regard hath been paid to the Orders given by the Commiſſioners of the ſaid Town of *Newbern*, *Be it Enacted*, That the Commiſſioners of the ſaid Town for the Time being, or the Majority of them, ſhall have full Power and Authority to lay ſuch Fine on any Perſon or Perſons that ſhall refuſe or neglect to obey any of the Rules and Orders that ſhall be paſſed by the ſaid Commiſſioners, or the Majority of them, for the better regulating of the ſaid Town, as they ſhall think fit, not exceeding Twenty Five Shillings, Proclamation Money; and on Refuſal or Neglect to pay the ſame immediately, to iſſue their Warrant, directed to any ſworn Officer, to levy the ſame by Diſtreſs and Sale of the Offender's Goods and Chattels, the like Proceedings being firſt had as before directed for the Commiſſioners to obſerve, in the Recovery of Fines impoſed by this Act.

Commiſſioners Power to lay Fines.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes, Article and Articles thereof, heretofore made, for ſo much thereof as relate to any Matter or Thing within the Purview of this Act, is hereby repealed, made void, and of none Effect.

Repealing Clauſe.

A. D. 1756.

CHAP. XIII.

See Act, Nov. 1771, Chap. 20.

An Act for the Regulation of the Town of Wilmington.

Preamble.

I. WHEREAS the erecting and eſtabliſhing the Town of *Wilmington* hath been found highly beneficial and convenient to the Inhabitants of the Southern Parts of this Province, and others carrying on Commerce with them: For the better Regulation and Improvement of the ſaid Town,

Bounds of the Town.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Town called *Wilmington*, lying on the Eaſt Side of the North Eaſt Branch of *Cape Fear* River, ſhall be bounded and circumſcribed in Manner following, That is to ſay: To the North Eaſt by the Lands of the late Governor *Gabriel Johnſton*, Eſq; deceaſed, upwards and below by the Lands formerly belonging to *Michael Dyer*, running back One Hundred and Twenty Poles from the River, as may more fully appear by the Plan of a Survey of the ſaid Town, made in the Year of our Lord One Thouſand Seven Hundred and Thirty Three, now in the Secretary's Office; which Plan ſhall be for ever hereafter the true and exact Plan of the ſaid Town, by a Reference to which all Diſputes in Regard to Streets, Squares, Lots, and their Boundaries, are to be determined for the future.

Public Buſineſs to be done in Town.

III. *AND be it further Enacted, by the Authority aforeſaid*, That for ever after the paſſing of this Act, the Courts of the County of *New Hanover*, the Election of Repreſentatives to be ſent to the General Aſſembly for the ſaid Town or County, the Election of Veſtrymen for the Pariſh of *St. James*, and all other Public Elections for the ſaid County and Town, ſhall be made and held in the Town of *Wilmington*, and at no other Place; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Public Offices to be kept in Town.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County of *New Hanover*, the Clerk of the Court for the ſaid County, and the Regiſter of the ſaid County, for the Time being, ſhall for ever hold and keep their reſpective Offices in the ſaid Town of *Wilmington*; and that if any of the ſaid Officers ſhall neglect or refuſe ſo to do, each of them, ſo neglecting or refuſing, ſhall, for every Week he ſhall be a Delinquent, forfeit and pay the Sum of Forty Five Shillings, Proclamation Money; to be recovered by any Perſon who ſhall ſue for the ſame, in the County Court of *New Hanover*, by Action of Debt, Bill, Plaint, or Information; wherein no Eſſoin, Injunction, Protection, Privilege, or Wager of Law, ſhall be allowed or admitted of: One Half to ſuch Informer, the other Half to the Commiſſioners of the ſaid Town for the Time being, to be applied for the Uſe and Benefit of the ſaid Town.

Proceedings where Houſes built on the Streets, or on other Peoples Ground.

V. AND whereas by the Unſkillfulneſs of former Surveyors, and Neglect of the Proprietors, the Courſe of the Streets, and Bounds of the Squares and Lots, were never properly aſcertained, by which many Houſes are miſplaced, ſome encroaching upon the Streets, and others upon the Lots of their Neighbours: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That all ſuch Houſes as are now built, either wholly or in Part, upon the Streets, ſhall be allowed to remain ſo, until they are no longer tenantable, and then the Owner ſhall be obliged to pull ſuch Houſe or Houſes down, and clear the Street or Streets of all the Rubbiſh; and when they build, to build within his, her, or their Lot or Lots, under the Penalty of Fifty Pounds, Proclamation Money, to be recovered as herein after is directed. And where any Perſon or Perſons has the Whole, or any Part of his or their Houſe or Houſes, not having a Brick Chimney, or Brick or Stone Cellar, on another Perſon's Ground, then it ſhall and may be lawful for the Party injured, to give Notice in Writing to the Owner or Owners of ſuch Houſe or Houſes, to remove what Part of the ſame may be on ſuch Perſon or Perſons Lot or Ground, in Six Months after the Date of ſuch Notice, which he or they ſhall be obliged to do, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered in the

the Supreme Court of the Diſtrict of *New Hanover* County, by the Party ſo injured, and to be applied to his proper Uſe, and to no other Purpoſe whatſoever. *A. D.* 1756

Houſes with brick Chimnies, &c. not to be removed.

VI. *PROVIDED nevertheleſs*, That in Caſe ſuch Houſe or Houſes have one or more Brick or Stone Chimney, or Brick or Stone Cellar, then the Owner or Proprietor of ſuch Houſe or Houſes ſhall not be obliged to remove the ſame, but may be at Liberty, and is hereby allowed to pay a Ground-Rent, for what Part he encroaches upon his Neighbour, where Notice or Warning was not, before the building of ſuch Chimney or Cellar, given of ſuch Encroachment; which Rent, and all Diſputes ariſing about Encroachments and Damages upon Lots, ſhall be aſcertained and determined by the Commiſſioners of the Town, or the Majority of them. And that the ſaid Commiſſioners may be the better enabled to diſcharge their Truſt, they are hereby required, at the Expence of the Town, to get a Copy of the aforeſaid Plan of the ſaid Town, lodged in the Secretary's Office; and in Caſe any Diſputes ſhould hereafter ariſe, to lay out the Streets or Lots according thereto, beginning at the South Eaſt Corner of Mr. *John Morris*'s Houſe, on *Market* Street, near the Court-Houſe; from which Corner all future Surveys of the ſaid Town ſhall be commenced.

Commiſſioners to get a Copy of the Plan lodged in the Secretary's Office, and to make all Surveys by it.

Commiſſioners to remove Nuſances.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, ſhall determine all Complaints of Nuſances, by Lumber or Rubbiſh lying upon the Streets or Wharfs, Dangers of Fire ariſing from Wooden Chimnies, or any ſuch hazardous Buildings, and paſs ſuch Orders as they ſhall think neceſſary for the Removal of the ſame.

Veſſels lying at the Public Wharf, or Perſons lumbering it, to pay.

VIII. AND whereas the Inhabitants have been at a great Expence in building a Public Wharf, where Boats may come to and diſcharge; *Be it further Enacted, by the Authority aforeſaid*, That no Veſſel or Veſſels ſhall lie at the ſaid Wharf, or at any other Public Wharf to be built for the future, without Licence firſt obtained from the Commiſſioners; and if any Perſon or Perſons ſhall incumber any of the ſaid Wharfs with Naval Stores, Lumber, or any other Thing whatſoever, ſuch Perſon or Perſons ſhall be obliged to remove ſuch Incumbrances within Twenty Four Hours after Notice thereof given by the Commiſſioners, or the Majority of them, under the Penalty of Forty Shillings, Proclamation Money; to be recovered by a Warrant from the Commiſſioners of the ſaid Town.

See Act November 1771, Chap. 20. Sect. 11.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town for the Time being, or the Majority of them, are hereby impowered to paſs ſuch Orders as they may judge proper for the bringing to Juſtice, or proſecuting thoſe who ſhall deal or traffick with Negroes, without proper Tickets from their Maſters, Miſtreſſes, or Overſeers; and for preventing all Mobs or Cabals of Negroes, or others; for the more effectually bringing to Juſtice all Criminals and Offenders againſt the Laws of this Province; and alſo for preſerving the Peace and Safety of the ſaid Town; to appoint proper Guards or Watches in the ſaid Town, as often as Occaſion may require; to be ready on all Occaſions of Riot and Diſturbance, or to prevent Malefactors breaking the Priſon or Gaol. *Provided*, That one of the Commiſſioners be of the Number of the ſaid Watch, to give neceſſary Orders.

X. AND whereas the allowing of Hogs to run at large in the ſaid Town is found to be a great Nuſance to the Inhabitants; *Be it Enacted, by the Authority aforeſaid*, That none of the Inhabitants of the ſaid Town ſhall, on any Pretence whatſoever, ſuffer any of their Hogs to run at large within the Bounds of the ſaid Town; and any Hog or Hogs, running at large, ſhall be forfeited to any Perſon who ſhall ſeize or kill the ſame.*

XIII. *AND*

* Sections 11 and 12 altered, and provided for, by Act Nov. 1771, Chap. 20.

A. D. 1756.

Town Inhabitants exempt from working on Roads.

XIII. *AND be it further Enacted, by the Authority aforesaid*, That the Inhabitants of the said Town shall be, and they are hereby exempt, and for ever hereafter excused from working on the Country Public Roads, during such Time as they live in the said Town, and no longer.

Lots to be cleared, and proper Drains made thro' them.

XIV. AND as there are many Lots in the said Town not yet cleared, nor proper Drains nor Runs made through them to let the Waters have a free Course, to the manifest Injury and Unhealthiness of the Inhabitants of the said Town; *Be it further Enacted, by the Authority aforesaid*, That the Commissioners for the Time being, or the Majority of them, shall, and they are hereby directed, to order the Proprietor or Proprietors of any Lot or Lots, to clear all or any Part of them, and to make proper Drains or Water-Courses through them, within Six Months from the Time of the Date of such Order, in Writing, signed by the Commissioners of the said Town for the Time being, or the Majority of them; and any Person neglecting or refusing, shall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for every Month they shall refuse or neglect to obey such Order; to be recovered by a Warrant, under the Hands of the Commissioners, or the Majority of them, directed to one of the Constables of the said Town, on the Effects of such Delinquent or Delinquents.

Fire Engine, &c. to be purchased.

XV. AND whereas the Damages that may arise from Fire in the said Town may be very great, and a Necessity appears for providing one or more Water Engines; *Be it Enacted, by the Authority aforesaid*, That the Commissioners, or the Majority of them, shall, within Two Years after the passing of this Act, value every House within the Bounds of the said Town, and lay a Tax not exceeding Two *per Cent.* on such Value, upon every Owner or Owners of such House or Houses; which Monies, so laid, shall, by Order of the said Commissioners, or the Majority of them, be collected, and applied towards purchasing Water Engines, Buckets, Ladders, and other Instruments for the extinguishing of Fire; and if any Person shall neglect or refuse to pay such Tax, the same shall be levied by a Warrant under the Hands of the Commissioners, or the Majority of them, directed to one of the Constables of the said Town, on the Effects of such Delinquent or Delinquents.

Commissioners to make Rules and Orders for regulating the Town.

XVII. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners for the Time being, or the Majority of them, shall, and are hereby impowered, to pass any Orders they may judge proper, for preventing the building of necessary Houses on any Stream of Water running through the said Town, or having Drains from such Houses into any of the said Streams; to remove such Houses already built; for preventing of Cattle being kept up in a Pen above Three Days, without being sufficiently fed and watered; for preventing Mortar, Clay, or Wooden Chimnies, being built, and for pulling down such as are already built; for making the People keep their Chimnies clean, and raising them to a proper Height, not under Four Feet above the Ridge of the Roof; for preventing the keeping Naval Stores or Lumber in any Houses whereby Damages may arise to Neighbours; for obliging all Persons to clear the Streets before their Houses; and for all other Things for the Good and Safety of the said Town, and the proper Government of it, consistent with the Laws of this Province; and to enforce such Orders, by laying a Fine, not exceeding Forty Shillings, Proclamation Money, on all Persons neglecting or refusing to comply therewith.

Town Clerk to be hired, in whose Book Town Orders, &c. to be entered.

XVII. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners for the Time being shall hire a Town Clerk, and shall keep a Town Book; in which shall be entered all the Orders they may make, the Defaulters on the Streets, and the Accounts of the Monies they may have received, the Manner they have applied such Monies, and what Sums may remain in their Hands, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered by any Person who shall or may sue for the same, in the Supreme Court of the aforesaid District; wherein no Essoin, Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

XVIII. *AND*

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, on going out of Office, ſhall pay into the Hands of their Succeſſors ſuch Sum or Sums of Money as they have in their Hands; and in Caſe they ſhould neglect or refuſe ſo to do, they ſhall forfeit and pay Fifty Pounds, Proclamation Money; to be recovered by ſuch ſucceeding Commiſſioners, by Action of Debt, in the Supreme Court of the aforeſaid Diſtrict; wherein no Eſſoin, Protection, Injunction, or Wager of Law, ſhall be allowed or admitted of. *A. D.* 1756. Commiſſioners going out of Office, to account with their Succeſſors.

XIX. AND whereas often Times during Divine Service there are great Diſturbances in the Streets, or near the Place where the ſame is performed; *Be it Enacted, by the Authority aforeſaid*, That the Conſtables in the ſaid Town, each in their Turn, ſhall be obliged to walk the Streets during the Time of Divine Service, to prevent all ſuch Diſturbances, and to apprehend all Delinquents, who ſhall be puniſhed as Breakers of the Sabbath. *a* See Act November 1771, Chap. 20, Sect. 10.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, are hereby impowered to lay ſuch Fines on all who refuſe or neglect to obey any of their lawful Orders, after being made public, as they may judge neceſſary, not exceeding Two Pounds, Proclamation Money, for each Default; to be levied by Warrant under the Hands and Seals of the ſaid Commiſſioners, or the Majority of them, directed to either of the Conſtables of the ſaid Town, who are hereby obliged to execute the ſame; which Fines, recovered as aforeſaid, ſhall be applied to the Public Fund or Stock of the ſaid Town. Commiſſioners to lay Fines on Delinquents.

XXII. *PROVIDED always*, That it ſhall and may be lawful for any Perſon or Perſons, who ſhall think himſelf or themſelves injured by ſuch Fine, to appeal to the Juſtices of the County Court, who are hereby impowered to determine the ſame in a ſummary Way. Right of Appeal.

XXXIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures, the Method of Recovery of which is not otherwiſe directed by this Act, ſhall be recovered with Coſts, in any Court of Record in the County of *New Hanover*, Reſpect being had to their Juriſdiction, by the Commiſſioners for the Time being, or the Majority of them, by Action of Debt, Bill, Plaint, or Information; wherein no Eſſoin, Injunction, or Wager of Law, ſhall be allowed or admitted of. And all Fines and Forfeitures mentioned in this Act, not exceeding Two Pounds, Proclamation Money, ſhall be recovered by a Warrant under the Hands and Seals of the Commiſſioners, or the Majority of them, directed to the Conſtables of the Town, or either of them, againſt Body or Goods, as in Actions of Debt, and in all Things ſubject to the ſame Rules; all which Fines or Forfeitures, recovered in any of the before-mentioned Ways, ſhall be applied and paid into the Stock of the ſaid Town. Fines and Forfeitures how recovered, and applied.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners and the Inhabitants ſhall have free Liberty to hold all their Public Meetings, on all Occaſions, in the Court-Houſe, and have the Liberty of a Key to the ſame. Public Meetings to be held in the Court-Houſe.

XXV. AND for the better aſcertaining the Method of chooſing ſuch Commiſſioners, and the Qualifications neceſſary for ſuch Commiſſioners; *Be it Enacted, by the Authority aforeſaid*, That any Perſon who on the Day of Election, and for Three Months next before, was ſeized in Fee-Simple, or for Term of Life, of a Brick, Stone, or framed Houſe, with one or more Brick or Stone Chimnies, of the Dimenſions of Twenty Feet long and Sixteeen Feet wide, within the Bounds of the ſaid Town, ſhall have a Right to vote for ſuch Commiſſioners, and be ſufficiently qualified Qualification of Voters for Commiſſioners.

a Section 20 altered, by Act Nov. 1771, Chap. 20.

A. D. 1756.

Commissioners to be elected only every 3 Years, by Act November 1771, Chap. 20.

lified to be Commissioners for the said Town; and that the Number of Five, such as are qualified as aforesaid, shall annually, on the First *Tuesday* in *January*, be chosen Commissioners for the said Town; and Two Persons shall be chosen by the Majority of the Freeholders present, as Inspectors of the Poll, and attend and declare who are duly elected Commissioners by Virtue of this Act; and upon the said Five Commissioners being elected, and their Names properly entered in the Town Book, they shall, before they enter upon their Office, take the following Oath, before any Justice of the Peace for the County of *New Hanover*; that is to say:

Their Oath.

I *A. B. do swear, That I will execute the Office of a Commissioner, for the Town of* Wilmington, *faithfully and truly, without Favour or Prejudice; and in all Things, act for the Good of the said Town, and the well governing thereof, to the best of my Skill and Judgment, according to Law.* SO HELP ME GOD.

Number of Commissioners to be kept up.

XXVI. *AND be it further Enacted, by the Authority aforesaid,* That in Case of Refusal, Removal, or Death, of any of the Commissioners, either before or after their being qualified as aforesaid, the other Commissioners, or the Majority of them, shall choose another in the Room of him or them so dying, refusing, or removing as aforesaid, who shall be qualified in Manner as before directed.

Commissioners appointed.

XXVII. *AND be it further Enacted, by the Authority aforesaid,* That *Cornelius Harnett, Frederick Gregg, Daniel Dunbibben, Arthur Mabson,* and *Thomas Finney,* are hereby appointed Commissioners of the said Town, and shall be and continue in Office until the First *Tuesday* in *January* next; and they, or a Majority of them, shall have the same Power and Authority as the Commissioners to be chosen by this Act shall or may have, and be subject to the same Penalties.

Pen. on Ordinary Keepers suffering tippling on Sundays.

XXVIII. *AND be it further Enacted, by the Authority aforesaid,* That if at any Time any Tavern Keeper, Ordinary Keeper, Retailor of Liquors, or Keepers of Public Houses in the said Town, shall suffer any Person or Persons whatsoever to sit tippling or drinking in his or her House in Time of Divine Service, on the Sabbath Day, or shall suffer any Person or Persons to get drunk in his or her House on the Sabbath Day, such Person or Persons so offending, shall forfeit and pay Twenty Shillings, Proclamation Money, for every such Offence; to be recovered by a Warrant under the Hand and Seal of any Justice of the Peace for the County of *New Hanover*, and be paid into the Public Stock of the said Town.

No Person to trust Sailors above 2/8.

XXIX. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons whatsoever in the said Town shall, on any Pretence whatever, give any Credit, Loan, or Trust, to any Mariner or Seaman belonging to, or under the Command of any Master of a Vessel that now is, or shall at any Time hereafter be lying in the River of *Cape Fear*, exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or Licence of the Master or Commander of the Vessel he belongs to, or where such Sailor or Mariner shall have left the Vessel, to apply to either of the Courts of Justice, in any Disputes or Controversies with the Captain or Commander of such Vessel; that then, and in such Case, he, she, or they, shall, for every such Default, lose all the Monies or Goods so trusted or credited.

Pen. for entertaining Seamen.

XXX. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons whatsoever in the said Town, shall willingly or willfully entertain, harbour, or keep, or suffer to be entertained, harboured, or kept, directly or indirectly, any Seaman belonging to any Vessel as aforesaid, in his, her, or their House or Houses, exceeding the Space of Six Hours, without the Privity or Consent of his Commander (except in the Case before excepted) he, she, or they, so offending, shall forfeit the Sum of Twenty Five Shillings, Proclamation Money, for every such Offence; to be recovered by Warrant under the Hand and Seal of any Justice of the Peace for the County of *New Hanover*, and paid into the Public Stock or Fund of the said Town. CHAP.

CHAP. XIV.

A. D. 1756.

An Act for eſtabliſhing the Titles of the Freeholders in Edenton, *for laying a Tax for finiſhing the Church begun in the ſaid Town, and for the further Improvement and better Regulation thereof.*

Preamble.

I. WHEREAS purſuant to ſeveral Acts of Aſſembly of this Province heretofore paſſed, Four Hundred and Twenty Acres of Land, lying in the Fork of *Queen Anne*'s Creek, in *Chowan* County, bounded Eaſtward by the Lands of *Miles Gale*, Northward by the Lands of *William Badham* and *George Liſles*, on the Weſtward by the *Beaver Dam* and Creek, and on the Southward by the Sound, was purchaſed by the Public, and laid out for a Town, called *Edenton*; and Part thereof divided into Lots of Half Acres, as will more fully appear by the Plan thereof already drawn, with convenient Streets and Paſſages, a Place for a Church, Governor's Houſe, Court-Houſe, Burying Place, Market Place, Council Room, and other Purpoſes; and by the ſaid Acts, veſted in Fee, in Commiſſioners or Truſtees, to diſpoſe thereof according to the Direction of the ſaid ſeveral Acts; and the Commiſſioners or Truſtees of the ſaid Town have conveyed Lots, or Half Acres of Land, to ſeveral Perſons, who have built thereon; and whereas ſeveral of the ſaid Acts have been ſince repealed or expired, whereby many Miſchiefs may ariſe, and the Improvement of the ſaid Town much retarded, and the Titles to Lots in the ſame drawn into Diſpute: For Remedy whereof,

Town Lots veſted in Commiſſioners.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Commiſſioners or Truſtees heretofore appointed are hereby declared to have had a good, abſolute, and indefeaſible Eſtate, in Fee, in the ſaid Four Hundred and Twenty Acres of Land, in Truſt and Confidence, to and for the Uſes by the ſaid ſeveral Acts intended; and *Thomas Barker*, *John Craven*, *Joſeph Blount*, *Charles Blount*, and *James Luten*, Gentlemen, the preſent Commiſſioners, are hereby declared to have a good, abſolute, and indefeaſible Eſtate, in Fee, in all ſuch Lots in the ſaid Town as have not been already diſpoſed of by former Commiſſioners or Truſtees, or have lapſed for Want of complying with the Conditions of the Deeds for which the ſame have been granted; and the ſaid Commiſſioners ſhall hold the ſame in Truſt, and to the Uſes herein-after-mentioned, and for no other Uſe or Purpoſe whatſoever; and the ſaid Lots are hereby confirmed to them, and their Succeſſors, for ſuch Uſes; any Law, Statute, or Uſage, to the contrary, and the Repealing, Expiring, or Suſpenſion of any Law, notwithſtanding.

Treaſurer to receive all Town Monies.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *Thomas Barker*, the preſent Treaſurer of the ſaid Town, and his Succeſſors in Office, ſhall receive all Monies ariſing by Virtue of this Act, to be applied as herein after is directed; and on his Death, or Removal out of the County of *Chowan*, the next eldeſt Commiſſioner ſhall ſucceed him in the ſaid Office, firſt giving Security to the Juſtices of *Chowan* County, in the Sum of One Hundred Pounds, for the juſt Performance of the ſaid Truſt; and at all Times hereafter, in Caſe of the Death, or Removal out of this Province, of either or any of the Commiſſioners of the aforeſaid Town of *Edenton*, it ſhall and may be lawful for the Survivors, or a Majority of them, to elect and chooſe, out of the Freeholders of the ſaid Town, another Commiſſioner, or other Commiſſioners, in the Room and Stead of him or them ſo dying or removing.

Number of Commiſſioners to be kept up.

Deeds, the Conditions of which complied with, declared good.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That all Deeds heretofore made by the Commiſſioners for any Lots of Land in the ſaid Town, the Conditions of which have been fulfilled and complied with, ſhall, and are hereby declared to be good and valid in Law, and ſhall convey the Fee-Simple thereof to the Grantees, their Heirs and Aſſigns, for ever.

Commiſſioners to grant Lots in Town.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, or any Three of them, ſhall, and are hereby impowered

A. D. 1756. and required, on Application, to grant and convey, in Fee-Simple, any of the Lots of the ſaid Town, containing each Half an Acre, or thereabout, not before granted, or which have lapſed, or ſhall lapſe, by the Grantees, or thoſe who hold or claim under them, not having complied with the Condition of the Deeds by which the ſame were or ſhall be granted, for which the Grantees ſhall pay Ten Shillings, Proclamation Money, for each Lot, if not a Water Lot, and Five Shillings for each Water Lot; and all Deeds made for conveying ſuch Lots in the ſaid Town as are not Water Lots, ſhall be on Condition, That if the Grantees, their Heirs or Aſſigns, ſhall not, within Two Years from the Date of each reſpective Deed, erect and build for each Lot thereby granted, a good ſubſtantial Brick, Stone, or framed habitable Houſe, not of leſs Dimenſions than Twenty Feet long, Fifteen Feet wide, and Eight Feet high between the firſt Floor and the Joiſts, or make ſuch other Improvements as by the Majority of the Commiſſioners ſhall be deemed equivalent, ſuch Deed ſhall be void; and all Deeds to be made for conveying Water Lots ſhall be on Condition, That if the Grantees, their Heirs and Aſſigns, ſhall not, within Two Yeaas from the Date of each reſpective Deed, ſecure the Front Street Fifty Feet from the Water's Encroachment, or build a Wharf to the Edge of the Channel, ſuch Deed ſhall be void.

Conditions of the Grant.

Conditions not complied with, Lots may be again granted.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That in all Caſes where Deeds have been, or hereafter ſhall be made by the Commiſſioners of the ſaid Town, or a Majority of them, for any Lot or Lots, and the Grantees, or thoſe who hold under them, have not, or ſhall not comply with, and fulfil the Conditions of the ſame, the Commiſſioners may, and are hereby impowered, to grant ſuch Lot or Lots to any Perſon or Perſons applying for the ſame, in ſuch Manner as they might or could, if ſuch Lot or Lots had never been before granted.

Front Lots not to be granted, till 6 Months Notice given.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That ſuch Perſons as are Owners of Lots in the ſaid Town facing or fronting any Water Lots, ſhall have the Preference in taking up ſuch Water Lots, and no others ſhall be admitted to have Deeds from the Commiſſioners for the ſame, until after Six Months Notice given to the Owners of ſuch Lots ſo facing or fronting the Water Lots as aforeſaid, and their neglecting in that Time to apply for Deeds for them.

VIII. AND whereas his Excellency the Governor, and the other Public Officers of Government, do not at preſent reſide or keep their Offices in *Eaenton*, whereby Eight Acres of Land, or thereabout, in the ſaid Town, heretofore appropriated to the Uſe of the Governor, or Commander in Chief for the Time being, are not applied to any Uſe or Purpoſe whatſoever, but would greatly contribute to the better Settlement of the Town, were the Commiſſioners inveſted with Power to diſpoſe of the ſame; and of late Years the Lands in ſome Parts of the ſaid Town, adjacent to the Water, has increaſed, but not being within the Plan thereof cannot be diſpoſed of to ſuch as are deſirous to purchaſe the ſame: *Be it therefore Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act it ſhall and may be lawful for the Commiſſioners of *Edenton*, or a Majority of them, to cauſe the ſaid Eight Acres of Land, more or leſs, heretofore appropriated as aforeſaid, to be laid out in ſuch Lots as they ſhall think moſt convenient, and cauſe a Plan thereof to be made, and therein inſert Marks and Numbers to the Lots in the ſame contained; which Lots, ſo laid out, ſhall be by the Commiſſioners, or a Majority of them, on the Third Day of the next Supreme Court to be held at *Edenton*, ſold in ſeparate Lots, at Public Auction; and the ſaid Commiſſioners ſhall make and execute Deeds for the granting and conveying the ſame to the Purchaſer or Purchaſers, and to his or their Heirs or Aſſigns, for ever, without any Condition or Reſervation whatſoever; and the Money ariſing by ſuch Sale ſhall be applied as herein directed, and the Deeds which ſhall be ſo executed ſhall, and are hereby declared to be good and valid in Law, and ſhall effectually convey the Fee-Simple of the Lots in the ſame mentioned to the Grantees, their Heirs and Aſſigns, for ever; any Law or Statute, to the contrary, notwithſtanding.

Lands made Part of the Town,

And to be ſold,

IX. *AND*

IX. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners, or a Majority of them, shall, and they are hereby directed, to cause such Land adjacent to the Water as has increased, and is not contained within the present Plan of the said Town, to be laid out in such Lots as they shall think most suitable and convenient, and cause a Plan of such Lots to be made, with Marks and Numbers to the same inserted, and shall on Application, by Deeds of Conveyance, grant and convey the same in such Manner, and under the like Conditions, as is herein before directed in the granting of such vacant Lots as are contained in the present Plan of the said Town, and have not been heretofore appropriated to the Use of the Governor or Commander in Chief, as is before recited; and all Deeds which shall be executed for the same, shall, and are hereby declared to be good and valid in Law, and shall effectually convey the Fee-Simple thereof to the Grantees, their Heirs and Assigns, for ever, on complying with and fulfilling the Conditions to be expressed in the same Deeds; and all Lots to be granted in Virtue of this Act shall be deemed and reputed to be within the Bounds of the said Town, and the Owners thereof shall at all Times be subject to the same Duties, Taxations, and Impositions, and intitled to the same Rights and Privileges, as the Owners of Lots already granted.

A. D. 1756. Commissioners to lay out Fronts, and grant them, on Application.

Front Lots Part of the Town.

X. AND to prevent Disputes in Respect to Grantees of any Lots, or those who claim under such Grantees, having complied with the Conditions in the Deeds by which the same have been, or shall be granted; *Be it Enacted, by the Authority aforesaid,* That in all Cases where a Certificate shall be had from the Commissioners, or a Majority of them, or Oath shall be made in the County Court of *Chowan*, by one credible Witness, that any Lot or Lots hath or have been saved according to the Conditions of the Deed or Deeds by which the same is, are, or shall be granted, such Certificate, or a Copy of the Record of such Oath, shall, in all Courts of Law or Equity, be deemed and held to be legal Evidence, that the Conditions of such Deed or Deeds have been fulfilled and complied with.

Certificates of Lots saved, a good Title.

XI. *AND be it further Enacted, by the Authority aforesaid,* That the several Parts within the present Plan of the said Town, laid out for Streets, Passages, the Church, Council Room, Burying Place, Market Place, Court-House, Prison, and Common, be reserved for those Uses, and no other.

Streets, and Public Places in the Town, reserved.

XII. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners, or a Majority of them, may, and they are hereby impowered, annually, on the Second *Tuesday* in *January*, to lay a Tax on each Male Taxable in the said Town, not exceeding One Shilling and Sixpence, Proclamation Money; to be applied towards the Expence of building and repairing Public Wharfs, a Market House, or to defray other Public Charges in the said Town; which Tax shall be collected by such Person as they shall appoint, who shall demand the same; and in Case of Refusal or Neglect after such Demand, levy the same by Distress and Sale of the Goods of the Person or Persons so refusing or neglecting, and shall account for the same to the Commissioners, on Oath.

Tax laid, for the Use of the Town.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That each and every Person or Persons possessed, or who shall be hereafter possessed of any Lot or Lots in the said Town, not yet cleared, shall, within the Space of Six Months after the passing of this Act, where they are at present in Possession, and within Six Months after the Date of their Deeds, for any Lots hereafter to be granted, cut down all Brush thereon growing, and once in each Year do the same, under the Penalty of Five Shillings, Proclamation Money, for each Neglect; to be recovered and applied as is herein after directed.

Persons to clear their Lots.

XIV. AND to prevent Annoyances and Nusances, *Be it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall throw out, or lay in any Public Street, or upon any Public Place in the said Town, any Dirt, Rubbish, Dust,

Nusances prevented, &c. removed.

A. D. 1756. or Mortar, except such as are building or repairing Houses, every Person, so offending, shall forfeit to the Commissioners of the said Town, for every Offence, Ten Shillings, Proclamation Money, to be recovered and applied as is herein after directed; and if any such Offence is committed by any Servant or Slave, such Servant or Slave shall be punished by whipping, not exceeding Thirty Lashes, by Direction of Two Justices of the Peace, provided the Master or Mistress refuses to pay the said Fine.

Pen. for refusing to obey the Overseer's Summons.

XV. *AND be it further Enacted, by the Authority aforesaid*, That as often as the Overseer of the Roads or Streets in the said Town shall summon the Male Taxables thereof to clear the said Roads, Streets, and Public Places, of all Woods, Weeds, Rubbish, or other Nuisances, or to repair or mend the Streets or Bridges in the same, any Person refusing to observe the Overseer's Direction, except such as by Law are exempted from working on Public Roads in any County, he shall forfeit and pay, for every Offence, the Sum of Ten Shillings, Proclamation Money; to be recovered and applied as is herein after directed.

Town to be laid out.

XVI. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners of the said Town shall, within Six Months after the passing of this Act, lay out, or cause to be laid out, the Streets and Passages of the same, and cause good Posts to be set up to ascertain the Bounds thereof.

Tax laid for fencing the Town.

XVII. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners of the said Town, or a Majority of them, may, and are hereby impowered, within One Year after the passing of this Act, to lay a Tax on each and every Person holding any Lot or Lots in the same, according to the Number of his or her Lots, not exceeding Five Shillings for each Lot, to be applied towards fencing or ditching in the said Town; and in Case any Person shall neglect or refuse to pay the same, he or she shall pay Two Shillings and Six Pence, over and above the said Tax, for each Lot he or she shall hold, to be recovered and applied as herein after directed.

Pen. for destroying the Fence.

XVIII. *AND be it further Enacted, by the Authority aforesaid*, That if any Person, after the said Town shall be fenced or ditched in, shall voluntarily pull down, or destroy any Part of the Town Fence or Ditch, such Person shall forfeit and pay for every Offence Ten Pounds, Proclamation Money, to be recovered and applied as is herein after directed; and from and after that Time, it shall and may be lawful for any Person to take up and pound any Hogs, Shoats, or Pigs, which shall be found ranging at large in the said Town, so long as the Fence or Ditch shall be kept in good Repair; and the Hogs, Pigs, or Shoats, so taken up, shall be sold at Auction, and the Money arising thereby given by the Commissioners to the Poor of the Town.

No Hogs to run at large in Town.

Fines how recovered,

XIX. *AND be it further Enacted, by the Authority aforesaid*, That all Fines and Forfeitures in this Act mentioned, not exceeding Twenty Shillings, Proclamation Money, shall be recovered by a Warrant under the Hands and Seals of the Commissioners of the said Town, or a Majority of them; and all Fines and Forfeitures above Twenty Shillings, shall be recovered in any Court of Record, by Action of Debt, with Costs, by the said Commissioners.

And applied.

XX. *AND be it further Enacted, by the Authority aforesaid*, That all Fines and Forfeitures by this Act imposed, and not otherwise appropriated, and all Monies which shall arise by the Sale of any Lots to be granted by the Commissioners of the said Town, as is herein before directed, shall, and are hereby directed, after their reasonable Charges and Expences are deducted, to be applied towards building and keeping in Repair a Market House and Public Wharfs, and towards buying one or more Water Engines, Buckets, Ladders, and other Instruments, to be under the Care of the said Commissioners, for the Safety and Preservation of the said Town,

in

in Caſe of Accidents of Fire, and to ſuch other Uſes as the ſaid Commiſſioners ſhall think moſt for the Encouragement and Advancement thereof. A. D. 1756.

Tax laid for finiſhing the Church.

XXI. AND whereas the Church in the ſaid Town, partly built by the charitable Donations of religious and well diſpoſed Chriſtians, for Want of Money in the Hands of the Commiſſioners, remains unfiniſhed, and the preſent Veſtry of *St. Paul*'s Pariſh have neglected to lay a Tax for the finiſhing thereof; wherefore, that the pious Intentions of the Donors may not be fruſtrated, in an Undertaking ſo well intended for the Encouragement of Religion, *Be it Enacted, by the Authority aforeſaid*, That an annual Tax of Two Shillings, Proclamation Money, ſhall be, and is hereby laid on each taxable Perſon in the Pariſh of *St. Paul*, in the County of *Chowan*, for Two Years next enſuing, and ſhall be collected by the Sheriff in the ſame Manner that Public Taxes are collected, and ſhall be accounted for and paid by him to the Commiſſioners of the ſaid Church, who ſhall, and are required and directed to apply the ſame towards finiſhing the ſaid Church in a decent and workmanlike Manner, and to call all former Commiſſioners, their Heirs, Executors, or Adminiſtrators, and others, who have in their Hands any Money heretofore appropriated to that Uſe, to Account; and on their failing to account and pay the ſame, on Motion to the Supreme Court at *Edenton*, to obtain Judgment, and take out Execution againſt them for ſo much as there ſhall appear to be due from them, giving Ten Days previous Notice of ſuch Motion to the Party againſt whom the ſame ſhall be made.

Commiſſioners to account with the Truſtees.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners appointed for finiſhing the ſaid Church ſhall, once in Two Years, account to the Juſtices of *Chowan* County Court for all Money by the ſaid Commiſſioners already received, or hereafter to be received, either on Account of the Donations made, or Taxes laid for building and finiſhing the ſame, and for whatever Diſburſement they have heretofore made, or ſhall hereafter make; and in Caſe of their failing to account as aforeſaid, the ſaid Juſtices ſhall and may maintain an Action againſt them for the Money they ſhall have received, and recover the ſame with Coſts; and the Monies ſo recovered, ſhall be applied towards finiſhing the ſaid Church, as is before directed.

CHAP. XV.

An Act to limit the Time for holding County Courts, and other Purpoſes.

Provided for by the Inferior Crt. Act, paſſed Nov. 1762, Chap 2.

CHAP. XVI.

An Act to amend and continue an Act, intituled, An Act for granting to his Majeſty a Duty upon the Tonnage of Ships and other Veſſels coming into this Province, for the Purpoſes therein-mentioned. EXP.

CHAP. XVII.

An Act for erecting a new Court-Houſe, Priſon, Pillory, and Stocks, in Paſquotank *County, and other Purpoſes.*

Private.

I. WHEREAS by Experience it is found that the Situation of the Court-Houſe in *Paſquotank* County is not central, and by Reaſon of a wide Ferry, often impaſſable, very inconvenient to the greateſt Part of the Inhabitants; which, together with the ruinous Condition of the Court-Houſe, and the Want of a Priſon, lays the Inhabitants under great Hardſhips to continue the Court-Houſe at the Place where it now ſtands: For Remedy whereof,

II. *BE*

A. D. 1756.

Court House to be built.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That the Court of the County of *Pasquotank* shall have full Power and Authority, and are hereby required, within Eighteen Months after the passing of this Act, to erect a Court-House, Prison, Pillory, and Stocks, for the Use of the County, and to agree with Workmen to build and finish the same, at *Relf*'s Ferry, on the Land of *Thomas Relf*, in the said County.

Court adjourned to the Court-House to be built.

III. *AND be it further Enacted, by the Authority aforesaid*, That so soon as the said Court-House, Prison, Pillory, and Stocks, shall be erected and finished, the Justices of the said County shall, and are hereby directed and required, to adjourn the said Court, by their Order, from the Place where the same is now held at *Eroomfield*, to the Court-House so to be erected and built on the Land of the said *Thomas Relf*, by Virtue of this Act; and all Suits, Actions, Plaints, Pleas, and other Matters and Things, before the said Court then depending and undetermined, shall stand adjourned and continued accordingly; and all and every Person and Persons having Day in the said Court, and all Witnesses, shall be bound and obliged to appear at the same, according to such Adjournment.

Tax to be laid.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the said Court shall, and are hereby required, to lay and levy a Tax on the taxable Persons in their County, sufficient to satisfy and pay the Contract that the said Court shall make and enter into for erecting the said Buildings; which Tax shall be collected by the Sheriff of the said County, and by him accounted for as other Taxes are, for which he shall be allowed Five *per Cent.* for his Commissions.

Repealing Clause.

V. *AND be it further Enacted, by the Authority aforesaid*, That all and every Act and Acts, Clause or Article, heretofore made, for any Thing within the Purview of this Act, is and are hereby repealed and made void.

CHAP. XVIII.

This Act had its Effect.

An Act to impower the Sheriff of Granville, *and the Collector of the Taxes of* St. John's *Parish, to collect Public, County, and Parish Levies.*

CHAP. XIX.

An Act for adjourning the County Court of Beaufort, *and other Purposes.* REP.

CHAP. XX.

An Act for dividing the Parish of St. Patrick, *in the County of* Johnston, *into two distinct Parishes.*

Private.

I. WHEREAS the Parish of *St. Patrick*, in the County of *Johnston*, is so extensive, that renders it almost impracticable for any Minister to serve the Cure thereof:

Parish divided.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act the said Parish of *St. Patrick* shall be divided as follows, *to wit*, Beginning at *Eakins*'s Ford, on *Great Cotentney* Creek, and running a direct Line to the Mouth of *Mill* Creek, on *Neuse* River, and from thence a straight Line to the Head of *Coheery*, near *Anthony Cocks*'s; and that all that Part of the said Parish of *St. Patrick*, as it now stands entire and undivided, which lies to the Eastward of the aforesaid Bounds, shall retain the Name of *St. Patrick*, and be one distinct Parish: And that all that Part of the said Parish which lies to the Westward of the said Bounds, shall be one other distinct Parish, and be called by the Name of *St. Stephen*, and be exempt from all Dependencies, Offices, Charges,

Charges, and Contributions, for or in Reſpect of the ſaid Pariſh of *St. Patrick*, and all other Parochial Duties whatſoever relating to the ſame; and ſhall and may, from Time to Time, have, hold, and exerciſe, the like Authorities and Powers, and poſſeſs and enjoy the ſame Immunities and Privileges, as other Pariſhes in this Province. *A. D.* 1756.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of the aforeſaid Pariſh of *St. Patrick*, as it now is undivided and entire, ſhall from henceforth be, and is hereby diſſolved and made void to all Intents and Purpoſes. *Provided nevertheleſs*, That all Acts of the ſaid Veſtry heretofore legally made and done, are hereby declared to be as good and valid, as if this Act had never been made. Pariſh diſſolved.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Freeholders of the ſaid Pariſh of *St. Patrick*, as the ſame ſhall ſtand divided from the aforeſaid Pariſh of *St. Stephen*, ſhall, and are hereby impowered and required, to meet at the Court-Houſe of the ſaid County of *Johnſton*, on the Third *Tueſday* in *November* next, then and there to chooſe and elect Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen of the ſame. And the Freeholders of the ſaid Pariſh of *St. Stephen* ſhall, and they are hereby impowered and required, to meet at the Houſe of Mr. *Samuel Smith*, on *Neuſe* River, in the ſaid Pariſh, on the Fourth *Tueſday* in *November* next, then and there to elect and chooſe Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen of the ſaid Pariſh: Which Elections ſhall be made by the Sheriff of the ſaid County of *Johnſton*, under the like Rules and Reſtrictions, Pains and Penalties, as well in Reſpect to the ſaid Sheriff, as the Freeholders of the ſaid Pariſhes, as other Elections of Veſtries in this Province are by Law appointed to be made. And the ſaid Freeholders ſo elected for the ſaid Pariſhes reſpectively, within Forty Days after being elected, ſhall, before a Magiſtrate of the ſaid County of *Johnſton*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and ſubſcribe the Declaration directed to be made by the Act of Aſſembly, intituled, *An Act for appointing Pariſhes and Veſtries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Proteſtant Religion, and for the Direction of the Settlement of Pariſh Accounts*, and alſo repeat and ſubſcribe the Teſt; and ſhall be, and are hereby declared, from thenceforth, to be the Veſtries of the ſaid Pariſhes reſpectively, until the uſual Time of electing Veſtries in other Pariſhes; and ſhall and may, and are hereby required, to exerciſe and uſe the ſame Powers and Authorities, as other Veſtries in this Province may, can, or ought to exerciſe; and ſhall be liable to the ſame Penalties and Forfeitures as other Veſtries, or Perſons elected Veſtrymen, are in any Manner ſubject to. And the Veſtrymen of the ſaid Pariſhes reſpectively, or the Majority of them, when qualified as aforeſaid, ſhall chooſe Churchwardens for the ſaid Pariſhes, who ſhall continue in Office until the uſual Time of electing Churchwardens in the enſuing Year, at which Time the ſaid Veſtries ſhall again chooſe Churchwardens. Pariſhes to elect Veſtries.

V. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts, and every Clauſe and Article therein, heretofore made, as far as relates to any Matter or Thing within the Purview of this Act, is and are hereby from henceforth repealed and made void. Repealing Clauſe.

CHAP. XXI.

An Act for laying a Tax on the Inhabitants of the Pariſhes of St. Patrick *and* St. Stephen. This Act had its Effect.

CHAP.

A. D. 1756.

CHAP. XXII.

An Act to re-eſtabliſh the Counties of Rowan, Cumberland, *and* Orange.

Private.

I. WHEREAS an Act for erecting the upper Part of *Anſon* County into a County and Pariſh, by the Name of *Rowan* County, and *St. Luke*'s Pariſh, and for appointing a Place for holding a Court in the ſaid County; an Act, intituled, *An Act for erecting the upper Part of* Bladen *County into a County and Pariſh, by the Name of* Cumberland *County, and* St. David's *Pariſh*; and *An Act for dividing Part of* Granville, Johnſton, *and* Bladen *Counties, into a County and Pariſh, by the Name of* Orange *County, and the Pariſh of* St. Matthew, *and for appointing Veſtrymen for the ſaid Pariſh, and other Purpoſes therein-mentioned*, have been repealed by an Act, intituled, *An Act for re-eſtabliſhing ſeveral Counties and Towns, and for other Purpoſes:* And whereas his Majeſty has been graciouſly pleaſed, by his Royal Inſtructions, to authorize his Excellency the Governor to give his Aſſent to an Act to re-eſtabliſh the Counties aforeſaid;

Counties re-eſtabliſhed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſeveral Diviſions or Diſtricts of this Province which have heretofore belonged to the reſpective Counties aforeſaid, before the Repeal of the before-recited Acts of Aſſembly, ſhall, and are hereby declared to be re-eſtabliſhed into Counties, by the reſpective Names by which each County or Diſtrict, at the Time of the repealing the aforeſaid Acts, was known and denominated; and each of the ſaid Counties ſhall be limited and bounded according to the Bounds and Limits heretofore known and reputed to be the Bounds and Limits thereof.

Deeds for Lands in ſuch Counties declared valid.

III. *AND be it further Enacted*, That all Deeds and Conveyances for the conveying of any Lands, Lots, or Tenements, in either of the ſaid Counties, to any Perſon or Perſons whatſoever, either to the Uſe of the Public or to their own Uſe, in Conſequence of the ſaid Acts of Aſſembly ſo repealed as aforeſaid, ſhall, and are hereby declared to be good and valid in Law, and ſhall enure and take Effect as fully, to the Benefit of the Grantees, their Heirs and Aſſigns, and all other Perſons concerned, as if the ſame had never been repealed.

Royal Prerogative of granting Charters of Incorporation.

IV. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Rights and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid Counties, and of ordering, appointing, and directing the Election of a Member or Members to repreſent them in Aſſembly, and of granting Markets and Fairs to be kept and held in them reſpectively; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

CHAP. XXIII.

An Act for conſolidating the Pariſhes of St. John *and* St. Peter, *in the County of* Paſquotank.

Private.

I. WHEREAS the Pariſhes of *St. John* and *St. Peter*, in the County of *Paſquotank*, by Reaſon of the ſmall Number of Taxables in them, are not able to ſupport Clergymen to ſerve the reſpective Cures thereof:

Pariſhes conſolidated.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the aforeſaid Pariſhes of *St. John* and *St. Peter* ſhall be, and are hereby united and conſolidated, and from and after the paſſing of this Act ſhall be united and conſolidated, and remain one entire Pariſh, and be called and known by the Name of the Pariſh of *St. John*; and ſhall and may, from Time to Time,

Time, have, hold, and exercise, the like Authorities and Powers, and possess and enjoy the same Immunities and Privileges, as any other Parish in this Province. And the Freeholders of the said Parish of *St. John* shall, and are hereby required, to meet at the Court-House of the aforesaid County of *Pasquotank*, on the First *Tuesday* in *December* next, then and there to elect and choose Twelve Freeholders of the said Parish, to serve as Vestrymen thereof; which Election shall be made by the Sheriff of the said County of *Pasquotank*, under the like Rules and Restrictions, Pains and Penalties, as well in Respect to the said Sheriff, as the Freeholders of the said Parish, as other Elections of Vestries in this Province are by Law appointed to be made. And the said Freeholders so elected for the said Parish, within Forty Days after being elected, shall, before a Magistrate of the said County of *Pasquotank*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and subscribe the Declaration directed to be made by an Act of Assembly, intituled, *An Act for appointing Parishes and Vestries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Protestant Religion, and for the Direction of the Settlement of Parish Accounts*, and also repeat and subscribe the Test; and shall be, and are hereby declared from thenceforth to be the Vestry of the said Parish, until the usual Time of electing Vestrymen in other Parishes; and shall and may, and are hereby required, to exercise and use the same Powers and Authorities, as any other Vestry in this Province may, can, or ought to exercise, and shall be liable to the same Penalties and Forfeitures as other Vestries, or Persons elected Vestrymen, are in any Manner subject to. And the Vestrymen of the said Parish, or the Majority of them, when qualified as aforesaid, shall choose Churchwardens for the said Parish, who shall continue in Office until the usual Time of electing Churchwardens in the ensuing Year, at which Time the said Vestry shall again choose Churchwardens.

A. D. 1756.

Parish of St John to elect Vestrymen.

Churchwardens to be chosen.

III. *AND be it further Enacted, by the Authority aforesaid*, That all and every other Act and Acts, Clause and Clauses thereof, heretofore made, for so much thereof as relates to any Matter or Thing within the Purview of this Act, is and are hereby from henceforth repealed and made void, to all Intents and Purposes.

Repealing Clause.

CHAP. XXIV.

An Act for dividing the Parish of Edgcomb, *in the County of* Edgcomb, *into two distinct Parishes.*

I. WHEREAS the Parish of *Edgcomb*, in the County of *Edgcomb*, is of such large Extent, that no Minister will serve the Cure thereof:

Private.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, the said Parish of *Edgcomb* shall be divided as follows, *to wit*, Beginning at *Cuncta* Creek, where the Line of the said Parish crosses the same, and up the said Creek, as it Meanders, to the Head thereof, and from thence a straight Course to *Fishing* Creek, at or near *Mickael Dorman*'s, and up the said Creek to the Line which divides the said Parish of *Edgcomb* from the Parish of *St. John*; and that all that Part of the said Parish of *Edgcomb*, as it now stands entire and undivided, which lies to the Northward of the aforesaid Bounds, shall retain the Name of *Edgcomb*, and be one distinct Parish; and that all that Part of the said Parish, which lies to the Southward of the said Bounds, shall be one distinct Parish, and be called by the Name of *St. Mary*, and be exempt from all Dependencies, Offices, Charges, or Contributions, for or in Respect of the said Parish of *Edgcomb*, and all other Parochial Duties whatsoever, relating to the same; and shall and may, from Time to Time, have, hold, and exercise, the like Authorities and Powers, and possess and enjoy the same Immunities and Privileges, as other Parishes in this Province.

Parish divided.

A. D. 1756.

Pariſh diſſolved.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of the aforeſaid Pariſh of *Edgcomb*, as it now is entire and undivided, ſhall from henceforth be, and is hereby diſſolved and made void, to all Intents and Purpoſes: And the Freeholders of the ſaid Pariſh of *Edgcomb*, as the ſame ſhall ſtand divided from the aforeſaid Pariſh of *St. Mary*, ſhall, and are hereby impowered and required, to meet at the Court-Houſe of the ſaid County of *Edgcomb* on the Fourth *Tueſday* in *November* next, then and there to elect and chooſe Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen of the ſame. And the Freeholders of the ſaid Pariſh of *St. Mary* ſhall, and they are hereby impowered and required, to meet at the Chappel on *Tar* River, near *Elias Fort*'s, in the ſaid Pariſh, on the Second *Tueſday* in *December* next, then and there to elect and chooſe Twelve Freeholders of the ſaid Pariſh, to ſerve as Veſtrymen for the ſaid Pariſh; which Elections ſhall be made by the Sheriff of the ſaid County of *Edgcomb*, under the like Rules and Reſtrictions, Pains and Penalties, as well in Reſpect to the ſaid Sheriff, as the Freeholders of the ſaid Pariſhes, as other Elections of Veſtries in this Province are by Law appointed to be made. And the ſaid Freeholders ſo elected for the ſaid Pariſhes reſpectively, within Forty Days after being elected, ſhall, before a Magiſtrate of the ſaid County of *Edgcomb*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and ſubſcribe the Declaration directed to be made by the Act of Aſſembly, intituled, *An Act for appointing Pariſhes and Veſtries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Proteſtant Religion, and for the Direction of the Settlement of Pariſh Accounts*, and alſo repeat and ſubſcribe the Teſt, and ſhall be, and are hereby declared, from thenceforth, to be the Veſtries of the ſaid Pariſhes reſpectively, until the uſual Time of electing Veſtrymen in other Pariſhes; and ſhall and may, and are hereby required, to exerciſe and uſe the ſame Powers and Authorities, as other Veſtries in this Province may, can, or ought to exerciſe; and ſhall be liable to the ſame Penalties and Forfeitures as other Veſtries, or Perſons elected Veſtrymen, are in any Manner ſubject to. And the Veſtrymen of the ſaid Pariſhes reſpectively, or the Majority of them, when qualified as aforeſaid, ſhall chooſe Churchwardens for the ſaid Pariſhes, who ſhall continue in Office until the uſual Time of electing Churchwardens in the enſuing Year, at which Time the ſaid Veſtries ſhall again chooſe other Churchwardens.

Pariſh of St Mary to elect Veſtrymen,

And chooſe Churchwardens.

Veſtries to lay a Tax.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Veſtries reſpectively ſhall, and are hereby required, to lay a Tax on the taxable Perſons in their reſpective Pariſhes, ſufficient to defray the contingent Charges of them for the preſent Year; which Taxes ſhall be collected, accounted for, and paid in the ſame Manner as other Pariſh Taxes; any Law, to the contrary, notwithſtanding.

Pariſh of St. Mary to receive Debts of Edgcomb Pariſh.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of the ſaid Pariſh of *St. Mary* ſhall and may take, receive, and keep, to the Uſe of the ſaid Pariſh, all ſuch Sum or Sums of Money as have been collected of the Taxes impoſed and laid by the preſent Veſtry of the Pariſh of *Edgcomb*, and ſhall ſtand chargeable to the ſeveral Creditors of the ſame, for all Debts, Dues, and Demands, now owing from the ſaid Pariſh, except ſuch Debts as were owing from the ſaid Pariſh of *Edgcomb* at the Commencement of the preſent Veſtry of the ſaid Pariſh; which ſaid Debts ſhall be paid by the ſaid Pariſhes of *Edgcomb* and *St. Mary*, in Proportion to the Number of Taxables in them reſpectively, at the Time of paſſing this Act.

Monies owing from John Pope, appropriated.

VI. AND whereas there is a conſiderable Sum of Money due to the ſaid Pariſh of *Edgcomb* from *John Pope*, late Sheriff of *Edgcomb* County, and others, which ought to be equally divided amongſt the Inhabitants of the aforeſaid Pariſhes of *Edgcomb* and *St. Mary*, after the aforeſaid Diviſion takes Place; *Be it therefore Enacted, by the Authority aforeſaid*, That the ſaid *John Pope* ſhall account for all Money by him owing to the ſaid Pariſh of *Edgcomb*, and pay the ſame to the Honourable *John Dawſon*, Eſquire, and *Robert Jones*, Eſquire, within One Month after

after the paſſing of this Act, who are hereby impowered, authorized, and required, to demand, take, and receive the ſame; and in Caſe the ſaid *John Pope*, or the Perſon or Perſons in Arrear as aforeſaid, ſhall neglect or refuſe to pay the ſame, according to the Directions of this Act, it ſhall and may be lawful for the Supreme Court holden at *Enfield*, upon Motion of the ſaid *John Dawſon* and *Robert Jones*, to grant Judgment againſt the ſaid *John Pope*, or other Perſon or Perſons, for all ſuch Sums of Money as he or they have or ought to have received, as Collector of the ſaid Pariſh of *Edgcomb*, and to award Execution thereupon. *A. D.* 1756.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *John Dawſon* and *Robert Jones*, after they ſhall have received from the ſaid *John Pope*, or any other Perſon or Perſons, the Money aforeſaid, ſhall, and are hereby required, to pay and ſatisfy the ſame to the reſpective Veſtries of the ſaid Pariſhes of *Edgcomb* and *St. Mary*, in Proportion to the Number of taxable Perſons in the ſaid Pariſhes, after deducting Five *per Cent.* for their Trouble in receiving and paying the ſame, and ſuch Charges and Expences as they ſhall be at in recovering the ſaid Money. Monies to be paid the pariſhes.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

Matthew Rowan, Preſident.

Samuel Swann, Speaker.

A. D. 1757.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO.

ARTHUR DOBBS, Esq; Governor.

At a General ASSEMBLY, began and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Fifty Four; and from thence continued, by several Prorogations, to the Sixteenth Day of *May*, in the Year of our Lord One Thousand Seven Hundred and Fifty Seven: Being the Fourth Session of this Assembly.

CHAP. I.

This Act had its Effect.

An Act for granting a further Aid to his Majesty, for the Assistance of South Carolina, *and the Defence of the Frontiers of this Province, and other Purposes.*

The Act which this revives, expired.

CHAP. 2. *An Act to revive an Act for facilitating the Navigation of Port* Bath, *Port* Roanoke, *and Port* Beaufort.

3. *An Act to revive an Act to establish a Public Ferry from* Newby's *Point to* Phelps's *Point, whereon the Court-House now stands, on* Perquimans *River.* EXP.

CHAP. IV.

An Act for finishing the Church in Wilmington.

Private.

I. WHEREAS by Virtue of an Act of Assembly, passed in the Year One Thousand Seven Hundred and Fifty One, intituled, *An Act for building a Church in* Wilmington, *in* St. James's *Parish, in* New Hanover *County*, certain Commissioners

Commiſſioners therein named have received the Taxes which were laid, and the Sums which were ſubſcribed, or Part of them, for and toward building the ſaid Church, and have cauſed Part of the Walls of the ſaid Church to be built, but have not, for ſome Months, made any Progreſs in the ſaid Work, nor have they rendered Accounts of what Money has been received and expended for the ſaid Building: In Order therefore to finiſh the ſaid Church, to bring to Account all thoſe who have been concerned in receiving and paying Money for the ſame, as well as thoſe who are ſtill in Arrear for the Taxes and Subſcriptions allotted to the ſaid Church; *A. D.* 1757

Commiſſioners appointed for building the Church.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That *John Du Bois, Cornelius Harnett,* and *George Wakely,* Eſquires, or the Majority of them, be, and are hereby conſtituted and appointed Commiſſioners for finiſhing the ſaid Church, in the Room and Stead of the Commiſſioners appointed in and by the Act herein before-recited, with full Power and Authority to them the ſaid *John Du Bois, Cornelius Harnett,* and *George Wakely,* or the Majority of them, to account with the former Commiſſioners, or any of them who have received Money or Effects for the Purpoſe aforeſaid; and alſo to bring to Account every Sheriff who is in Arrear for Pariſh Taxes appropriated to the ſaid Church, and all Perſons who have neglected to pay the Sums by them reſpectively ſubſcribed: And if any former Commiſſioner, the Executors or Adminiſtrators of any Commiſſioner, any Sheriff, or other Perſon in Arrear, or ſuſpected to be in Arrear as aforeſaid, or having any Money or Materials which have been appropriated for building the ſaid Church, in his or their Cuſtody, ſhall refuſe or neglect, on Requeſt to him or them made, to account with the ſaid *John Du Bois, Cornelius Harnett,* and *George Wakely,* or the Majority of them, upon Oath, or to produce Vouchers where the Nature of the Caſe requires, and to pay the Ballance by him or them reſpectively due, then, upon ſuch Refuſal or Neglect, it ſhall be lawful for the Supreme Court at *Wilmington,* or for the County Court of *New Hanover* (where the Sum is within the Juriſdiction of that Court) upon Motion of the ſaid *John Du Bois, Cornelius Harnett,* and *George Wakely,* or the Majority of them, to give Judgment againſt ſuch Commiſſioner, Sheriff, or other Perſon or Perſons, for all the Money wherewith he is, or they are chargeable, for the Purpoſe aforeſaid, and thereupon to award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Commiſſioner, Sheriff, or other Perſon; provided that ſuch Commiſſioner, Sheriff, or other Perſon, ſhall have Ten Days Notice of ſuch Motion.

With Power to call other Commiſſioners, &c. to Account.

Commiſſioners to account with the Veſtry, and they with the Aſſembly.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners, or the Majority of them, ſhall, every Year, at the firſt Meeting of the Veſtry of *St. James*'s Pariſh, after *Eaſter Monday,* render to the ſaid Veſtry, upon Oath, a fair and juſt Account of all the Money and Effects they ſhall have received and expended by Virtue of the Truſt hereby in them repoſed; and the ſaid Veſtry ſhall tranſmit to the Seſſion of the General Aſſembly next after their ſaid Meeting, a Duplicate of the ſaid Accounts, with their Report thereupon.

Commiſſioners to proceed in the Building, as directed by the Veſtry.

IV. *AND be it further Enacted,* That the ſaid Commiſſioners, or the Majority of them, ſhall proceed in building and finiſhing the ſaid Church, as far as the Sums and Materials they ſhall receive by Virtue of this Act will enable them; and in ſuch building and finiſhing ſhall be guided by the Directions of the Veſtry of *St. James*'s Pariſh, which they ſhall from Time to Time receive.

CHAP. V.

An Act for further continuing an Act, intituled, An Act for the Encouragement of *James Davis* to ſet up and carry on his Buſineſs of a Printer in this Province, and for other Purpoſes therein-mentioned. EXP.

SIGNED by ARTHUR DOBBS, Eſq; Governor.
Matthew Rowan, Preſident.
Samuel Swann, Speaker.

ANNO

A. D. 1757.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO PRIMO.

ARTHUR DOBBS, Esq; Governor.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Fifty Four, and from thence continued, by several Prorogations, to the Twenty First Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Fifty Seven: Being the Fifth Session of this Assembly.

CHAP. I.

This Act had its Effect.

An Act for granting a further Aid to his Majesty, for subsisting the Forces necessary to be kept in the Pay of this Province, and for other Purposes.

CHAP. II.

An Act to enable the Commissioners of Fort Johnston *and Fort* Granville *to finish the Forts, and to erect Barracks for accommodating the Troops in the same.*

Preamble.

I. WHEREAS the Commissioners appointed to build Fort *Johnston* and Fort *Granville* have not Public Money in their Hands to finish the said Forts, and it will be several Years before the Taxes laid for raising the same will be paid:

Powder and Lead received in Port Brunswick, to be sold, for finishing said Fort, and building Barracks.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That the said Commissioners of Fort *Johnston* shall and may, from Time to Time, order and direct the Powder Receiver in Port *Brunswick* to sell and dispose of, at Public Vendue, Powder and Lead by him received, and to be received, to the Amount of such Sum and Sums as they shall find necessary for finishing and repairing Fort *Johnston*; and order the Monies arising by such Sale, and other Monies received, or to be received by the said Receiver on Account of the

the said Duty, to be paid to such Person or Persons as they shall think proper, to be applied to finishing and repairing the said Fort, and for erecting and building Barracks for the accommodating such Troops as now are, or hereafter may be employed in garrisoning and defending the said Fort. A. D. 1757.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners of Fort *Granville* shall and may order and direct the several Powder Receivers of Port *Roanoke*, Port *Bath*, and Port *Beaufort*, from Time to Time, to sell and dispose of, at Public Vendue, Powder and Lead by them respectively received, or to be received, to the Amount of such Sum or Sums in the said several Ports respectively, as the said last mentioned Commissioners shall find necessary for finishing and repairing Fort *Granville*; and order the Monies arising on such Sales, and any other Monies received, or to be received by the Receivers of the said Ports, to be paid to such Person or Persons as they shall think proper, to be applied to finishing and repairing Fort *Granville* aforesaid, and for erecting and building Barracks for accommodating such Troops as now are, or hereafter shall be employed in garrisoning and defending the said Fort, reserving so much as they shall think necessary for the Use of the same; any Act of Assembly, to the contrary, notwithstanding. Also the Powder and Lead belonging to Ports Roanoke, Bath, and Beaufort, for finishing Fort Granville, and building Barracks for the same.

IV. *AND be it further Enacted, by the Authority aforesaid*, That every of the said Receivers shall give Public Notice, by Advertisement, Ten Days before he shall make Sale of any Powder and Lead by this Act directed to be sold. Receivers to give 10 Days Notice of Sale of Powder and Lead.

CHAP. III.

An Act for further amending an Act, intituled, An Act for amending the Staple of Tobacco, and preventing Frauds in his Majesty's Customs. Repealed by the Inspection Act.

CHAP. IV.

An Act to impower the Justices of the Supreme Courts to take the Acknowledgment or Proof of Deeds, and for allowing them a Salary. Provided for by the Superior Crt. Act, passed Nov. 1762, Chap. 1.

CHAP. V.

An Act for establishing a Town on the Land of James Leslie, *on* Roanoke *River.*

I. WHEREAS it hath been represented to this Assembly that the Land of *James Leslie*, lying on the South Side of *Roanoke* River, in *Edgcomb* County, is a healthy, pleasant Situation, well watered, and commodious for Commerce; and sundry Merchants, and Persons of Note, have contracted with the said *James Leslie* for the Purchase of One Hundred Acres of the said Land, and are desirous that a Town should be erected thereon, for promoting the Trade and Navigation of the said River: Private.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That the said One Hundred Acres of Land, 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 by the Name of *Halifax*. Town of Halifax established.

III. *AND be it further Enacted, by the Authority aforesaid*, That from and after the passing of this Act, *Thomas Barker*, *Alexander M'Culloch*, *John Gibson*, *Richard Brownrig*, and *Robert Jones*, the younger, 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, Commissioners appointed for building the Town.

in

A. D. 1757. in the said One Hundred Acres of Land, to and for the Uses, Intents, and Purposes, hereby expressed and declared; and they, or any Three of them, shall have full Power and Authority to meet as often as they shall think necessary, and to appoint a Public Quay, and such Place on the said River, for a Public Landing, as to them shall seem convenient; and to lay out Four Acres of the said One Hundred for a Market Place, and other Public Buildings; and the Residue thereof into Lots, Streets, Lanes, and Alleys, or so much of the same as will make at least One Hundred and Twenty Lots, of Half an Acre each; and cause a Plan thereof to be made, and therein to insert Marks and Numbers to each Lot.

Right of the Ferry reserved to James Leslie.

IV. *PROVIDED nevertheless*, That nothing in this Act contained shall be construed or extend to grant Power to the said Directors, or their Successors, or any other Freeholder of the said Town, to keep a Public Ferry at the Landing so to be appointed by the said Directors, in Prejudice of the Ferry of the said *James Leslie*, now by Law established. And in Case it should hereafter be found necessary to erect a Public Ferry at the said Landing, the Right of keeping the same shall remain to the said *James Leslie*, his Heirs and Assigns, until he or they shall refuse to comply with the Terms by Law prescribed for erecting and keeping Public Ferries.

Commissioners to draw the Lots of said Town.

V. AND whereas Subscriptions have already been made for One Hundred and Twenty Lots, to be laid off in the said Town; *Be it further Enacted, by the Authority aforesaid*, That the said Directors, or the Majority of them, within One Month after the laying off the said Town, shall appoint a Time, and give Public Notice thereof, for meeting 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 of, and in Presence of the Majority of the said Directors at least; and each Subscriber shall be intitled 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 Directors, or the Majority of them, shall make and execute Deeds for granting and conveying the said One Hundred and Twenty Lots to the Subscribers, their Heirs and Assigns, for ever; and also to every other Person who shall purchase any other Lot or Lots in the said Town, at the Costs and Charges of the Grantee to whom the same shall be conveyed; 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.

Lots to be saved within 3 Years.

VI. *PROVIDED nevertheless*, That every Grantee of any Lot or Lots in the said Town so conveyed, shall, within Three Years next after the Date of the Conveyance for the same, erect, build, and finish, on each Lot so conveyed, one well framed House, Sixteen Feet square at the least, and Ten Feet Pitch in the Clear, or proportionable to such Dimensions, if such Grantee shall have Two or more Lots contiguous: And if the Owner of any Lot shall fail to pursue and comply with the Directions in this Act prescribed for building and finishing a House thereon, then such Lot upon which such House shall not be built and finished, shall be revested in the said Directors; and the said Directors, or the Majority of them, may, and are hereby impowered and authorized, to sell such Lot for the best Price that can be had, to any Person applying for the same, in such Manner, and under such Restrictions, as they could or might have done, if such Lot had not before been sold or granted.

Further Time allowed by Acts Nov. 1759, Ch. 8, October, 1764, Chap. 10.

Purchase Money of Lots.

VII. *AND be it further Enacted, by the Authority aforesaid*, That the respective Subscribers for the said One Hundred and Twenty Lots 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 the Sum of Forty Shillings, Proclamation Money, for each Lot by him subscribed for; and in Case of the Refusal or Neglect of any Subscriber to pay the said Sum, the said Directors shall and may commence and prosecute a Suit in their own Names for the same, and therein shall recover Judgment, with Costs of Suit.

VIII. *AND*

VIII. *AND be it further Enacted*, That all Monies which ſhall ariſe by a Diſpoſal of the ſaid Lots, granted by the ſaid Directors, and their Succeſſors, in Execution of this Act, ſhall be received by the ſaid Directors; and after their reaſonable Charges and Expences are deducted, ſhall be by them applied, in the firſt Place, towards paying and ſatisfying the ſaid *James Leſlie*, One Hundred and Fifty Pounds for the ſaid One Hundred Acres of Land; and in the next Place, in building and erecting a Bridge over *Qunkey* Creek, for the Convenience of Travellers, in going to, and returning from, the ſaid Town; and the Overplus thereof towards the Advantage and Improvement of the ſaid Town, in ſuch Manner as the Majority of the ſaid Directors ſhall, from Time to Time, think convenient. *A. D.* 1757. Monies for ſale of Lots, appropriated.

IX. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town ſhall be incorporated; *Be it further Enacted, by the Authority aforeſaid*, In Caſe of the Death, Refuſal to act, or Removal out of the Country, of any of the ſaid Directors, the ſurviving or other Directors, or the major Part of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their reſpective Hands and Seals, to 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 Country; which new Director, ſo nominated and appointed, ſhall, from thenceforth, have the like Power and Authority, in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act. Succeſſion of Directors kept up.

CHAP. VI.

An Act for the better eſtabliſhing a Ferry on the North Eaſt Side of the North Weſt *River of* Cape Fear, *being the Place commonly called or known by the Name of* Dawſon's *Ferry.*

I. WHEREAS the Ferry on the North Eaſt Side of the *North Weſt* River of *Cape Fear*, called *Dawſon's* Ferry, hath been of long ſtanding, and found very convenient for Travellers and others; and whereas the Land on the North Eaſt Side of the ſaid River, where the Public Road croſſes and leads to the *Yadkin*, and ſo to *South-Carolina*, is the Property of *William Dawſon*, who lives thereon; and being deſirous that the ſaid Ferry ſhould be continued, and fixed at the ſame Place: Wherefore, for the Encouragement of the ſaid *William Dawſon*, and Conveniency of all Travellers, and to prevent the removing the Ferry from the Place aforeſaid; Private.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Ferry is hereby inveſted in, and ſhall from henceforward be held and deemed the Right and Property only of the ſaid *William Dawſon*, his Heirs or Aſſigns. Property of the Ferry inveſted in the Proprietor.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *William Dawſon*, his Heirs or Aſſigns, ſhall, as ſoon as conveniently may be, build or provide a good and ſubſtantial Boat, fit for the Tranſportation of Men and Horſes, and ſhall maintain and keep the ſame always in good Repair, and give conſtant Attendance at the ſaid Ferry; and ſhall alſo, for the true Performance of the ſame, at the County Court of *Cumberland* next after the paſſing of this Act, enter into Bond, with good and ſufficient Security, to be adjudged and approved of by the ſaid Court. Who is to provide Boats, &c.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That after a Boat is ſo built or provided, and the Security given as aforeſaid, that it ſhall and may be lawful for the ſaid *William Dawſon*, his Heirs or Aſſigns, to take and receive from all Perſons that ſhall paſs over the ſaid Ferry, the following Rates, that is to ſay: Four Pence, Proclamation Money, for a Man and Horſe, and Two Pence, Rates of Ferriage ſettled.

A. D. 1757. like Money, for a Footman; and One Shilling for each Carriage drawn by one or two Horſes, and for each Horſe more Four Pence; and One Penny for each Steer, Cow, Hog, or Sheep.

V. AND whereas Part of the Road on each Side of the ſaid Ferry wants to be cleared and made good; *Be it Enacted, by the Authority aforeſaid*, That the ſaid *William Dawſon* ſhall, at his own Expence, clear the ſame, that is to ſay: On the North Eaſt Side of the ſaid River, from the Ferry to *Black* River, and ſo on the South Weſt or oppoſite Side of the ſaid Ferry, to *Cumberland* Court-Houſe; and that the ſame ſhall afterwards be kept in Repair, and maintained by the Commiſſioners and Overſeers of the Diſtrict in which the ſaid Roads lie.

CHAP. VII.

An Act to obviate Doubts concerning Fees due on Proceedings in the Supreme Courts of Juſtice, Oyer *and* Terminer, *and General Gaol Delivery.*

Preamble. I. WHEREAS it has been doubted, from the Practice of former Times, whether, on the Death or Removal of a Chief Juſtice, the Executors or Adminiſtrators of ſuch deceaſed Chief Juſtice, or any Chief Juſtice removed from his ſaid Office, were intitled to have and receive the Fees which accrued and became due on Suits and Proceedings in the Supreme Courts of Juſtice, *Oyer* and *Terminer*, and General Gaol Delivery, of this Province, where ſuch Suits and Proceedings were not finally determined during the Time ſuch Chief Juſtice, ſo deceaſed or removed, continued in Office: To obviate ſuch Doubts for the future,

Doubts about Cf. Juſtices Fees obviated. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That when any Chief Juſtice of this Province hath departed this Life, or ſhall happen to die during the Time of his Continuance in Office, or hath been, or ſhall be removed therefrom, it ſhall and may be lawful for the Executors, Adminiſtrators, or Aſſigns, of ſuch Chief Juſtice ſo deceaſed, or which ſhall depart this Life as aforeſaid, and for ſuch Chief Juſtice as hath been, or ſhall be removed from his ſaid Office, to have, take, and receive, to his or their own proper Uſe, all Fees and Perquiſites whatſoever accrued and become due, or which ſhall accrue and become due, on the ſeveral Suits and Proceedings in the reſpective Courts of Juſtice, *Oyer* and *Terminer*, and General Gaol Delivery, of this Province, at the Time of the Death or Removal of any Chief Juſtice, although ſuch Suits and Proceedings, at ſuch Time or Times, were, or ſhall not be, finally determined.

Power and Method of collecting ſuch Fees. III. *AND be it further Enacted, by the Authority aforeſaid*, That when any Chief Juſtice hath departed this Life, or ſhall happen to die during his Continuance in Office, or hath been, or ſhall be removed therefrom, the Executors, Adminiſtrators, or Aſſigns, of ſuch Chief Juſtice ſo deceaſed, or which ſhall die as aforeſaid; and every Chief Juſtice which hath been, or ſhall be removed from his Office, ſhall and may have the like Relief, Remedy, and Proceedings, for all ſuch Fees and Perquiſites to them reſpectively due, as can or may be had by any Chief Juſtice during the Time of his continuing in the ſaid Office.

CHAP. VIII.

An Act for preſerving Peace, and continuing a good Correſpondence with the Indians *in Alliance with his Majeſty's Subjects.* REP.

CHAP.

CHAP. IX.

A. D. 1757.

An Act for adding Part of Beaufort *to* Craven *County, for aſcertaining the dividing Line between the ſaid Counties.*

Preamble.

I. WHEREAS the Inhabitants of that Part of *Beaufort* County, lying between *Bay* River and Lower *Broad Creek*, are, by Reaſon of the Removal of the Court of the ſaid County at a very great Diſtance from the ſame, and are often put to great Hardſhips and Fatigue in attending their County Court at ſuch a Diſtance; and whereas it would be much more convenient to the ſaid Inhabitants, if that Part of the ſaid County of *Beaufort* was added to *Craven* County:

Part of Beaufort added to Craven County.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That that Part of the ſaid County of *Beaufort*, lying between *Bay* River and Lower *Broad Creek* as aforeſaid, be from henceforth deemed, held, and taken to be Part of *Craven* County; and that the Inhabitants thereof be ſubject and liable to the ſame Rules, Orders, and Taxes, as any other of the Inhabitants of the ſaid County of *Craven* now are, or ſhall hereafter be, ſubject or liable to: Any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Bounds between Craven and Beaufort aſcertained.

III. AND whereas the Bounds of the ſaid Counties of *Beaufort* and *Craven* are very uncertain, by Reaſon of a dividing Line between the ſame never being as yet properly aſcertained; *Be it therefore Enacted, by the Authority aforeſaid*, That from henceforward the Bounds of the ſaid Counties be by *Bay* River, from the Mouth thereof, up the main Weſtermoſt Branch, to the Head; thence by the *Flat* Swamp that makes from the Head of the ſaid River; and from the Head of the ſaid *Flat* Swamp, by a Line to be run nearly equidiſtant between *Tar* and *Neuſe* Rivers; and that Mr. *John Hardy* and Mr. *Joſeph Bryan* are hereby appointed Commiſſioners for running the ſaid Line, which ſhall be at the Expence of each County reſpectively.

CHAP. X.

An Act to amend an Act, intituled, An Act for the better Regulation of the Town of *Newbern*, and for ſecuring the Titles of Perſons who hold Lots in the ſaid Town.

Private.

I. WHEREAS many Diſputes have ariſen among the Inhabitants of the ſaid Town, concerning who are to be deemed Taxables;

Males only ſubject to pay Town Tax.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from henceforward none but Males ſhall be ſubject to pay the Town Tax; any Uſage or Cuſtom, to the contrary, notwithſtanding.

Commiſſioners to lay a Tax on the Town.

III. AND whereas the Commiſſioners of the ſaid Town cannot lay a Tax without Conſent of the Freeholders, or the Majority of them, preſent, whereby many Inconveniences have ariſen greatly prejudicial to the good Government of the ſaid Town; *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, or the Majority of them, ſhall have full Power and Authority to lay any Tax on the Male Taxables of the ſaid Town, not exceeding Ten Shillings *per* Poll, *per Annum*; and the Commiſſioners ſhall, annually, put up an Account of the Monies by them received and expended, at the Court-Houſe.

Hogs not to run at large in Town.

IV. AND whereas the allowing of Hogs to run at large in the ſaid Town is found to be a great Nuſance to the Inhabitants; *Be it therefore Enacted, by the Authority aforeſaid*, That none of the Inhabitants of the ſaid Town ſhall, on any Pretence whatſoever, ſuffer any of their Hogs to run at large within the Bounds of the ſaid Town; and any Hog or Hogs of any Inhabitant or Inhabitants of the ſaid

A. D. 1757. Town, running at large, ſhall be forfeited to any Perſon who ſhall ſeize or kill the ſame.

Public Meetings to be held in the Court Houſe.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners and the Inhabitants ſhall have free Liberty to hold all their Public Meetings, on all Occaſions, in the Court-Houſe, and have the Liberty of a Key to the ſame.

Tavern Keepers not to ſuffer tippling in their Houſes on Sundays.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if at any Time any Tavern Keeper, Ordinary Keeper, Retailer of Liquors, or Keeper of a Public Houſe in the ſaid Town, ſhall ſuffer any Perſon or Perſons whatſoever to ſit tippling or drinking in his or her Houſe on the Sabbath Day, ſuch Perſon or Perſons, ſo offending, ſhall forfeit and pay Twenty Shillings, Proclamation Money, for every ſuch Offence; to be recovered by a Warrant under the Hand and Seal of any Juſtice of the Peace for the County of *Craven*, and which ſhall be paid into the Public Stock of the ſaid Town.

Pen. on them for truſting Sailors,

VII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever in the ſaid Town ſhall, on any Pretence whatever, give any Credit, Loan, or Truſt, to any Mariner or Seamen belonging to, or under the Command of any Maſter of a Veſſel, that now is, or ſhall at any Time hereafter, be lying in the Rivers of *Neuſe* or *Trent*, exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or Licence of the Maſter or Commander of the Veſſel he belongs to, or where ſuch Sailor or Mariner ſhall have left the Veſſel to apply to either of the Courts of Juſtice, in any Diſputes or Controverſies with the Captain or Commander of ſuch Veſſel; that then, and in ſuch Caſe, he, ſhe, or they, ſhall, for every ſuch Default, loſe all the Monies or Goods ſo truſted or credited.

And for entertaining them in their Houſes.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever in the ſaid Town ſhall willingly or willfully entertain, harbour, or keep, or ſuffer to be entertained, harboured, or kept, directly or indirectly, any Seaman belonging to any Veſſel as aforeſaid, in his, her, or their Houſe or Houſes, exceeding the Space of Twenty Four Hours, without the Privity or Conſent of his Commander (except in the Caſe before excepted) he, ſhe, or they, ſo offending, ſhall forfeit the Sum of Twenty Five Shillings, Proclamation Money, for every ſuch Offence; to be recovered by Warrant under the Hand and Seal of any Juſtice of the Peace for the County of *Craven*, and paid into the Public Stock or Fund of the ſaid Town. *(a)*

CHAP. XI.

Provided for by Act Nov. 1762, Ch. 19.

An Act to enable the Commiſſioners of the Church of Edenton *to diſcharge the Contracts by them made concerning the finiſhing the ſame.*

CHAP. XII.

An Act to repeal an Act, intituled, An Act for deſtroying Vermin in this Province.

Preamble.

I. WHEREAS an Act, intituled, *An Act for deſtroying Vermin in this Province*, is found not to anſwer the good Purpoſes intended thereby;

Act repealed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame, and it is hereby Enacted*, That the ſaid Act of Aſſembly, intituled, *An Act for deſtroying Vermin in this Province*, be, and the ſaid Act is henceforth repealed, and declared to be null and void.

CHAP.

(a) The two laſt Sections of this Act provided for by other Acts.

CHAP. XIII.

A. D. 1757.

An Act to dock the Intail of certain Lands now in Poſſeſſion of Harding Jones, *under a Deviſe in the Will of* Frederick Jones, *Eſq; his Grandfather, deceaſed, by whom the ſame were intailed.*

Preamble.

I. WHEREAS *Frederick Jones*, Eſquire, late of this Province, deceaſed, being, in his Lifetime, ſeized in his Demeſne, as of Fee-Simple, of in, and to certain large Tracts of Land, lying and being in that Part of *Chowan* Precinct now called *Tyrrel* County, and in *Hyde* and *Craven* Counties; and being ſo ſeized, the ſaid *Frederick Jones* did, by his laſt Will and Teſtament, bearing Date the Ninth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Twenty Two, deviſe to his Son *William Harding Jones*, in Tail-Male, all his Lands on the South Side of *Moratuck* River, and all his Lands in *Hyde* Precinct; and in Default of Heirs Male of the ſaid *William Harding Jones*, deviſed the Remainder of the ſaid Lands, in Tail-Male, to his Son *Frederick Jones*; and by the ſame Will the Teſtator deviſed all his Lands in *Craven* Precinct, in Tail-Male, to his ſaid Son *Frederick:* And the ſaid *William Harding Jones*, after the Death of the ſaid Teſtator, in Conſequence of the ſaid Deviſe, became ſeized of the Lands deviſed to him as aforeſaid, and died ſeized thereof, without Iſſue, in the Lifetime of the ſaid *Frederick Jones*, to whom the Remainder was limitted as aforeſaid: Which ſaid *Frederick*, under the ſaid ſeveral Deviſes, became ſeized of the ſaid ſeveral Tracts of Land, in his Lifetime, and ſoon after died ſo ſeized, leaving Male Iſſue two Sons, *to wit*, *Harding Jones* and *Frederick Jones*; which ſaid *Harding Jones* is now ſeized, in Tail-Male, of, in, and to all the Lands before-mentioned; and the ſaid *Harding Jones*, and the ſaid *Frederick Jones*, who, by the Will of the ſaid Teſtator, in Default of Heirs Male of the ſaid *Harding Jones*, will be intitled to the Lands aforeſaid, having, by their Petition, ſet forth to this Aſſembly, that there is a large Arrear of Quitrents due on the ſaid Lands, and that they are unimproved, and will be burthenſome and uſeleſs, unleſs Part of the ſaid Lands may be ſold to raiſe Money to diſcharge the Quitrents due aforeſaid, and to improve the remaining Part of them; and the Allegations of the ſaid Petition having been fully made known:

Intail of Land docked.

II. WE pray your moſt excellent Majeſty that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Intailment of the ſaid Lands, in the ſeveral Counties aforeſaid, ſo holden and poſſeſſed by the ſaid *Harding Jones*, by Virtue of the Will of his Grandfather *Frederick Jones*, the Teſtator (except One Thouſand Acres thereof, lying and being on *Trent* River, in *Craven* County, bounded by a Line beginning at an Oak on the Head of *Reedy* Branch, running by a Line of marked Trees to the Head of *Hood*'s Creek; then down the Meanders of the ſaid Creek to *Trent* River; then up *Trent* River to the Mouth of *Reedy* Branch; then up *Reedy* Branch to the firſt Station) be docked and barred; and that it ſhall and may be lawful for the ſaid *Harding Jones* to ſell and convey the ſame, or any Part thereof, in Fee Simple, in Order to enable him to diſcharge the Arrears of Quitrents due thereon, and to improve the remaining Part of the ſame, for the Benefit and Advantage of thoſe who may hereafter, in Remainder or Reverſion, be intereſted therein; and all Deeds by him hereafter made, for conveying the ſame, ſhall be good and effectual in Law, to convey the Lands by the ſaid Deeds to be granted to the Grantees, their Heirs and Aſſigns, for ever; any Thing in the ſaid Will of the ſaid *Frederick Jones*, deceaſed, Grandfather of the ſaid Petitioners, contained, notwithſtanding.

Right of his Majeſty, &c. in ſaid Lands, ſaved.

III. *PROVIDED neverthelefs*, That nothing herein contained ſhall be conſtrued to deſtroy or take away the Right of his Majeſty, his Heirs and Succeſſors, nor the Right of any Body, politic or corporate, nor that of any other Perſon or Perſons, in and to the ſaid ſeveral Tracts of Land (except that of the ſaid *Harding Jones* and *Frederick Jones*, their, or either of their Heirs, and the Right of thoſe claiming,

A. D. 1757. claiming, or to claim, under them, or any or either of them, in Virtue of the Intailment in the ſaid Will mentioned) but the Right, Title, and Intereſt, which his Majeſty, his Heirs and Succeſſors, or any Bodies, politic or corporate, or any other Perſon or Perſons (except the ſaid *Harding Jones* and *Frederick Jones*, their or either of their Heirs, and all claiming under them, or any or either of them, by Virtue of the ſaid Intailment) may have in and to the ſaid ſeveral Tracts of Land, is hereby ſaved, ſecured, and reſerved; any Thing in this Act, to the contrary, notwithſtanding.

Suſpending Clauſe IV. *PROVIDED alſo*, That this Act ſhall not take Effect, or be in Force, until his Majeſty's Approbation be had to the ſame.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

Matthew Rowan, Preſident.

Samuel Swann, Speaker.

ANNO

A. D. 1758.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO PRIMO.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Four, and from thence continued, by ſeveral Prorogations, to the Twenty Eighth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Eight: Being the Sixth Seſſion of this Aſſembly.

ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act for granting an Aid to his Majeſty, for augmenting the Troops now in the Pay of this Province, to be joined with thoſe under the Command of Brigadier-General Forbes, *paying them whilſt employed in the ſaid Service, and for placing Garriſons in the Forts on the Sea Coaſts.*

This Act had its Effect.

CHAP. 2. *An Act to enable the Commiſſioners of Port* Roanoke *to amend the Navigation of the ſaid Port, and for other Purpoſes.* EXP.

3. *An Act for altering the Times for holding Courts in* Northampton, Edgcomb, Granville, *and* Orange *Counties.*

Provided for by the Inferior Crt. Act, paſſed Nov. 1762, Chap. 2.

4. *An Act to confirm and eſtabliſh ſeveral Veſtries, and other Purpoſes.*

The Veſtry Act, on which this depends, repealed.

5. *An Act for diſcontinuing the Warehouſes at* Elbeck's *Landing, and erecting others in the Town of* Halifax.

Provided for by the Inſpection Act.

CHAP.

A. D. 1758.

CHAP. VI.

An Act for eſtabliſhing a Town on the Land of Jonathan Phelps, *on* Perquimans *River.*

Private.

I. WHEREAS it has been repreſented to this Aſſembly that the Land of *Jonathan Phelps*, lying on the South Weſt Side of *Perquimans* River, in *Perquimans* County, where the Court-Houſe and other Public Buildings are erected, is a healthy, pleaſant Situation, well watered, and commodious for Commerce; and the ſaid *Jonathan Phelps* having ſignified his free Conſent, by a Certificate under his Hand and Seal, to have One Hundred Acres of the ſaid Land laid off for a Town, and Fifty Acres for a Town Common, which will greatly promote the Trade and Navigation of the ſaid River:

Town of Hertford erected.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Directors or Truſtees hereafter appointed, or the Majority of them, ſhall, ſo ſoon as may be after the paſſing of this Act, cauſe the ſaid One Hundred Acres of Land to be laid off in Lots of Half Acres each, with convenient Streets, Lanes, and Alleys, reſerving two Acres of the ſaid Land for the Court-Houſe, and other Public Buildings; which Lots, ſo laid off according to the Directions of this Act, is hereby conſtituted, erected, and eſtabliſhed a Town, and ſhall be called by the Name of *Hertford*.

Truſtees appointed, who are to ſell the Lots.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *John Rieuſſett*, *Joſeph Sutton*, *John Harvey*, *John Clayton*, and *Joſeph White*, 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, of the ſaid One Hundred and Fifty Acres of Land, to and for the Uſes, Intents, and Purpoſes, hereby expreſſed and declared; and they, or any Three 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 have taken Subſcriptions for One Hundred Lots, or upwards, they ſhall appoint a Day, and give Public Notice to the Subſcribers of the Day appointed, for the drawing of the ſaid Lots, which ſhall be done by Ballot, in a fair and open Manner, by the Direction, and in the Preſence, of the Majority of the ſaid Directors at leaſt; and ſuch Subſcriber ſhall be intitled to the Lot and Lots which ſhall happen to be drawn for him, and correſpond with the Mark or Number contained in the Plan of the ſaid Town: And the ſaid Directors, or a Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred Acres of Land, in Half Acres as aforeſaid, to the Subſcribers, their Heirs and Aſſigns, for ever; and alſo to every other Perſon 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: 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.

Time of ſaving Lots, Further Time allowed, by Act Nov. 1762, Cha. 20.

IV. *PROVIDED nevertheleſs*, That every Grantee of any Lot or Lots in the ſaid Town, ſo conveyed, ſhall, within Three Years next after the Date of the Conveyance for the ſame, erect, build, and finiſh, on each Lot ſo conveyed, one well framed or Brick Houſe, Sixteen Feet ſquare at the leaſt, and Nine Feet Pitch in the Clear, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more Lots contiguous; and if the Owner of any Lot or Lots ſhall fail to comply with the Directions in this Act preſcribed for building and finiſhing a Houſe thereon, then ſuch Lot or Lots, upon which ſuch Houſe ſhall not be built and finiſhed as aforeſaid, ſhall be veſted in the ſaid Directors; and the ſaid Directors, or a Majority

jority of them, may, and are hereby impowered and authorized, to ſell ſuch Lot or Lots for the beſt Price that can be had, to any Perſon applying for the ſame, and grant and convey ſuch Lot or Lots to ſuch Perſon or Perſons, under the like Regulations and Reſtrictions, as the ſame was or were formerly granted; and the Money ariſing from ſuch Sales be applied by the ſaid Directors, or a Majority of them, for the Benefit and Improvement of the ſaid Town. *A. D.* 1758.

V. *AND be it further Enacted, by the Authority aforeſaid*, That each reſpective Subſcriber, who ſhall ſubſcribe 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 to One of them, the Sum of Forty Five Shillings, Proclamation Money, for each Lot by him ſubſcribed for; and in Caſe of the Refuſal or Neglect of any Subſcriber to pay the ſaid Sum, the ſaid Directors ſhall and may commence and proſecute a Suit in their own Name 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 to the ſaid *Jonathan Phelps*, his Heirs or Aſſigns, the Sum of Forty Shillings, Proclamation Money, for each Lot, in full Satisfaction for the ſaid Land, and the other Five Shillings ſhall be applied towards defraying the Expence of laying off and improving the ſaid Town, as a Majority of the Directors ſhall think proper. Purchaſe Money of Lots. 40 s. to be paid the Proprietor.

VI. AND for continuing the Succeſſion of the Directors until the ſaid Town ſhall be incorporated; *Be it further Enacted, by the Authority aforeſaid*, In Caſe of the Death, Refuſal to act, or Removal out of the County, of any of the ſaid Directors, the ſurviving Directors, or the Majority of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument in Writing under their reſpective Hands and Seals, to nominate ſome other Perſon, being a Freeholder of the 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 like Power and Authority, in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act: And when the ſaid Town ſhall be laid off, the ſaid Directors, or a Majority of them, are hereby impowered to remove the Court-Houſe, and other Public Buildings, to a more convenient Part of the Town, which may or ſhall be laid off for that Purpoſe. Succeſſion of Directors kept up. To remove the Court-Houſe.

VII. *PROVIDED nevertheleſs*, That the ſaid *Jonathan Phelps* ſhall have, to his own Uſe, his Dwelling-Houſe, and other Out-Houſes, with ſuch Lots as he ſhall chooſe adjoining them, not exceeding Four Lots, excluſive of the ſaid One Hundred Acres: And the Court of the ſaid County, or their Succeſſors, ſhall not have Power to appoint a Public or other Ferry at the ſaid Town, in Prejudice to the ſaid *Jonathan Phelps*; but that the keeping of the ſaid Ferry ſhall remain to the ſaid *Jonathan Phelps*, his Heirs and Aſſigns, until he or they ſhall refuſe to comply with the Terms by Law preſcribed for erecting and keeping Public Ferries. Lots, and Ferry, reſerved to the Proprietor.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

Matthew Rowan, Preſident.

Samuel Swann, Speaker.

A. D. 1758.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO SECUNDO.

ARTHUR DOBBS, Esq; Governor.

At a General ASSEMBLY, began and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Fifty Four; and from thence continued, by several Prorogations, to the Twenty Third Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Fifty Eight, then held at *Edenton*: Being the Seventh Session of this Assembly.

CHAP. I.

This Act had its Effect.

An Act for granting an Aid to his Majesty, for placing proper Garrisons in the Forts Johnston *and* Granville, *and for other Purposes.*

Repeal'ed, and re-enacted Novemb. 1762, Chap. 6.

CHAP. 2. *An Act for making better Provision for the Clergy.*

This Act under a suspending Clause, therefore not printed, as it is doubtful whether it will be confirmed.

3. *An Act for erecting a City on* Neuse *River, upon the Plantation called* Tower-Hill, *fixing the Seat of Government therein, and building a Governor's House and Public Offices in the same.*

4. *An Act to regulate the Inspection of Pork, Beef, Rice, Flour, Butter, Indigo, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, and Deer Skins.* EXP.

CHAP.

CHAP. V.

A. D. 1758.

An Act for encouraging the building of Public Mills, and directing the Duty of Millers.

I. BE it Enacted, *by the Governor, Council, and Assembly, and by the Authority of the same*, That every Water Grist-Mill already built, or which shall hereafter be built, that hath, or shall at any Time grind for Toll, shall be held and deemed, and is hereby declared to be a Public Mill.

Mills grinding for Toll, declared Public Mills.

II. *BE it further Enacted, by the Authority aforesaid*, That it shall not be lawful for any Person or Persons hereafter to erect or build any Public Water Grist-Mill, without first obtaining an Order of the County Court for that Purpose, in Manner by this Act directed, that is to say: Any Person willing to build such Mill on some convenient Run, who hath Land on both Sides thereof, shall exhibit a Petition to the County Court for Leave to build such Mill; which Court is hereby impowered to examine into the Allegations of such Petition, and to grant or deny such Leave to the said Petitioner, as to them shall seem just and reasonable.

No Water Mill to be built, but by Order of Court.

Manner of obtaining it.

III. *AND be it further Enacted, by the Authority aforesaid*, That any Person willing to build such Mill, who hath Land only on one Side of a Run, shall exhibit his Petition to the County Court in Manner aforesaid, and therein shew who is the Proprietor of the Land on the opposite Side of the Run; whereupon a Summons shall issue to such Proprietor to appear at the next Court, and answer the Allegations of such Petition; and the Court also, at the same Time, shall order Four honest Freeholders to lay off, view, and value, on Oath, an Acre of the Land of such Proprietor, and also an Acre of the Land of the Petitioner, opposite thereto, and to report their Opinion and Proceedings thereon to the next Court, and thereupon the Court shall order the said Report to be recorded; and if it take not away Houses, Orchards, Gardens, or other immediate Conveniences, shall and may, and are hereby impowered and authorized, to grant Leave to the Petitioner, or such Proprietor, to erect such Mill at the Place proposed, as in their Discretion shall seem reasonable, and to order the Costs of such Petition to be paid by the Person to whom such Leave shall be granted.

Manner of obtaining Order for building Mills where Persons own Land on one Side of a Run only.

IV. *PROVIDED always*, That the Person to whom such Leave is granted, shall pay down in Court, for the Acre of Land he shall obtain thereby, the Valuation Money, and procure a Record to be made thereof; which shall be a good and effectual Seisen in Law, to create to such Person, his Heirs and Assigns, a Fee-Simple in such Acre of Land.

Valuation Money to be paid down in Court.

V. *PROVIDED nevertheless*, That it shall not be lawful for any Court to grant Leave to any Person to erect a Mill within Two Miles above, and Two Miles below, or so as to overflow any other Mill erected on the same Run; any Thing herein contained, to the contrary, notwithstanding.

No Mill to be built so as to overflow another.

VI. *PROVIDED also*, That the Person so being seized shall, within One Year, begin to build a Water-Mill, and finish the same within Three Years, and shall thereafter keep up the same for the Use and Ease of all such as shall be Customers to it, otherwise the said Land shall return to the Person from whom it was taken, or to such other Persons as shall have his Right; unless the Time for finishing the same, for Reasons shewn to, and approved of by the Court, be enlarged.

Time of beginning to build, and finishing such Mills.

VII. *PROVIDED likewise*, That if any Water-Mill belonging to any Person within the Age of Twenty One Years, Feme Covert, *Non compos Mentis*, or imprisoned, be let fall, burnt, or destroyed, that then such Person or Persons, and their Heir or Heirs, shall have Three Years to rebuild and repair such Mill, after his or their full Age, Discoverture, coming of sound Mind, or Enlargement out of Prison.

Time allowed Feme Coverts, &c.

A. D. 1758.

Persons aggrieved by the Order of any County Court, may appeal to the Supreme Court of the District.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall think himself aggrieved by the Order or Determination of the County Court, he may appeal therefrom to the next Supreme Court of Justice, *Oyer* and *Terminer*, and General Gaol Delivery, for the District in which the said Land doth lie, giving Bond and Security as usual; which Court shall, and is hereby authorized and impowered, to take Cognizance of the same, and to affirm such Order, or reverse the same, and to give such Judgment therein as the County Court ought to have rendered.

Persons who have built Mills in Virtue of any Order of Court, and complied with the Conditions, quieted in the Possession of such Mills.

IX. AND whereas it hath heretofore frequently happened that a Person desirous of building a Water-Mill, and having Land on one Side of a Run only, hath, by Order of the County Court, obtained an Acre of the Land on the opposite Side of the Run for that Purpose, which Order is held not to be warranted by the Laws now in Force: For quieting the Owners of such Mills in the peaceable Possession thereof, *Be it further Enacted, by the Authority aforesaid,* That every Person who hath built any such Mill in Consequence of any such Order, and hath actually paid the Money according to the Valuation of such Acre of Land, shall be, and is hereby declared to stand seized thereof, to him, his Heirs and Assigns, in Fee-Simple, in the same Manner, and under the same Restrictions, Limitations, and Conditions, as if the same had been originally granted by Virtue of the Powers and Authorities of this Act.

Owners of Mills injured by the building other Mills, may have their Action for Damages.

X. *PROVIDED also*, That where any Owner or Owners of a Mill already built, or that shall hereafter be built, shall conceive himself injured by the building of any other Water-Mill by any Person or Persons on the same Stream, it shall and may be lawful for the Party injured to bring his Action on the Case against the Owner or Owners of such latter built Mill, in the same Manner as he might have done before the passing of this Act; any Thing herein contained, to the contrary, in any wise, notwithstanding.

Millers to grind according to Turn, and what Toll they are to take.

XI. AND to prevent Abuses by evil-minded, covetous, and exacting Millers, or Owners of Mills; *Be it Enacted, by the Authority aforesaid,* That all Millers shall grind according to Turn; and shall well and sufficiently grind the Grain brought to their Mills, if Water will permit; and shall take no more Toll for grinding than One Eighth Part of the Wheat, and One Sixth Part of the *Indian* Corn: And every Miller, or Keeper of a Mill, making Default herein, *viz.* not grinding according to Turn, not well and sufficiently grinding the Grain, if Water will permit as aforesaid, or exacting or taking more Toll than herein is set down and allowed, shall, for every such Offence, forfeit and pay Fifteen Shillings, Proclamation Money, to the Party injured; to be recovered before a Justice of the Peace of the County wherein such Offence is committed, with Costs.

Penalty for Default.

Owner to grind his own Grain at any Time.

XII. *PROVIDED always*, That it shall be in the Power of the Owner of any such Mill to grind, or cause to be ground, his own Grain, at any Time he thinks fit; any Thing in this Act, to the contrary, notwithstanding.

What Measures they are to keep in their Mills.

XIII. AND for the better Discovery of such exacting Millers; *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That all Millers shall keep in their Mills the following Measures, *viz.* An Half Bushel, and Peck, tried and stamped by the Keeper of the Standard of the County wherein such Mill is; and Two Toll-Dishes for each Measure, one for Wheat, that shall not hold more than One Eighth Part of each Measure, and one for *Indian* Corn, that shall not hold more than One Sixth Part of each Measure: And every Owner by himself, Servant or Slave, keeping any Mill, and shall be lawfully convicted of keeping false Toll-Dishes, contrary to the Intent and Meaning of this Act, shall forfeit and pay the Party injured Fifteen Shillings, Proclamation Money, to be recovered by a Warrant from a Justice of the Peace as aforesaid: And if in Case such a Miller is a free Person, and keeps such a Mill for a Share, or for Hire, and is guilty of any of the above

Penalty for keeping false Measures.

above Offences, it ſhall be lawful for the Owner to ſtop ſo much of his Share or Hire as will be ſufficient to reimburſe himſelf for ſuch Fine or Fines as he ſhall become anſwerable for, with all the Charges that ſhall become due thereon. A. D. 1758.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That all other Act or Acts, heretofore made, as far as they relate to Public Mills, are hereby from henceforth repealed, and made null and void. Repealing Clauſe.

CHAP. VI.

An Act for eſtabliſhing a Warehouſe for the Inſpection of Tobacco on the Land of Thomas Barnes, *in the County of* Halifax, *and other Purpoſes.* Provided for by the Inſpection Act.

CHAP. VII.

An additional Act to an Act, intituled, An Act concerning Servants and Slaves.

I. WHEREAS many great Charges have ariſen to the Province by Puniſhment of Slaves, who having Liberty from their Owners to hire themſelves out, and have committed Robberies; by the Importation of Slaves from foreign Parts, for Crimes by them committed; by the Condemnation of Slaves to Death for capital Crimes, for Want of a Puniſhment adequate to the Crimes they have been guilty of; and by the high Valuation of Slaves condemned to Death, or killed by Virtue of an Outlawry: Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That no Perſon who ſhall permit any Slave to hire himſelf or herſelf out, ſhall be intitled to receive any Pay from the Public, ſhould they be puniſhed for any Crimes by them committed during the Time of ſuch Permiſſion; any Uſage or Cuſtom, to the contrary, notwithſtanding. Maſters permitting Slaves to hire themſelves out, not to be allowed for them, ſhould they be puniſhed for any Crime.

III. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon hereafter purchaſing any Slave, tranſported for Crimes from foreign Parts into this Province, ſhall be intitled to receive any Payment from the Public, ſhould ſuch Slave afterwards be convicted and puniſhed for any Crimes committed within this Province; unleſs he firſt made Oath, in the Court appointed for trying ſuch Slave, that he did not, at the Time of his purchaſing, know that ſuch Slave had been tranſported here for any Crimes committed in foreign Parts. *(a)* Perſons knowingly purchaſing Slaves tranſported for Crimes committed abroad, not to be allowed for them if puniſhed for Crimes here.

CHAP. VIII.

An Act for altering the Method of working on the Roads, and appointing Public Ferries within the Counties of Craven, Carteret, Johnſton, Beaufort, Orange, *and* Onſlow. Repealed by the Road Act.

CHAP. IX.

An Act for appointing a proper Place for holding the Supreme Court of Juſtice, Oyer *and* Terminer, *and General Gaol Delivery, for the Diſtrict of* Northampton, Edgcomb, *and* Granville.

I. WHEREAS it hath been repreſented to the Aſſembly by the Inhabitants of *Northampton*, *Edgcomb*, and *Granville*, that *Enfield*, the Place where the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Gaol Delivery, for the Preamble.

(a) The three laſt Sections of this Act repealed, by Act October 1764, Chap. 8.

A. D. 1758. the ſaid Counties, have been uſually held, is not central to the ſaid Diſtrict; and that the Juſtices of the ſaid Court, and the Officers, Suitors, Jurors, and others, whoſe Attendance at the ſame is by Law required, is ſubject to great Hardſhips and Inconveniences, for Want of proper Accommodation and Entertainment: For Remedy whereof,

Supreme Court to be held at Halifax.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Tenth Day of *October* next, the ſaid Court ſhall be conſtantly held for the ſaid Diſtrict, on the Days and Times by Law appointed, in the Town of *Halifax*, and not at *Enfield* aforeſaid; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

All Proceſs to be made returnable there.

III. *AND be it further Enacted,* That after the aforeſaid Tenth Day of *October* all Appearances, and Returns of Proceſs, ſhall be made to the ſaid Court in the Town of *Halifax* aforeſaid; and all Recognizances, Bonds and Obligations for Appearances, and all Writs, Summonſes for Witneſſes, and other Proceſs, as valid and effectual, as if the ſaid Place had been expreſsly mentioned therein: And all Suitors, Witneſſes, and others, whoſe Attendance is required at the ſaid Court, ſhall appear thereat in the Town of *Halifax* aforeſaid, under the ſame Rules and Regulations, and ſubject to the like Pains and Penalties for Default therein, as they ſhould or would have been ſubject or liable to, if the ſaid Court had continued to be held at *Enfield*.

Public Buildings to be built at Halifax.

IV. AND whereas it will be neceſſary to erect a Court-Houſe, Priſon, Pillory, Stocks, and Clerk's Office, in the Town of *Halifax* aforeſaid, for holding the ſaid Court, and the Detention and Puniſhment of Offenders; *Be it further Enacted, by the Authority aforeſaid,* That the Directors and Truſtees of the Town of *Halifax* be, and are hereby impowered and required, to remove the Priſon, Pillory, Stocks, and Clerk's Office, which are erected at *Enfield* aforeſaid, and re-build and place the ſame in the ſaid Town, or to erect and build others therein, together with a Court-Houſe, as to them, or the Majority of them, ſhall ſeem moſt convenient; and they, or the Majority of them, ſhall and may, and are hereby impowered and required, to contract and agree with an Undertaker or Undertakers to perform the ſame, and to take Bond and Security for ſuch Performance.

Money appropriated for that Purpoſe.

V. AND for enabling ſuch Commiſſioners to diſcharge Contracts as they ſhall enter into for the Purpoſes aforeſaid; *Be it further Enacted, by the Authority aforeſaid,* That the Sum of One Hundred and Thirty Four Pounds Nine Shillings and Four Pence Three Farthings, Proclamation Money, now in the Hands of *Robert Jones*, Jun. and belonging to the ſaid Counties of *Northampton*, *Edgcomb*, and *Granville*, ſhall be by him paid into the Hands of the ſaid Truſtees and Directors, and by them applied for the Purpoſes aforeſaid; any Law, to the contrary, notwithſtanding.

Tax of 6 d. laid for the ſame.

VI. *BE it further Enacted, by the Authority aforeſaid,* That a Poll-Tax of Six Pence be levied on each taxable Perſon in the aforeſaid Counties of *Northampton* and *Edgcomb*, to be collected for the preſent Year by the ſaid Sheriffs reſpectively, and accounted for and paid to the ſaid Truſtees and Directors, at the ſame Time, and in ſuch Manner, and under the like Penalties, as by Law directed for the collecting, accounting for, and paying Public Taxes.

Sheriff of Granville to pay Money levied by Miſtake in Granville to the Directors of Halifax.

VII. AND whereas *William Johnſon*, late Sheriff of the County of *Granville* aforeſaid, did, through Miſtake, levy on the taxable Perſons in the ſaid County, for the Year One Thouſand Seven Hundred and Fifty Seven, the Sum of Six Pence, Proclamation Money, each, towards erecting, at *Enfield* aforeſaid, a Clerk's Office and Priſon; *Be it further Enacted, by the Authority aforeſaid,* That the ſaid *William Johnſon* ſhall pay the ſaid Money by him ſo collected to the ſaid Directors and Truſtees; and in Caſe of his Refuſal or Neglect, ſhall or may be compelled thereto by

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a Judgment of the aforeſaid Court, on Motion of the ſaid Truſtees and Directors; provided that the ſaid *William Johnſon* have Ten Days previous Notice of ſuch Motion. *A. D.* 1758.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Truſtees and Directors ſhall apply the aforeſaid Monies, and ſuch other Sum or Sums as they ſhall obtain, by voluntarily Donation of Gentlemen, or otherwiſe, towards building a Court-Houſe, removing and re-building the Priſon, Pillory, Stocks, and Clerk's Office, now at *Enfield*, into the Town of *Halifax* aforeſaid; or in erecting or building in the ſame, others for the Uſe of the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Gaol Delivery, for the ſaid Diſtrict, as to the ſaid Commiſſioners and Directors ſhall ſeem moſt convenient. And appropriated for erecting Public Buildings.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if it ſhould hereafter be thought neceſſary to remove the Court of *Edgcomb* County from *Enfield*, the Place where it is now held, into the Town of *Halifax* aforeſaid, the Juſtices of the ſaid County ſhall and may, and are hereby declared to have full Power and Authority to hold a Court for the ſaid County, from Time to Time, in the Court-Houſe to be erected for the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Gaol Delivery, for the ſaid Diſtrict; and to have the Uſe of the Priſon and Stocks to be built for the ſame, in as free and ample Manner, to all Intents and Purpoſes, as if the ſame had been erected and built at the particular Expence of the ſaid County: And the Inhabitants of the ſaid County ſhall not be compelled or obliged to pay any further or other Sums towards repairing or re-building the aforeſaid Court-Houſe, Priſon, Pillory, or Stocks, than what is herein before directed, or ſhall hereafter be by Law appointed; any Thing herein contained, or any Law to the contrary thereof, notwithſtanding. County Court of Edgcomb removed to Halifax, Juſtices to have Power to ſit in the Supreme Crt. Houſe, &c,

CHAP. X.

An Act for regulating Ordinaries and Houſes of Entertainment, and for other Purpoſes. REP.

CHAP. XI.

An Act to make Proviſion for paying the Chief Juſtice and Attorney General's Salaries, and defraying the contingent Charges of Government. EXP.

CHAP. XII.

An Act for dividing the County of Johnſton, *and other Purpoſes.*

I. WHEREAS the large Extent of the County of *Johnſton* renders it grievous and burthenſome to many of the Inhabitants thereof to attend the Courts and General Muſters, and other Public Meetings appointed therein: Private.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Tenth Day of *April* next the ſaid County be divided by the dividing Line between the Pariſh of *St. Patrick* and the Pariſh of *St. Stephen*; and that that Part of the ſaid County which is now the Pariſh of *St. Stephen* remain, be called, and known by the Name of *Johnſton*; and that that Part of the ſaid County which is the Pariſh of *St. Patrick*, be thenceforth erected into a diſtinct County, and called and known by the Name of *Dobbs*. County divided. Dobbs County erected.

III. AND for the due Adminiſtration of Juſtice, *Be it further Enacted, by the Authority aforeſaid*, That after the aforeſaid Tenth Day of *April*, a Court for the aforeſaid Courts to be held.

A. D. 1758.

aforeſaid County of *Johnſton* be conſtantly held by the Juſtices thereof, at a Place called *Hinton's Quarter*, on the South Side of *Neuſe* River, upon the laſt *Tueſdays* in *January*, *April*, *July*, and *October*; *and alſo that a Court for the ſaid County of *Dobbs* be conſtantly held by the Juſtices thereof, at the Court-Houſe on *Walnut* Creek, upon the firſt *Tueſdays* in *February*, *May*, *Auguſt*, and *November*, every Year, as by the Laws of this Province is provided, and ſhall be, by Commiſſion to the Juſtices of the ſaid Counties, reſpectively, directed.

* Altered by the Inferior Court Act, paſſed Nov. 1762, Chap. 2.

Sheriff to collect as before the Diviſion.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Johnſton*, as the ſame ſtands now undivided, to make Diſtreſs for any Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid County, on the ſaid Tenth Day of *April*, in the ſame Manner as by Law the ſaid Sheriff could or might have done if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding.

Dobbs Part of the Southern Diſtrict.

V. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Tenth Day of *April* the ſaid County of *Dobbs* ſhall be, continue, and remain Part of the Diſtrict of the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Gaol Delivery, uſually held for the Counties of *Craven*, *Carteret*, *Johnſton*, *Beaufort*, and *Hyde*; and the Sheriff or Collector of the ſaid County of *Dobbs* ſhall, from Time to Time, account for and pay to the Public Treaſurer for the Southern Diſtrict of this Province 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 Sheriffs.

Royal Prerogative of Incorporation, ſaved.

VI. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, of granting Letters of Incorporation to the ſaid Counties, of ordering, appointing, and directing the Election of a Member or Members to repreſent them in Aſſembly, and of granting Markets and Fairs to be kept and held in them reſpectively; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made. *(b)*

CHAP. XIII.

An Act for dividing Edgcomb *County.*

Private.

I. WHEREAS divers Inconveniences attend the Inhabitants of *Edgcomb* County, by Reaſon of the large Extent thereof, and the great Diſtance that many of them live from the Court-Houſe, and other Places uſually appointed for Public Meetings;

County divided.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and immediately after the Firſt Day of *January* next enſuing, the ſaid County of *Edgcomb* be divided, by the dividing Line between the Pariſh of *Edgcomb* and the Pariſh of *St. Mary*; and that that Part of the ſaid County which is now the Pariſh of *St. Mary*, remain, be called, and known by the Name of *Edgcomb* County; and that that Part of the ſaid County which is now the Pariſh of *Edgcomb*, be thenceforth erected into one diſtinct County, and called and known by the Name of *Halifax*.

Halifax erected.

III. *AND*

(b) The laſt Section of this Act provided for by the Road Act.

III. AND for the due Adminiſtration of Juſtice, *Be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *January*, a Court for the ſaid County of *Edgcomb* be conſtantly held, by the Juſtices thereof, at *Redman's Oldfield*, on *Tyoncoca*, upon the Days and Times by Law appointed for that Purpoſe; and alſo that a Court for the ſaid County of *Halifax* be conſtantly held, by the Juſtices thereof, at *Enfield*, upon the Firſt *Tueſdays* in *March*, *June*, *September*, and *December*, in every Year, as by the Laws of this Province is provided, and ſhall be, by Commiſſion to the Juſtices of the ſaid Counties, reſpectively, directed. *A. D.* 1758. Court Days altered by Act 1763, Chap. 2.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Edgcomb*, as the ſame ſtands now undivided, to make Diſtreſs for any Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid County on the ſaid Firſt Day of *January*, in the ſame Manner as by Law the ſaid Sheriff could or might have done if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding. Sheriff to diſtreſs for Levies, as before the Diviſion.

V. *BE it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *January*, the ſaid County of *Halifax* ſhall be, continue, and remain Part of the Diſtrict of the Supreme Court of Juſtice, *Oyer* and *Terminer*, and General Gaol Delivery, uſually held for the Counties of *Northampton*, *Edgcomb*, and *Granville*; and the Sheriff or Collector of the ſaid County of *Halifax* ſhall, from Time to Time, account for and pay to the Public Treaſurer of the Northern Diſtrict of this Province 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 Sheriffs. Halifax part of the Northern Diſtrict.

VI. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Rights and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid Counties, and of ordering, appointing, and directing the Election of a Member or Members to repreſent them in Aſſembly, and of granting Markets and Fairs to be kept and held in them reſpectively; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made. Royal Prerogative of Incorporation ſaved.

CHAP. XIV.

An Act for dividing the Pariſh of St. John, *in* Granville *County.*

I. WHEREAS by Reaſon of the large Extent of the Pariſh of *St. John*, in the County of *Granville*, the Miniſter thereof is put to great Difficulty in diſcharging the Duty of his Function, and the Pariſhioners are ſubject to many Inconveniences; See Act paſſed April 23, 1761, Chap 11.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and immediately after the Twentieth Day of *September* next, the ſaid Pariſh of *St. John* be divided into Two diſtinct Pariſhes,* *to wit*. Beginning at *Cotton* Creek where the *Virginia* Line croſſes the ſame, thence running South, Thirty Degrees Weſt, to *Johnſton* County Line; and that all that Part of the ſaid Pariſh which lies Eaſtward of the Line, remain and be called the Pariſh of *St. John*; and that all that other Part of the ſaid Pariſh which lies Weſtward of the ſaid Line, ſhall be one other diſtinct Pariſh, and called by the Name of *Granville*. * The remaining Part of this Clauſe altered by Act, paſſed April 23, 1761, Chap. 11.

III. *AND*

A. D. 1758.

Veſtrymen appointed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That *William Eaton*, *William Perſon*, *Charles Johnſton*, *William Johnſton*, *Philemon Hawkins*, *Gideon Mackon*, *Oſborne Jefferies*, *Lodwick Alford*, *John Pope*, *William Maſſey*, *Daniel Harris*, and *John Hawkins*, be, and are hereby appointed Veſtrymen for the ſaid Pariſh of *St. John*; and that *Robert Harris*, *Richard Henderſon*, *Reuben Learey*, *Henry Howard*, *Richard Harris*, Jun. *James Mitchel*, *Andrew Hampton*, *Thomas Lowe*, *Evan Ragland*, *William Benford*, *Darwin Elwick*, and *Sharwood Harris*, be, and are hereby appointed Veſtrymen for the ſaid Pariſh of *Granville:* And the ſaid Perſons reſpectively, within Twenty Days after the ſaid Twentieth Day of *September*, ſhall, before a Magiſtrate of the ſaid County of *Granville*, take the Oaths by Law appointed to be taken for the Qualification of Public Officers, and repeat and ſubſcribe the Declaration directed to be made by an Act of Aſſembly, intituled, *An Act for appointing Pariſhes and Veſtries, for the Encouragement of an Orthodox Clergy, for the Advancement of the Proteſtant Religion, and for the Direction of the Settlement of Pariſh Accounts*; and alſo repeat and ſubſcribe the Teſt.

Pen. for not qualifying.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon hereby appointed of the Veſtries aforeſaid reſpectively, who ſhall refuſe or neglect to take the Oaths afore-mentioned, and repeat and ſubſcribe the Declaration and Teſt, in Manner aforeſaid, ſhall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to the Pariſh whereof he is a Reſident; to be recovered by the Churchwardens thereof, by a Warrant from any Two of his Majeſty's Juſtices of the Peace for the ſaid County, and to be applied towards leſſening the Levy of the ſaid Pariſh: And in ſuch Caſe, or where a Veſtryman ſhall die or remove out of the Pariſh for which he is appointed, the other Perſons appointed as aforeſaid, or the Majority of them, ſhall and may, after being qualified in Manner herein before directed, elect and chooſe another Perſon (being a Freeholder) in Place of him who ſhall ſo refuſe, or neglect, or die, or remove; and ſuch Perſon ſo elected in Manner aforeſaid, after his taking the Oaths, and repeating and ſubſcribing the Declaration aforeſaid, and Teſt, ſhall be deemed and held a legal Veſtryman, to all Intents and Purpoſes, as if he had been particularly appointed by this Act.

Their powers.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Veſtries, reſpectively, ſhall continue to be Veſtries; and ſhall and may continue, uſe and exerciſe the like Powers and Authorities, as other Veſtries within this Province may, can, or ought to uſe and enjoy; and be ſubject to the Pains and Penalties for Breach or Neglect of Duty, ſpecified in the aforeſaid Act of Aſſembly, until the uſual Time of electing Veſtrymen.

Contracts before the diviſion, binding.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all Contracts, Agreements, and Orders, heretofore entered into or made by the Veſtry of the ſaid Pariſh of *St. John*, as it now ſtands entire and undivided, ſhall be, continue, and remain of the ſame Force, Validity, and Effect, as if this Act had never been made.

Pariſh of St. John to pay Granville Pariſh an equal proportion of the Taxes.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the aforeſaid Veſtry of the Pariſh of *St. John*, after paying the Miniſter's Salary, diſcharging the Allowances made to the Poor, and other Demands wherewith the ſaid Pariſh of *St. John*, as it now is entire and undivided, ſtands chargeable, ſhall pay and ſatisfy to the Veſtry of the ſaid Pariſh of *Granville*, an equal Proportion of all the Money levied for the Uſe of the ſaid Pariſh of *St. John*, whether the ſame be collected, or by the Collector of the ſaid Pariſh ſtill to be accounted for; due Regard being had to the Number of Taxables in each of the ſaid Pariſhes: And if the Tax already impoſed by the Veſtry of the ſaid Pariſh of *St. John* ſhall be inſufficient to anſwer the ſaid Demands, the ſaid Veſtry of the aforeſaid Pariſh of *Granville* ſhall pay and ſatisfy to the ſaid Veſtry of the Pariſh of *St. John* an equal Proportion of ſuch Deficiency, Regard being had to the Number of Taxables as aforeſaid.

VIII. *AND*

A. D. 1758.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Collector of the ſaid Pariſh of *St. John*, as the ſame ſtands now undivided, to make Diſtreſs for any Levies or Taxes that ſhall be due from the Inhabitants of the ſaid Pariſh on the ſaid Twentieth Day of *September*, in the ſame Manner as by Law the ſaid Collector could or might have done if the ſaid Pariſh had remained undivided; and the ſaid Levies and Taxes ſhall be collected and accounted for in the ſame Manner, as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding.

Taxes to be collected, as before the Diviſion.

CHAP. XV.

An Act for dividing the Pariſh of North-Weſt.

Private.

I. WHEREAS by Reaſon of the great Length of the Pariſh of *North-Weſt*, in the County of *Northampton*, it is extremely difficult for the Miniſter thereof to diſcharge the Duty of his Function, and many Inconveniences attend the Pariſhioners thereof:

Pariſh divided.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and immediately after the Firſt Day of *January* next, the ſaid Pariſh of *North-Weſt* be divided into Two diſtinct Pariſhes; from *Bertie* County Line, by *Poticatia* Swamp, to the Head Branch thereof; and from thence, by a direct Courſe, to the Country Line, where the ſame croſſes *Jack*'s Swamp; and that all that Part of the ſaid Pariſh which lies North Weſt of the ſaid Bounds, ſhall, for ever hereafter, remain, be called, and retain the Name of the Pariſh of *North-Weſt*; and that all that other Part of the ſaid Pariſh which lies Southward of the ſaid Bounds, ſhall thereafter be a diſtinct Pariſh, and called and known by the Name of the Pariſh of *St. George*. *(a)*

North Weſt Pariſh erected.

To pay an equal Proportion to St. George's Pariſh.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the aforeſaid Veſtry of the Pariſh of *North-Weſt*, after paying the Miniſter's Salary, diſcharging the Allowances made to the Poor, and other Demands wherewith the ſaid Pariſh of *North-Weſt*, as it now is entire and undivided, ſtands chargeable, ſhall pay and ſatisfy to the Veſtry of the ſaid Pariſh of *St. George*, an equal Proportion of all the Money levied for the Uſe of the ſaid Pariſh of *North-Weſt*, whether the ſame be collected, or by the Collector of the ſaid Pariſh ſtill to be accounted for, due Regard being had to the Number of Taxables in each of the ſaid Pariſhes: And if the Tax already impoſed by the Veſtry of the ſaid Pariſh of *North-Weſt* ſhall be inſufficient to anſwer the ſaid Demands, the ſaid Veſtry of the aforeſaid Pariſh of *St. George*, ſhall pay and ſatisfy to the ſaid Veſtry of the Pariſh of *North-Weſt*, an equal Proportion of ſuch Deficiency, Regard being had to the Number of Taxables as aforeſaid.

Collector to diſtreſs for Taxes, as before the Diviſion.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Collector of the ſaid Pariſh of *North-Weſt*, as the ſame ſtands now undivided, to make Diſtreſs for any Levies or Taxes that ſhall be due from the Inhabitants of the ſaid Pariſh on the ſaid Firſt Day of *January*, in the ſame Manner as by Law the ſaid Collector could or might have done if the ſaid Pariſh had remained undivided; and the ſaid Levies and Taxes ſhall be collected, and accounted for, in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding.

(a) The 3d, 4th, and 5th Sections of this Act, obſolete, being provided for by the Veſtry Act.

A. D. 1758.

CHAP. XVI.

An Act for eſtabliſhing a Town on the Lands formerly belonging to Zachariah Nixon, *lying on the North Eaſt Side of* Little *River, in* Paſquotank *County.*

Private.

I. WHEREAS it hath been repreſented to the Aſſembly, that in the Year of our Lord One Thouſand Seven Hundred and Forty Six, One Hundred and Sixty One and a Half Acres of Land was purchaſed for a Town and Commons, Fifty Acres of which hath been laid out in Half Acre Lots, with convenient Streets; that there are now upwards of Twenty habitable Houſes erected thereon, and upwards of Seventy Inhabitants; and that the ſame might ſoon be improved, if it was erected into a Town by lawful Authority:

Nixon Town eſtabliſhed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid One Hundred and Sixty One and an Half Acres of Land, be, and the ſame is hereby conſtituted, erected, and eſtabliſhed a Town, and Town Commons, and ſhall be called by the Name of *Nixon* Town.

Truſtees appointed for building it.

III. *AND be it further Enacted, by the Authority aforeſaid,* That from and after paſſing this Act, *Joſeph Robinſon, Thomas Nicholſon, William Lane, Aaron Morris,* and *Francis Nixon,* 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 One Hundred and Sixty One and a Half Acres of Land, to and for the Uſes, Intents, and Purpoſes, herein expreſſed and declared; and that the ſaid Directors, or any Three of them, ſhall have full Power and Authority to meet as often as they ſhall think neceſſary, and cauſe an exact Plan of One Hundred Acres of ſaid Land to be made, as near as may be, agreeable to the Streets already laid out, and to inſert a Mark or Number of each Lot; which Plan ſhall be kept in ſome convenient Place in the ſaid Town, for the View of ſuch Perſons who have, or incline to have, a Lot or Lots in the ſame.

Lots already ſold, reſerved to the Proprietors.

IV. *PROVIDED nevertheleſs,* That nothing in this Act contained ſhall be conſtrued or extend to grant Power to the ſaid Directors, or their Succeſſors, to diſpoſe of, or interfere with, the Titles of any Lot or Lots already ſaved in the ſaid Town, or for which any Perſon or Perſons have, at the Time of paſſing this Act, a Deed of Sale or Conveyance, ſigned and executed according to Law, either by *Zachariah Nixon,* in his Lifetime, or by the Perſons impowered by his laſt Will and Teſtament, to do the ſame: But ſuch Deeds and Conveyances as aforeſaid, provided the Lot or Lots therein mentioned has or have been ſaved, or be hereafter ſaved within Three Years after the paſſing this Act, in the ſame Manner as the Lots hereafter to be granted are to be ſaved, purſuant to the Directions of this Act, are hereby confirmed, in Fee, to ſuch Perſon or Perſons, and to his or their Heirs and Aſſigns, for ever.

Truſtees to execute Deeds for Lots already ſold, and not conveyed.

V. AND whereas it may be that ſome Perſon or Perſons, Owner or Owners of one or more ſaved Lots in the ſaid Town, has, or have neglected to have the ſaid Lot or Lots made over to them by Deed or Conveyance, by either the ſaid *Zachariah Nixon,* in his Lifetime, or by the Perſons appointed by his laſt Will and Teſtament ſo to do ſince his Deceaſe: In Order therefore to quiet and ſecure the ſaid Perſon or Perſons in the Poſſeſſion of his or their Lot or Lots, *It is hereby Enacted, by the Authority aforeſaid,* That the ſaid Directors, or the Majority of them, ſhall, at the proper Coſt and Charges of the Perſon or Perſons having one or more ſaved Lots not made over to them, make and execute Deeds for granting and conveying the ſame to him or them, his and their Heirs and Aſſigns, for ever.

And to ſell thoſe that are unſold.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Directors, or a Majority of them, within One Month after the laying out of the ſaid Town, and making the Plan thereof, ſhall appoint a Time, and give Public Notice thereof,

thereof, and ſo from Time to Time, as often as they ſhall think it neceſſary, to make Sale of any Lot or Lots therein laying vacant or unimproved, to the higheſt Bidder; and the ſaid Directors, or a Majority of them, ſhall make and execute Deeds for granting and conveying the ſame to ſuch Purchaſer, his Heirs and Aſſigns, for ever, at the Coſt and Charge of the Grantee to whom the ſame ſhall be conveyed; 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. *A. D.* 1758.

VII. *PROVIDED nevertheleſs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, ſhall, within Three Years next after the Date of the Purchaſe, erect, build, and finiſh, on each Lot ſo conveyed, One good habitable Houſe, with a Brick or Stone Chimney, Twenty Feet long, Fifteen Feet wide, and Nine Feet Pitch in the Clear, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more Lots contiguous; and if the Owner of any Lot ſhall not comply with the Directions by this Act preſcribed, for building and finiſhing an Houſe thereon, then ſuch Lot ſhall be re-veſted in the ſaid Directors; and the ſaid Directors, or the Majority of them, may, and they are hereby impowered and authorized, to ſell ſuch Lot, in the ſame Manner as if the ſaid Lot had never been ſold or granted: And in Caſe of the Refuſal or Neglect of any Purchaſer to pay the Sum agreed for, the ſaid Directors ſhall and may commence and proſecute a Suit, in their own Names, for the ſame, and thereon recover Judgment, with Coſts. Lots to be ſaved within 3 Years.

VIII. *AND be it further Enacted*, That all Monies which ſhall ariſe by the Sale of ſaid Lots, ſhall be paid to the ſaid Directors, and their Succeſſors, and by them applied for the Benefit and Improvement of the ſaid Town, in ſuch Manner as the Majority of the ſaid Directors ſhall think proper. Monies for Sale of Lots, appropriated.

IX. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town ſhall be incorporated, *Be it further Enacted, by the Authority aforeſaid*, In Caſe of the Death, Refuſal to act, or Removal out of the County, of any of the ſaid Directors, the Remaining Directors, or the Majority of them, ſhall aſſemble at ſaid Town, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their reſpective Hands and Seals, to nominate ſome other Perſon (being a Freeholder of the ſaid Town) in the Place of him ſo dying, refuſing to act, or Removal out of the County; which new Director, ſo nominated and appointed, ſhall, from thenceforth, have the like Power and Authority, in all Things in the Matter herein contained, as if he had been expreſsly named and appointed in and by this Act. Succeſſion of Directors kept up.

CHAP. XVII.

An Act to eſtabliſh a Ferry from Solley's *Point to* Relf's *Point, whereon the Court-Houſe now ſtands, on* Paſquotank *River.* EXP.

CHAP. XVIII.

An Act for deſtroying Squirrels in the Counties within mentioned. EXP.

CHAP. XIX.

An Act for repealing an Act therein mentioned.

I. WHEREAS One Act of Aſſembly, intituled, *An Act for preſerving Peace, and continuing a good Correſpondence with the* Indians *in Alliance with his Majeſty's Subjects*, has not procured the good Effects hoped for; but, on the contrary, Preamble.

A. D. 1758. contrary, is likely to alienate the Affections of the ſaid *Indians* from the Inhabitants of this Province:

Act repealed. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid recited Act, and every Clauſe and Article thereof, ſhall be from henceforth repealed, and made null and void.

CHAP. XX.

An Act to relieve John Pope *from a Judgment obtained againſt him, in Favour of the Pariſhes of* Edgcomb *and* St. Mary.

Private. I. WHEREAS in the Year One Thouſand Seven Hundred and Fifty Three the Veſtry of the Pariſh of *Edgcomb*, in the County of *Edgcomb*, did lay a Tax of Two Shillings and Three Pence, Proclamation Money, upon each taxable Perſon in the ſaid Pariſh, for defraying the Charges of the ſame, and appointed *John Pope*, Gentleman, Collector thereof; but it afterwards appearing that the ſaid Veſtry was not legal, the ſaid *John Pope* could not levy the ſaid Tax, or otherwiſe compel Payment thereof; notwithſtanding which, Judgment hath been recovered againſt the ſaid *John Pope* for the ſame, and he hath diſcharged great Part thereof: And the ſaid Pariſh of *Edgcomb*, ſince impoſing the ſaid Tax, hath been divided, and a Part thereof erected into a diſtinct Pariſh, by the Name of the Pariſh of *St. Mary*; and the Veſtries of the ſaid Pariſhes are in Doubt whether they have Power to releaſe the ſaid Judgment without paying thereof, or refund the ſaid *John Pope* the Money by him paid in Part thereof:

Veſtries to relieve John Pope. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Veſtries of the ſaid Pariſhes reſpectively may, and are hereby authorized and impowered, to repay the ſaid *John Pope* ſuch Proportion of the ſaid Tax as they reſpectively have received, and to grant a Releaſe or Releaſes to him for ſuch Part of the ſaid Judgment as they are intitled to receive, or ſo much of each of them as to them, in their Diſcretion, ſhall ſeem reaſonable; any Law or Uſage, to the contrary, notwithſtanding.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.
Matthew Rowan, Preſident.
Samuel Swann, Speaker.

ANNO

A. D. 1759.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO TERTIO.

At a General ASSEMBLY, began and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Four; and from thence continued, by ſeveral Prorogations, to the Eighth Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Nine, to be then held at *Newbern*: Being the Eighth Seſſion of this Aſſembly. ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act for raiſing Money for finiſhing the Churches in the Pariſhes of St. James *and* St. Philip, *in* New Hanover *County, by a Lottery.* This Act re-enacted by Act, Nov. 1760, Ch. 8.

CHAP. II.

An Act to impower the Juſtices of Dobbs *County to hear and determine all Cauſes commenced and undetermined in* Johnſton *County Court before the Diviſion of the ſaid County.*

I. WHEREAS by One Act of Aſſembly made and paſſed at *Edenton*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Eight, intituled, *An Act for dividing the County of* Johnſton, *and other Purpoſes*, it is enacted, that from and after the Tenth Day of *April*, then next following, the ſaid County of *Johnſton* be divided by the dividing Line between the Pariſh of *St. Patrick* and the Pariſh of *St. Stephen*; and that that Part of the ſaid County which was then the Pariſh of *St. Stephen* ſhould remain, be called, and known by the Name of *Johnſton*; and that that Part of the ſaid County which was the Pariſh of *St. Patrick* be thenceforth erected into a diſtinct County, and called and known by the Name of *Dobbs*: And Preamble.

And whereas there is not any Proviſion made in the ſaid Act for the Trial of ſuch Cauſes as were commenced in *Johnſton* County (now called *Dobbs* County) Court, and undetermined on the ſaid Tenth Day of *April*;

Juſtices of Dobbs County to hear all Cauſes pending in Johnſton before the Diviſion.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Juſtices of *Dobbs* County Court ſhall and may, and they are hereby authorized, impowered, and directed, to hear, try, and determine, all Cauſes which were pending in the ſaid County Court of *Johnſton*, and undetermined on the ſaid Tenth Day of *April*, and to give Judgment, and award Execution thereupon, in the ſame Manner, to all Intents and Purpoſes, as the Juſtices of *Johnſton* County Court might or could have done if the ſaid County had remained undivided; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

Matthew Rowan, Preſident,

Samuel Swann, Speaker.

A. D. 1759.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO TERTIO.

At a General ASSEMBLY, begun and held at *Newbern*, on the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Four, and from thence continued, by ſeveral Prorogations, to the Twentieth Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Nine, then held at *Wilmington:* Being the Ninth Seſſion of this Aſſembly. ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act to amend and continue an Act, intituled, An Act for the better Regulation of the Militia, and other Purpoſes. EXP.

CHAP. 2. *An Act for granting an Aid to his Majeſty, for paying and ſubſiſting the Forces and Militia now in the Pay of this Province, and for other Purpoſes.* This Act had its Effect.

3. *An Act for the Appointment of Veſtries.* REP.

CHAP. IV.

An Act for erecting Part of the Counties of Chowan, Bertie, *and* Northampton, *into a County and Pariſh.*

I. WHEREAS the large Extent of the Counties of *Chowan*, *Bertie*, and *Northampton*, renders it grievous and burthenſome to many of the Inhabitants thereof to attend the Courts of Juſtice, and other Public Meetings appointed therein: For Remedy whereof, Preamble.

A. D. 1759.

Hertford County erected.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *May* next the ſaid Counties be divided as follows, *to wit,* Beginning in *Bertie* County at the firſt high Land on the North Weſt Side of *Mare* Branch, on *Chowan* River Pocoſon; running thence by a direct Line to *Thomas Outlaw*'s Plantation, near *Stoney* Creek; thence by a direct Line to *Northampton* County Line, at the Plantation whereon *James Rutland* formerly lived; then along *Northampton* County Line to the Head of *Beaver Dam* Swamp; thence by a direct Line to the Eaſtermoſt Part of *Kerby*'s Creek; thence down the Creek to *Meherrin* River; then up *Meherrin* River to the *Virginia* Line; then Eaſterly along the *Virginia* Line to *Bennet*'s Creek; then down *Bennet*'s Creek to *Chowan* River; then acroſs the River to the Mouth of the ſaid *Mare* Branch; and up the Branch to the Beginning: And all that Part of the ſaid Counties included within the ſaid Bounds be thenceforth erected into a diſtinct County and Pariſh, and called and known by the Name of *Hertford* County, and Pariſh of *St. Barnabas.*

Commiſſioners appointed for running the dividing Lines.

III. *AND be it further Enacted, by the Authority aforeſaid,* That *John Edwards, John Brown,* and *John Baker,* Eſquires, be appointed Commiſſioners; and they, or any Two of them, are hereby impowered and directed to run the ſaid dividing Lines between the ſaid Counties, agreeable to the Directions in this Act before mentioned, and to return a fair Plan thereof to the Court of the ſaid County of *Hertford.*

Court for the ſaid County to be held.

Court Days altered by Act 1768, Chap. 2.

IV. AND for the due Adminiſtration of Juſtice, *Be it Enacted, by the Authorty aforeſaid,* That after the aforeſaid Firſt Day of *May,* a Court for the ſaid County of *Hertford* be conſtantly held by the Juſtices thereof at *Cotton*'s Ferry, on the South Side of *Chowan* River, upon the Fourth *Tueſdays* in *May, Auguſt, November,* and *February,* in each and every Year, as by the Laws of this Province is provided, and ſhall be by Commiſſion to the Juſtices of the ſaid County directed.

Part of North-Weſt Pariſh added to the Pariſh of St. George.

V. *AND be it further Enacted, by the Authority aforeſaid,* That from and after the paſſing of this Act all that Part of the Pariſh of *North-Weſt* as ſhall lie to the Weſtward of the aforeſaid Counties of *Bertie* and *Hertford,* ſhall be added to, and united and conſolidated with, the Pariſh of *St. George,* in the ſaid County of *Northampton,* and ſhall remain one entire Pariſh, and be called and known by the Name of the Pariſh of *St. George.*

Not to debar the Sheriffs from making Diſtreſs for Levies as they could before the Diviſion of the Counties.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That nothing herein contained ſhall be conſtrued to debar the Sheriffs of the Counties of *Chowan, Bertie,* and *Northampton,* as they reſpectively now ſtand undivided, to make Diſtreſs for any Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid Counties on the ſaid Firſt Day of *May,* in the ſame Manner as by Law the ſaid Sheriffs might or could have done if the ſaid Counties had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding.

Monies due to the Pariſh of N. Weſt before the Diviſion, to be paid to the Pariſh of St. George.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That all Sums of Money which ſhall be owing, due, and belonging to the ſaid Pariſh of *North-Weſt,* at the paſſing of this Act, ſhall be paid and ſatisfied to the Veſtry of the Pariſh of *St. George*; and the ſaid Pariſh of *St. George* ſhall ſtand chargeable to every Perſon and Perſons whatſoever for all Demands they may reſpectively have on the ſaid Pariſh of *North-Weſt,* at the Time aforeſaid.

Hertford County to be Part of the Diſtrict of Edenton.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That after the ſaid Firſt Day of *May,* the ſaid County of *Hertford* ſhall be, continue, and remain Part of the Diſtrict of *Edenton:* And the Sheriff of the ſaid County of *Hertford* ſhall, from Time to Time, account for, and pay to the Public Treaſurer of the Northern

Northern Diſtrict for the Time being, all Public Levies by him collected, or where- *A. D.* 1759.
with he ſhall ſtand chargeable, in the ſame Manner, and under the like Pains and Penalties, as other Sheriffs.

IX. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Rights and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, of granting Letters of Incorporation to the ſaid County, and of ordering, appointing, and directing the Election of a Member or Members to repreſent them in Aſſembly, and of granting Markets and Fairs to be kept and held in the ſaid County; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made. His Majeſty's Right of Incorporation, &c. preſerved.

CHAP. V.

An Act to amend an Act for appointing Sheriffs, and directing their Duty in Office; and for compelling Collectors of Public Taxes, and Perſons intruſted with laying out Public Money, to apply and account for the ſame. REP.

CHAP. VI.

An Act to impower Lawrence Thompſon, *late Sheriff of* Orange *County, to collect and receive a Tax of Two Shillings, Proclamation Money, laid on the taxable Perſons in the County of* Orange, *by an Act of Aſſembly of this Province, paſſed in the Thirtieth Year of the Reign of our Sovereign Lord* George *the Second, of* Great Britain, France, *and* Ireland, *King*, and ſo forth. This Act had its Effect.

CHAP. VII.

An Act for enlarging the Time allowed for ſaving Lots in the Town of Halifax, *preventing the building Wooden Chimnies therein, and other Purpoſes.*

I. WHEREAS by one Act of Aſſembly, paſſed in the Thirty Firſt Year of the Reign of his preſent Majeſty, intituled, *An Act for eſtabliſhing a Town on the Land of* James Leſlie, *on* Roanoke *River*, among other Things, it is provided, That the Grantee of every Lot in the ſaid Town ſhall, within Three Years after obtaining a Conveyance for the ſame, erect and finiſh thereon a Houſe of the Dimenſions therein ſpecified; and on Failure thereof, every Lot wherein ſuch Houſe ſhall not be ſo erected, ſhall be re-veſted in the Directors of the ſaid Town by the ſaid Act appointed: And whereas the Smallpox hath raged in the ſaid Town for many Months paſt, whereby many Perſons have been prevented from ſaving their Lots, agreeable to the Direction of the ſaid Act: Private.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Lot in the ſaid Town on which a Houſe ſhall be erected and built of the Dimenſions mentioned in the ſaid Act within the Space of Five Years next after the paſſing of this Act, and alſo every Lot therein which ſhall hereafter be ſold or conveyed on which ſuch Houſe ſhall be erected within the Space of Five Years after the Date of the Conveyance made for the ſame, ſhall be, and is hereby declared to be veſted in the Grantee thereof, in Fee-Simple; any Thing in the ſaid recited Act, to the contrary, notwithſtanding. Time for ſaving Lots.

III. AND whereas ſuffering Wooden Chimnies to be built in the ſaid Town, may occaſion Accidents by Fire; *Be it further Enacted, by the Authority aforeſaid*, That no Perſon whatſoever ſhall hereafter erect any Wooden Chimney in the ſaid Town; and every Perſon who hath already built any ſuch Wooden Chimney therein, Wooden Chimnies to be pulled down.

A. D. 1759. shall pull down or remove the same within the Term of Five Years next after the passing of this Act: And if any Person or Persons shall presume to act contrary hereto, in erecting any Wooden Chimney in the said Town, or in failing to pull down or remove, within the Time afore-mentioned, any such Wooden Chimney by him already erected herein, the Directors herein after mentioned, or any Two of them, are hereby authorized, impowered, and required, to pull down and destroy every such Chimney, and shall not be liable to an Action or Damage for so doing; and if the said Directors, or any of them, shall be sued for the same, they may plead the General Issue, and give this Act in Evidence.

Directors appointed. IV. AND whereas *John Gibson*, Gentleman, one of the Directors of the said Town, by removing to the Colony of *Virginia*, hath vacated his said Office; *Be it therefore Enacted, by the Authority aforesaid*, That from and after the passing of this Act, *Thomas Barker*, *Alexander M'Culloh*, *Robert Jones*, Jun. *Richard Brownrigg*, *Stephen Dewy*, *Thomas M'Knight*, and *Daniel Weldon*, Gentlemen, be, and are hereby appointed Directors and Trustees of the said Town; and shall and may use and exercise the same Powers and Authorities as the Directors thereof appointed by the aforesaid Act could or might have exercised, used, and enjoyed by Virtue of the same: And in Case of the Death, Refusal to act, or Removal out of the Country, of any of the said Directors, the surviving or other Directors shall and are hereby required and impowered, to chuse another Director, agreeable to the Directions of the said Act, in the Room of him so dying, refusing to act, or removing out of the Country.

Who are to execute Deeds for Lots. V. *AND be it further Enacted, by the Authority aforesaid*, That the said Directors, or any Three of them, shall and may, and are hereby authorised and impowered, to make and execute Deeds for granting and conveying to every Person and Persons who already have purchased, or hereafter shall purchase any Lot or Lots in the said Town; and every Person claiming any such Lot or Lots by Virtue of any such Conveyance, shall, and is hereby declared to have an indefeasible Estate, in Fee-Simple, in the same.

CHAP. VIII.

An Act to enable William Dry, *Esq*; *to finish Fort* Johnston, *at the Mouth of* Cape-Fear *River*.

Private. I. WHEREAS the Safety and Preservation of that Part of this Province called *Cape-Fear*, greatly depends on the speedy and effectual finishing the Fort at the Mouth of the said River, and the raising a Fund for that Purpose on the Tonage of all Ships and Vessels coming to the Port of *Brunswick*, as directed by an Act of Assembly of this Province, intituled, *An Act, to enable the Commissioners of* Port Roanoke *to amend the Navigation of the said Port, and for other Purposes*, is attended with great Delay. And whereas *William Dry*, Esq; for and in Consideration of the Sum of Two Thousand Nine Hundred Pounds, Proclamation Money, hath undertaken to compleat and finish the said Fort, and all its necessary Appurtenances, in Two Years from the passing of this Act, conformable to the Proposals now laid before the General Assembly; and hath given Bond and Security to the Governor and Commander in Chief for the Time being, in the Sum of Five Thousand Eight Hundred Pounds Proclamation Money, for the well and faithful effecting the same:

Money appropriated for finishing the Fort. II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, it shall and may be lawful for the said *William Dry*, his Heirs and Assigns, to take and receive, to his or their own Use and Behoof, of and from the Master of each and every Vessel (not owned in this Province) entered in the said Port of *Brunswick*, or any Port thereunto belonging, in order to unlade Goods and Merchandize in her imported,

or

or in order to take on board any Goods, Wares, or Merchandizes whatſoever for Exportation out of the ſaid Port of *Brunſwick*, or Ports thereunto belonging, the Sum of Two Shillings Proclamation Money for each and every Ton Burthen the ſaid Ship or Veſſel may be of, until ſuch Time as, with the Ballance now in his Hands for Powder-Money and Tonage by him heretofore collected, he ſhall have received the full Amount of Two Thouſand Nine Hundred Pounds aforeſaid, excluſive of his Commiſſions, and no longer; provided that the ſaid *William Dry*, ſhall, within ſix Months after the paſſing of this Act, well and truly account for, upon Oath, with the Commiſſioners of Fort *Johnſton*, for all Powder-Money or Tonage by him heretofore received; and ſhall, upon Oath, account with the General Aſſembly for all Monies by him to be collected or received by Virtue of this Act. *A. D.* 1759.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Tonage of ſuch Ship or Veſſel ſhall be eſtimated by the Number of Barrels ſhe may carry, allowing for each and every Ton Eight Barrels, of Thirty-One Gallons and a Half, and ſo in Proportion for other Goods. Tonage eſtimated.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That every Clauſe, Matter, or Thing, contained in any Act or Acts of Aſſembly heretofore made, relative to a Duty on the Tonage of Shipping entering and lading, or unlading, at the ſaid Port of *Brunſwick*, or within the Diſtrict thereof, is hereby repealed and made void to all Intents and Purpoſes whatſoever. Repealing Clauſe.

CHAP. IX.

An Act to enable the Commiſſioners of Port Bath *and Port* Beaufort *to amend the Navigation, and other Purpoſes.* EXP.

CHAP. 10. *An Act to impower and direct the Commiſſioners of the Diſtricts herein after mentioned, to lay out and make new Roads.* Provided for by the Road Act.

11. *An Act to eſtabliſh Warehouſes for the Inſpection of Tobacco in the County of* Dobbs, *and other Purpoſes.* Provided for by the Inſpection Act.

12. *An Act for appointing Commiſſioners to finiſh the Court Houſe already begun in the Town of* Newbern, *and for other Purpoſes.* REP.

CHAP. XIII.

An Act for eſtabliſhing a Town on the Land formerly granted to William Churton, *Gentleman, lying on the North Side of the River* Enoe, *in the County of* Orange. *(a)*

I. WHEREAS it hath been repreſented to the Aſſembly by Petition, that in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, Four Hundred Acres of Land was granted to *William Churton*, which was afterwards laid off by him into a Town and Common; and that Part of the ſaid Four Hundred Acres hath been likewiſe laid out into Lots of One Acre each, on ſome of which good habitable Houſes have been erected; and that by Reaſon of the Healthineſs of the ſaid Place, and convenient Situation thereof, for an inland Trade, the ſame might ſoon become conſiderable if it was erected into a Town by lawful Authority, to which the ſaid *William Churton*, who is now ſeized, in Fee, of the greateſt Part of the ſaid Four Hundred Acres, and thoſe who claim by Conveyance under him, having conſented: Private.

II. *BE*

(a) See Act Nov. 1766, Chap. 15, for amending this Act.

A. D. 1759. The 2d and 3d Clauſes altered by Act Dec. 1766, Chap. 15.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Four Hundred Acres of Land be, and the ſame is hereby conſtituted, erected, and eſtabliſhed a Town, and Town Common, and ſhall be called by the Name of *Childſburgh*.

Directors appointed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *James Watſon*, *William Churton*, *William Reed*, Eſqrs. *William Nunn*, and *Daniel Cane*, Gentlemen, and every of them, 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 Four Hundred Acres of Land, to and for the Uſes, Intents, and Purpoſes, herein after expreſſed and declared; that is to ſay, That the ſaid Directors, or any Three of them, ſhall have full Power and Authority to meet, as often as they ſhall think neceſſary, and cauſe an exact Plan of Two Hundred Acres of the ſaid Land to be made, as near as may be agreeable to the Streets and Lots already laid out, and the Reſidue thereof ſhall be and remain for a Common thereto; and that the ſaid Directors ſhall inſert a Mark or Number on each Lot; which ſaid Plan ſhall be kept in ſome convenient Place in the ſaid Town, for the View of ſuch Perſons who have, or incline to have a Lot or Lots in the ſame.

Lots reſerved to the Proprietor.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That when the ſaid Town ſhall be laid out, it ſhall and may be lawful for the ſaid *William Churton* to reſerve to himſelf, and have and keep to his own proper Uſe, Four Acres of the ſaid Town, lying on the *South-Eaſt* Corner thereof upon the River; Three Acres of which Four Acres, have formerly been laid out into Lots, and, are now in the Plan of the ſaid Town, known and diſtinguiſhed by the Letters FG and H, and one other Acre betwixt thoſe Lots and the River, and bounded by the Lots Number 5, and the Letters FGH and the River; of which ſaid Lots the ſaid *William Churton* ſhall ſtand ſeized of an indefeaſible Eſtate of Inheritance, in Fee-Simple, in the ſame Manner as if the ſaid Lots had been by him ſaved in Manner as hereafter directed by this Act, in Conſideration of the many Services he hath performed for the Inhabitants of the ſaid Town, and of his Labour, Expence, and Pains, in laying out the ſaid Town.

Directors not to interfere with Lots already ſaved.

V. *PROVIDED neverthelefs*, That nothing in this Act contained ſhall be conſtrued or extend to grant Power to the ſaid Directors, or their Succeſſors, to diſpoſe of, or interfere with the Title or Titles of any Lot or Lots already ſaved in the ſaid Town, or for which any Perſon or Perſons have at the Time of paſſing this Act, a Deed of Sale, or Conveyance, ſigned and executed agreeable to Law, by the ſaid *William Churton*; but ſuch Deeds and Conveyances as aforeſaid, if the Lot or Lots therein mentioned has or have been ſaved in Manner as ſpecified in the ſaid Deed or Deeds from the ſaid *William Churton*, or ſhall be hereafter ſaved within Two Years after the paſſing of this Act, in the ſame Manner as the Lots hereafter to be granted are to be ſaved purſuant to the Directions of this Act, are hereby declared to be good and valid in Law, and the Grantee or Grantees ſhall have and enjoy an Eſtate, in Fee-Simple, therein. *(a)*

Treaſurer appointed.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That *James Watſon*, Eſq; one of the Directors aforeſaid, ſhall be appointed preſent Treaſurer, and Receiver of all Monies ariſing by Virtue of this Act; and on his Death, Removal out of the ſaid Town, or Refuſal to Act, then the ſaid Directors, or the Majority of them, ſhall chooſe one other of the ſaid Directors to ſucceed him; and every Treaſurer ſhall firſt give ſufficient Security to the Juſtices of the County Court of *Orange* for the juſt Performance of the ſaid Truſt.

IX. *AND*

(a) The 6th and 7th Sections repealed by Act Nov. 1766, Chap. 15.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Directors, or a Majority of them, ſhall hereby have full Power and Authority to call any Perſon or Perſons to Account for any Sum or Sums of Money by them received, either by the Sale of any Lots formerly granted, or hereafter to be granted, or from the Ground-Rent chargeable on each Lot, and to receive the ſame, and give proper and full Diſchages thereupon. *A. D.* 1759. Directors to call Perſons to Account.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all the Monies ariſing by the Sale or taking up of the ſaid Lots, after the Directors reaſonable Charges and Expences for their ſeveral Services are deducted, ſhall be appropriated, laid out, and applied to ſuch Uſe or Uſes as the ſaid Directors, or a Majority of them, ſhall think convenient, for the better Encouragement of the ſaid Town. Monies appropriated.

XI. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town ſhall be incorporated; *Be it Enacted, by the Authority aforeſaid*, In caſe of the Death, Refuſal to act, or Removal out of the Town, of any of the ſaid Directors, the remaining Directors, or the Majority of them, ſhall aſſemble at the ſaid Town, and are hereby impowered, by Inſtrument in Writing under their reſpective Hands and Seals, to nominate ſome other Perſon, being a Freeholder of the ſaid Town, and reſiding therein, in the Place of him ſo dying, refuſing to Act, or Removal out of the Town; which new Director ſo nominated and appointed, ſhall, from thenceforth, have the like Power and Authority in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act. Succeſſion of Directors kept up.

CHAP. XIV.

An Act to amend an Act, intituled, An Act for building and maintaining of Court-Houſes, Priſons, and Stocks, in every County within this Province, and appointing Rules for each County Priſon for Debtors.

I. WHEREAS by one Act of Aſſembly, paſſed in the Fifteenth Year of his preſent Majeſty, intituled, *An Act for building and maintaining of Court-Houſes, Priſons, and Stocks, in every County within this Province, and appointing Rules for each County Priſon for Debtors*, it is, among other Things, Enacted, That every Perſon committed to Gaol (not for Treaſon or Felony) upon giving Bond and Security to the Sheriff of the County, may have the Liberty of the Rules of the Priſon to which he is committed; which Indulgence hath been greatly abuſed: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all and every Bond or Bonds which ſhall hereafter be given in Purſuance of the ſaid Act by any Perſon or Perſons committed on a *Capias ad Satisfaciendum*, ſhall, by the Sheriff taking the ſame, be aſſigned by the Party at whoſe Inſtance ſuch Perſon or Perſons was or were committed to Gaol, and ſhall be returned to the Office of the Clerk of the Court from whence ſuch Execution iſſued, there to be ſafely kept, and ſhall have the Force of a Judgment; and if any Perſon who ſhall obtain the Rules of any Priſon, upon giving Bond and Security as aforeſaid, ſhall eſcape out of the ſame before he ſhall have paid the Debt, or Damages and Coſts, according to the Condition of ſuch Bond, it ſhall be lawful, and full Power and Authority is hereby given to the Court where ſuch Bond is lodged, upon Motion of the Party for whom ſuch Execution iſſued, to award Execution againſt ſuch Perſon and his Securities, for the Debt, or Damages and Coſts, with Intereſt, to be computed from the Time of ſuch Eſcape till Payment: And no Perſon or Perſons whatſoever, who ſhall be committed to Gaol on any ſuch Execution, ſhall have or be allowed the Rules of any Priſon, but ſhall be kept in ſafe Cuſtody in the Priſon to which he or they ſhall be committed, until the whole Debt or Damages, with Intereſt, and Coſts, ſhall be fully paid and ſatisfied: Any thing in the ſaid Act contained to the contrary notwithſtanding. Method of Priſoners giving Bond for the Priſon Bounds, and proceedings, in Caſe of Eſcape.

III. *PROVIDED*

A. D. 1759.

Obligor to have 10 Days previous Notice.

III. *PROVIDED always*, That ſuch Obligor ſhall have Ten Days previous Notice of ſuch Motion in Writing, and the Obligors, in ſuch Caſe, ſhall not be admitted to plead *Non eſt Factum*, in their Defence, unleſs they ſhall, by Affidavit, prove the Truth of ſuch Plea.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

James Haſell Preſident,

Samuel Swann, Speaker.

A. D. 1760.

ANNO REGNI

GEORGII II.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO TERTIO.

At an ASSEMBLY, began and held at *Newbern*, the Twenty-fourth Day of *April*, in the Thirty-third Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, &c. and in the Year of our Lord One Thouſand Seven Hundred and Sixty; being the Firſt Seſſion of this preſent Aſſembly. ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions, in the ſeveral Counties in this Province. REP.

CHAP. 2. *An Act for the better Care of Orphans, and Security and Management of their Eſtates.* REP.

3. *An Act directing the Method of appointing Jurymen in all Cauſes, Criminal and Civil.* EXP.

4. *An Act for eſtabliſhing Veſtries.* REP.

5. *An Act for making Proviſion for an Orthodox Clergy.* REP.

6. *An Act to amend and improve the Navigation from* Howard's *Bay in* New-River, *in* Onſlow *County, to* Bear-Inlet. Provided for by Act March 1761, Chap. 4.

A. D. 1760.

CHAP. VIII.

An Act to confirm an Agreement made by the preſent Churchwardens and Veſtry of Edgcomb *Pariſh, in the County of* Halifax, *with the Rev. Mr.* Thomas Burgeſs.

Private.

I. WHEREAS by Virtue of an Act of Aſſembly, paſſed at *Edenton* the Twenty-third Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Eight, intituled, *An Act for making better Proviſion for the Clergy*, the Churchwardens and Veſtry of the Pariſh of *Edgcomb*, in the County of *Halifax*, did agree with the Reverend *Thomas Burgeſs*, in *October* laſt, to give and pay him the Sum of One Hundred Pounds, Proclamation Money, *per Annum*, to officiate in the aforeſaid Pariſh, by performing Divine Service at the Church and Chapels, or elſewhere in the ſaid Pariſh, as ſhould be required by the ſaid Veſtry, and perform every other Duty in the ſaid Pariſh which to the Office of Miniſter of the Church of *England* belongs; and alſo to pay the ſaid *Thomas Burgeſs* Twenty Pounds, Proclamation Money, in Lieu of a Glebe, including in the whole One Hundred and Twenty Pounds, Proclamation Money; in Conſideration of which, the ſaid *Thomas Burgeſs* covenanted to perform Divine Service at the Church or Chapels in the aforeſaid Pariſh, or elſewhere in the ſaid Pariſh as he ſhould be directed or required by the aforeſaid Veſtry or their Succeſſors; in Conſequence of which ſaid Agreement the aforeſaid *Thomas Burgeſs* hath officiated and performed Divine Service in the Church and Chapels within the ſaid Pariſh, from the Time of the Agreement aforeſaid, to the Approbation of the Veſtry and other Pariſhioners: Therefore,

Contract confirmed.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Contract ſo made by and between the ſaid *Thomas Burgeſs* and the ſaid Church Wardens and Veſtry of the Pariſh of *Edgcomb* aforeſaid, is hereby confirmed, and ſhall be good and valid in law, and ſhall be binding to all Intents and Purpoſes, as well on the ſaid *Thomas Burgeſs* as on the ſaid Churchwardens and Veſtry of the ſaid Pariſh, for and during the natural Life of the ſaid *Thomas Burgeſs*, or the Time the ſaid *Thomas Burgeſs* ſhall continue to be Miniſter thereof.

CHAP. VIII.

Provided for by the Inſpection Act.

An Act for enlarging the Time for Inſpection of Tobacco at the Public Warehouſe in the Town of Halifax; *for increaſing the Salaries of the Inſpectors of the ſaid Warehouſe; for eſtabliſhing Warehouſes in the County of* Cumberland; *and other Purpoſes therein mentioned.*

SIGNED by

ARTHUR DOBBS, Eſq; Governor.
James Haſell, Preſident.
Samuel Swann, Speaker.

ANNO

A. D. 1760.

ANNO REGNI

GEORGII II,

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO TERTIO.

At an ASSEMBLY, begun and held at *Newbern*, the Twenty-fourth Day of *April*, in the Thirty-third Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, &c. and from thence continued, by Prorogation, to the Twenty-ſixth Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Sixty; being the Second Seſſion of this preſent Aſſembly. ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act for eſtabliſhing Superior Courts of Pleas and Grand Seſſions, and regulating the Proceedings therein. REP.

CHAP. II.

An Act for repealing an Act therein mentioned.

I. WHEREAS an Act of Aſſembly, intituled, *An Act to prevent malignant and infectious Diſtempers being ſpread by Shipping, importing diſtempered Perſons into this Province, and other Purpoſes*, has been repreſented by the Petition of ſundry Merchants and others, and is found, by univerſal Experience, to be greatly prejudicial to the commercial Intereſt within this Province: Private.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid recited Act, and each and every Clauſe therein, be, and is henceforth repealed, and declared null and void. Act repealed.

SIGNED by ARTHUR DOBBS, Eſq; Governor.
James Haſell, Preſident.
Samuel Swann, Speaker.

A. D. 1760.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO QUARTO.

ARTHUR DOBBS, Esq; Governor.

At an ASSEMBLY, begun and held at *Newbern*, the Twenty Fourth Day of *April*, in the Thirty Third Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, *&c.* and from thence continued, by several Prorogations, to the Twenty Sixth Day of *June*, in the Year of our Lord One Thousand Seven Hundred and Sixty; to be then held at *Wilmington*: Being the Third Session of this present Assembly.

CHAP. I.

An Act for granting an Aid to his Majesty. (a)

12,000l. emitted.

VII. AND whereas there is not Money in the Public Treasury to answer the Purposes aforesaid, and the reduced State of the Province renders it impracticable to raise the same by an immediate Poll-Tax; *Be it Enacted, by the Authority aforesaid*, That the Honourable *John Swann*, and *Lewis De Rossett*, Esqrs. and *Samuel Swann*, and *John Starkey*, Esqrs. are hereby authorized, impowered, and required, to stamp or print, and make out, or cause to be stamped or printed, and also to sign with their Hands, Public Bills of Credit, to the Amount of Twelve Thousand Pounds, at the Rate of Proclamation Money, that is to say: One Thousand of Three Pounds, One Thousand of Two Pounds, One Thousand of Thirty Shillings, Two Thousand of One Pound, Two Thousand Three Hundred of Ten Shillings, Four Thousand of Five Shillings, Five Thousand of Two Shillings and Eight Pence, Twenty Five Hundred of Two Shillings, Four Thousand of One Shilling, Four Thousand Five Hundred of Eight Pence, Two Thousand of Six Pence, and Two Thousand of Four Pence, each; and shall receive for stamping or printing,

Denomination of the Bills.

(a) The first 6 Clauses of this Act are obsolete, as they have had their Effect.

printing, and making out, and ſigning the ſame, Two *per Cent.* and no more: And that the aforeſaid *John Swann*, *Lewis De Roſſett*, *Samuel Swann*, and *John Starkey*, ſhall, before they ſtamp, print, or ſign, any of the ſaid Public Bills of Credit, give their reſpective Bonds, with ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, for the Uſe of the Province, in the Sum of Twelve Thouſand Pounds each, for the faithful Diſcharge of the Truſt in them repoſed by this Act; which Bonds ſhall be lodged in the Secretary's Office. *A. D.* 1760.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Bills of Credit, when ſo ſtamped or printed, and ſigned as aforeſaid, ſhall be delivered into the Public Treaſury of this Province, that is to ſay: Six Thouſand Pounds thereof to *John Starkey*, Public Treaſurer of the Southern Diſtrict, and the other Six Thouſand Pounds to *Thomas Barker*, Public Treaſurer of the Northern Diſtrict, and ſhall be applied to the Uſes and Purpoſes by this Act directed. Money to be lodged with the Treaſurers.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Bills of Credit ſhall be current, and a lawful Tender in all Payments whatſoever, as Proclamation Money. Bills a lawful Tender.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Public Treaſurers, when directed, until the Sum of Seven Thouſand Pounds, by this Act granted for raiſing, paying, and ſubſiſting the Companies afore-mentioned, ſhall be fully paid, ſhall make Payment in the ſaid Bills of Credit to ſuch Perſon or Perſons as the Governor, or Commander in Chief, by his Warrant or Warrants, ſhall order and appoint to receive the ſame. Treaſurers to pay the Money, on the Governor's Warrant.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Perſon or Perſons who ſhall receive the ſaid Sum of Seven Thouſand Pounds, or any Part thereof, by Virtue of any Warrant or Warrants, ſhall account with the General Aſſembly for the ſame: And every ſuch Perſon or Perſons, before receiving the ſaid Money, ſhall enter into Bond, with good and ſufficient Security, to his Majeſty, his Heirs and Succeſſors, in double the Sum he ſhall ſo receive; with Condition, That he will account with the General Aſſembly for the Sum or Sums he ſhall receive from the ſaid Treaſurers, or either of them, by Virtue of ſuch Warrant; which Bond ſhall be taken by, and lodged with the Treaſurer who pays ſuch Money: And in Caſe of a Breach of the Condition thereof, may be put in Suit, and a Judgment being obtained thereon, the Money recovered ſhall be applied towards defraying the contingent Charges of Government, in ſuch Manner as the General Aſſembly ſhall direct, and to no other Uſe whatſoever. To be accounted for to the Aſſembly. Perſons receiving it, to give Bond.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Sum of Seven Thouſand Pounds ſhall, by the Direction of the Governor or Commander in Chief for the Time being, be applied to the particular Purpoſes by this Act herein before directed, if neceſſary; but if a leſs Sum ſhall be found ſufficient for the ſame, the Surplus ſhall be applied towards defraying the contingent Charges of Government, already allowed, or which ſhall hereafter be allowed by the General Aſſembly, and to no other Purpoſe whatſoever. Surplus of the 7000 l. to be applied to Contingencies of Government.

XIII. AND for the greater Encouragement of Perſons as ſhall inliſt voluntarily to ſerve in the ſaid Companies, and other Inhabitants of this Province who ſhall undertake any Expedition againſt the *Cherokees*, and other *Indians* in Alliance with the *French*; *Be it further Enacted, by the Authority aforeſaid*, That each of the ſaid *Indians* who ſhall be taken a Captive during the preſent War by any Perſon as aforeſaid, ſhall, and is hereby declared to be a Slave, and the abſolute Right and Property of who ſhall be the Captor of ſuch *Indian*; and ſhall and may be poſſeſſed, paſs, go, and remain to ſuch Captor, his Executors, Adminiſtrators, and Aſſigns, as a Chattel perſonal: And if any Perſon or Perſons, Inhabitant or Inhabitants of this Province, not in actual Pay, ſhall kill an Enemy *Indian* or *Indians*, he or they ſhall Indians taken, to be Slaves. Premium for killing Enemy Indians.

A. D. 1760. shall have and receive Ten Pounds for each and every *Indian* he or they shall so kill; and any Person or Persons who shall be in the actual Pay of this Province, shall have and receive Five Pounds for every Enemy *Indian* or *Indians* he or they shall so kill, to be paid out of the Treasury; any Law, Usage, or Custom, to the contrary, notwithstanding.

Reward how to be recovered.

XIV. *PROVIDED always*, That any Person claiming the said Reward, before he be allowed or paid the same, shall produce to the Assembly the Scalp of every *Indian* so killed, and make Oath, or otherwise prove that he was the Person who killed, or was present at the killing the *Indian* whose Scalp shall be so produced; and that he hath not before had or received any Allowance from the Public for the same: And as a further Encouragement, shall also have, and keep to his or their own Use or Uses, all Plunder taken out of the Possession of any Enemy *Indian* or *Indians*, or within Twenty Miles of any of the *Cherokee* Towns, or any *Indian* Town at War with any of his Majesty's Subjects.

2000 l appropriated for paying Premiums for Indians killed.

XV. *AND be it further Enacted, by the Authority aforesaid*, That Two Thousand Pounds, of the Remainder of the aforesaid Twelve Thousand Pounds, shall be, and is hereby appropriated, to and for the Payment of the aforesaid Rewards, to such Person and Persons as, by killing any of the aforesaid *Indians*, shall be intitled to receive the same; but if a less Sum shall be found sufficient for the said Purpose, the Surplus shall be applied towards paying the several Creditors of the Public such Claims as already have been, or shall be allowed by the General Assembly, and to any other Purpose: And the Residue of the said Twelve Thousand Pounds is hereby appropriated to and for the Payment of the Debts of the Public, chargeable on the contingent Fund, and shall not be otherwise applied.

Pen. for counterfeiting Bills.

XVI. *AND be it further Enacted, by the Authority aforesaid*, That if any Person shall forge or counterfeit any of the said Bills of Credit, or shall pass or utter the same in Payment or Exchange, knowing the same to be forged or counterfeited, the Offender therein, being lawfully convicted, shall be adjudged a Felon, and suffer as in Cases of Felony, without the Benefit of Clergy.

Tax laid for raising 12,000 l.

XVII. AND for redeeming the said Public Bills of Credit, *Be it Enacted, by the Authority aforesaid*, That a Poll-Tax of One Shilling be laid on every taxable Person within this Province, to commence on the First Day of *January*, One Thousand Seven Hundred and Sixty Three, and to continue until the whole Sum to be emitted by this Act shall be paid in and burnt; which said Tax shall be collected by the Sheriffs of the several Counties, and accounted for and paid to the Treasurers of the several Districts, in the same Manner, and under the like Penalties, as are by Law directed for the collecting, accounting for, and paying other Public Taxes.

CHAP. II.

An Act for appointing a Militia. EXP.

SIGNED by

ARTHUR DOBBS, Esq; Governor.

James Hasell President.

Samuel Swann, Speaker.

ANNO

A. D. 1760.

ANNO REGNI

GEORGII II.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

TRICESSIMO QUARTO.

At an ASSEMBLY, begun and held at *Newbern*, the Twenty-fourth Day of *April*, in the Thirty-third Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, &c. and from thence continued, by ſeveral Prorogations, to the Thirtieth Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Sixty; to be then held at *Wilmington*: Being the Fourth Seſſion of this preſent Aſſembly. ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act to regulate Elections for Members to ſerve in the General Aſſembly, and to aſcertain who ſhall be qualified to vote at the ſaid Elections, or to be elected a Member of the General Aſſembly; and to direct the Method to be obſerved in taking the Poll at the ſeveral Elections in the Counties and Towns in this Province.

I. WHEREAS there is no Law now in Force in this Province to aſcertain the Method of taking the Poll at the Election of Members to ſerve in the General Aſſembly, or who ſhall be qualified to vote at, or be elected a Member to ſerve as aforeſaid: Private.

II. WE therefore pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the Sheriffs of the ſeveral and reſpective Counties within this Province ſhall, at all Elections hereafter to be made in the ſeveral and reſpective Counties for Members to ſit in General Aſſembly, take the Votes of the Freeholders Method of taking the Poll.

A. D. 1760.

ders qualified to vote, in Manner following; that is to ſay, Each and every Sheriff of the ſeveral Counties, ſhall, at the Day appointed for chooſing Members of Aſſembly, come to the Place by Law appointed for holding ſuch Election in his County, and the Candidates then preſent, ſhall nominate and appoint Two Inſpectors to ſee the Poll fairly and impartially taken; and if the Candidates then preſent ſhall refuſe or neglect, the Sheriff or Under Sheriff of the County, ſhall nominate and appoint the ſaid Inſpectors, and the Sheriff ſhall, at or before Ten o'Clock in the Forenoon, open the Poll, and after Proclamation made for the Freeholders to come and give their Votes, ſhall take a Liſt of the Names of the Voters who ſhall give their Suffrage, and the Votes ſhall be given openly, and the Poll kept open till Sunſet, unleſs the Candidates then preſent ſhall agree to have it cloſed ſooner; and the Sheriff ſhall then, in the Preſence of the Inſpectors, caſt up the Number of Votes given for each Candidate, and declare the Perſon or Perſons who ſhall have the greateſt Number of Suffrages, to be duly elected; and in Caſe of an Equality of Votes among any of the Candidates, the Sheriff ſhall have the caſting Vote, and in no other Caſe give his Vote.

Whom deemed Freeholders.

III. AND to prevent Diſputes which may hereafter ariſe in electing of Members to ſerve in Aſſembly, relating to who ſhall be underſtood to be a Freeholder; *Be it Enacted, by the Authority aforeſaid*, That every Perſon who, *bona fide*, hath an Eſtate real for his own Lifetime, or the Life of another, or any Eſtate of greater Dignity of a ſufficient Number of Acres in the County, which by the Law enables him to vote, or be a Candidate for ſuch County, ſhall be accounted a Freeholder within the Meaning of this Act.

None but Freeholders to vote.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall hereafter be admitted to give his Vote in any Election of a Member or Members to ſit in General Aſſembly for any County within this Province, unleſs he hath been an Inhabitant of this Province Six Months, and hath been poſſeſſed of a Freehold, within the Meaning of this Act, of Fifty Acres of Land, at leaſt Three Months before he gives his Vote, and is alſo of the full Age of Twenty-one Years: And

Or qualified to ſit in Aſſembly.

that hereafter, no Perſon ſhall be deemed qualified, or admitted to ſit and vote in the General Aſſembly, unleſs he hath been one full Year an Inhabitant of this Province, and poſſeſſed of a Freehold, within the Meaning of this Act, of at leaſt One Hundred Acres of Land in the County for which he ſhall be elected or choſen, and is alſo of the full Age of Twenty-one Years at the Time he is choſen.

Before they vote at Elections to take

V. *AND be it further Enacted, by the Authority aforeſaid*, That every Freeholder, before he is admitted to give his Vote as aforeſaid at any ſuch Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, ſhall take the following Oath; which Oath the Sheriff or Under Sheriff is hereby impowered and directed to adminiſter, *viz.*

This Oath.

YOU ſhall ſwear, that you have been Six Months an Inhabitant of this Province, and that you have been poſſeſſed of a Freehold of Fifty Acres of Land for Three Months paſt, in your own Right, in the County of and that ſuch Land hath not been granted to you fraudently, on Purpoſe to qualify you to give your Vote; and that the Place of your Abode is in the County of and that you have not voted in this Election. SO HELP YOU GOD.

Sheriffs Duty on receiving Writs of Election.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That when any Sheriff ſhall receive a Writ or Writs for the Election of a Member or Members for any County within this Province, he ſhall advertiſe, or cauſe to be advertiſed, the ſame at every Church and Chappel, and Court Houſe within his County, immediately after Divine Service, on Three ſeveral *Sundays*, ſucceſſively, next before the Election, if there be ſo long a Time between his receiving the Writ and the Day of Election; and the Freeholders, within the Intent and Meaning of this Act, within the County or Town where the Election is to be made, reſpectively, ſhall appear

appear accordingly, and give his Vote at ſuch Election: And if any Perſon ſhall give his Vote at any Election, who is not a Freeholder within the Meaning of this Act, or ſhall vote Twice at the ſame Election, ſuch Perſon ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money, to him or them that will ſue for the ſame; to be recovered with Coſts of Suit, in any Court of Record in this Province, by Action of Debt; wherein no Injunction or Wager of Law ſhall be allowed or admitted of. *A. D.* 1760. Pen. on Perſons voting who are not Freeholders.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That where any Suit ſhall be brought againſt any Perſon for voting, not being a Freeholder, the *Onus Probandi* ſhall be on the Defendant. Suit brought, *Onus Probandi*, to be on the Defendant.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon or Perſons, hereafter to be elected to ſerve in the General Aſſembly for any County or Town within this Province, ſhall or do, by himſelf or themſelves, or by any other Ways or Means in his or their Behalf, or at his or their Charge, before his or their Election to ſerve in General Aſſembly for any County or Town within this Province, either directly or indirectly, give, preſent, or allow to any Perſon or Perſons, having Voice or Vote in ſuch Election, any Money, Gift, Reward, or Preſent, or make any Promiſe to do the ſame to, or for him or themſelves, or for any ſuch Perſon or Perſons in particular to any ſuch County or Town in general, in order to be elected to ſerve in the General Aſſembly for any ſuch County or Town; and that all and every ſuch Perſon ſo offending, and being guilty herein, after Proof thereof made to the Houſe, ſhall be diſabled, and incapable upon ſuch Election, to ſerve in the General Aſſembly for ſuch County or Town during the Continuance of that Aſſembly. Pen. on Perſons giving any Reward, &c. before Election.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if at any Time any Candidate, or other Perſon in his Behalf, ſhall deſire a Copy of the Poll, the Sheriff, or Under Sheriff, who takes the Election, ſhall, within Ten Days after ſuch Election, cauſe a fair Copy thereof to be made, and ſhall deliver it atteſted, with his own Hand, unto ſuch Candidate, or other Perſon as ſhall require the ſame as aforeſaid. Sheriff to give a Copy of the Poll.

X. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Member ſo elected, ſhall, before he be admitted to ſit or vote in the Aſſembly, take the Oaths appointed to be taken by an Act of Parliament made in the Firſt Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for the further Security of his Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia, *being Proteſtants, and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and ſecret Abettors*, and the Oath of Abjuration, and repeat and ſubſcribe the Teſt. Members to take the Oaths of Government.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That if the Sheriff of any County, or in his Abſence the Under-Sheriff, ſhall refuſe to take the Poll, or take it in any other Manner than is herein directed, or ſhall refuſe or neglect to give a Copy of the Poll as aforeſaid, within Ten Days after ſuch Election, or ſhall not regularly and in Time return the Writ of Election, or ſhall make a falſe Return thereof, every ſuch Sheriff or Under-Sheriff as aforeſaid offending herein, or in any of theſe Caſes reſpectively, ſhall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; one Moiety to his Majeſty, his Heirs and Succeſſors, for and towards defraying the contingent Charges of Government, and the other Moiety thereof to him or them that will ſue for the ſame; to be recovered with Coſts, in any of the Superior Courts of Pleas and Grand Seſſions of this Province, by Action of Debt; wherein no Eſſoin, Injunction, Privilege, or Wager of Law, ſhall be allowed. Pen. on Sheriffs taking the Poll contrary to Law, &c.

A. D. 1760. Elections for Towns to be according to Law.

XII. *PROVIDED always*, That the Elections of Members for the ſeveral Towns in this Province to ſit and vote in the General Aſſembly, and the Qualifications of the Candidates, and Voters for Members to repreſent the ſaid Towns, ſhall be as preſcribed by the ſeveral Acts of Aſſembly of this Province in ſuch Caſes made and provided; any Thing in this Act contained, to the contrary, notwithſtanding.

Qualification for Voters for the Town of Brunſwick.

XIII. AND whereas there is no Law now in Force for aſcertaining the Qualifications of the Candidates and Voters for the Town of *Brunſwick*; *Be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall be deemed qualified to be a Repreſentative for the ſaid Town, to ſit and vote in the General Aſſembly, unleſs on the Day of Election he be, and for Three Months next before was ſeized, in Fee-Simple, of a Brick, Stone, or framed Houſe, in the ſaid Town, of the Dimenſions of Twenty Feet by Sixteen, with one or more Brick or Stone Chimney or Chimnies; and that every Tenant of any Stone or habitable Houſe of the Dimenſions aforeſaid, within the Bounds of the ſaid Town, who at the Day of Election, and for Three Months next before, inhabited ſuch Houſe, ſhall be entitled to vote in the Election for the Repreſentative of the ſaid Town; and in Caſe there ſhall be no Tenant of ſuch Houſe in the ſaid Town on the Day of Election, qualified to vote as aforeſaid; then, and in ſuch Caſe, the Perſon ſeized of ſuch Houſe, either in Fee-Simple, Fee-Tail, or for Term of Life, ſhall be intitled to vote for the Repreſentative aforeſaid: Any Thing in this Act contained to the contrary notwithſtanding.

CHAP. II.

An Act for obtaining an exact Liſt of Taxables, and for the effectual collecting all Taxes for the future due and payable, and other Purpoſes therein-mentioned.

Preamble.

I. WHEREAS it appears, by the Liſt of Taxables delivered in by the Magiſtrates at the ſeveral and reſpective Counties of this Province, that a full and compleat Liſt has never yet been obtained by any Law now in Force; and whereas the equal Payment of Taxes is of great Conſequence: Therefore,

Perſons deemed Taxables.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all and every white Perſon, Male, of the Age of Sixteen Years and upwards, all Negroes, Mulattoes, Muſtees, Male and Female, and all Perſons of mixt Blood, to the Fourth Generation, of the Age of Twelve Years and upwards, and all white Perſons intermarrying with any Negro, Mulatto, Muſtee, or other Perſon of mixt Blood, while ſo intermarried, and no other Perſon or Perſons whatſoever, ſhall be deemed Taxables; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Method of taking Liſt of Taxables.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from the paſſing of this Act, the Method for obtaining an exact Liſt of Taxables ſhall be in the following Manner, any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding; that is to ſay, the Juſtices of each County ſhall, at the next Court to be held for their reſpective Counties after the Firſt Day of *May* next, and ſo yearly, iſſue their Warrant, ſigned by the Chairman, directed to the Conſtable in each and every Diſtrict in the reſpective Counties, authorizing and commanding him to go from Houſe to Houſe in his Diſtrict, and ſummon the Maſter or Miſtreſs of every Family, and the Overſeer of every Plantation of which there is no Maſter or Miſtreſs within his Diſtrict, to appear, and they are hereby required to appear, before the Magiſtrate that ſhall be appointed by the Court to receive the Liſt of Taxables in ſuch Diſtrict preceding the Time of holding the then next Court to be held for ſuch County, and there to give in, upon Oath, a Liſt in Writing of all the Taxables in his or her Family, ſetting forth in ſuch Liſt the Name and Sex of each taxable Perſon, whether white or black, bond or free, and diſtinguiſhing ſuch Male Slaves as are Sixteen Years of Age or upwards; and the Conſtable of each and every

Diſtrict

A. D. 1760.

Diſtrict ſhall likewiſe give in to the Magiſtrate of his Diſtrict a Liſt, upon Oath, of all ſuch Perſons ſo warned, which Liſt ſhall contain the Names of all the Maſters and Miſtreſſes of Families, and Overſeers of Plantations, within his Diſtrict: And in Caſe any Conſtable ſhall die, remove, or be any-wiſe rendered incapable of ſerving in his Office, the Magiſtrate of ſuch Diſtrict is hereby required to appoint and qualify another Perſon to act as a Conſtable to ſerve in ſuch Diſtrict, until the Time appointed by Law for appointing Conſtables; which Conſtable, ſo appointed, ſhall be under the like Rules and Penalties as the former Conſtable.

Pen on Conſtables neglecting to ſummon.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That each Conſtable neglecting to ſummon the Maſter, Miſtreſs, or Overſeer, as aforeſaid, or neglecting to return ſuch Liſt as is herein before directed, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money, for each and every Neglect; to be recovered and applied as is by this Act directed.

Magiſtrates appointed for each Diſtrict, to take the Liſt.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Court of each and every reſpective County ſhall, at the ſame Court they appoint Conſtables, appoint one Magiſtrate for each Diſtrict to take and receive the Liſt of Taxables for ſuch Diſtrict; which Juſtice ſo appointed is hereby required and directed to receive, upon Oath, from all Perſons that are liable that ſhall offer to inliſt, being Inhabitants of ſuch Diſtrict, and ſhall make a Liſt of all ſuch, and ſhall compare the ſame with the Conſtable's Liſt returned to him, and if it ſhall appear that any Perſon or Perſons within his Diſtrict that ought to inliſt him or herſelf according to the Direction of this Act, hath failed ſo to do, or that the Conſtable hath failed to ſummon any ſuch Perſon or Perſons, ſuch Juſtice ſhall report the ſame to the ſecond Court to be held for ſuch County after the Firſt Day of *May*, and alſo ſhall return to the ſaid Court the Conſtable's Liſt, and the Liſt of Taxables by him ſo taken, that all ſuch Perſon or Perſons as have failed in their Duty may be proſecuted; and ſuch Juſtice ſhall ſet forth in his Liſt the Names of every Maſter or Miſtreſs of Families, and Overſeers of Plantations of which there is no Maſter or Miſtreſs in the County, the Name and Sex of each Taxable Perſon, whether white or black, bond or free, and diſtinguiſhing ſuch Male Slaves as are Sixteen Years old and upwards.

No Juſtice in the Diſtrict, others to be appointed.

VI. *PROVIDED always*, That in Caſe no Juſtice ſhall preſide within any ſuch Diſtrict, the Court ſhall and may appoint another or other of the Juſtices of the County as ſhall be moſt convenient to ſerve for ſuch Diſtrict or Diſtricts.

Proviſo, in Caſe of Death, &c.

VII. *PROVIDED alſo*, That in Caſe any Juſtice or Juſtices ſhall die, remove, or be any-ways rendered incapable to ſerve in his Office, the Chairman ſhall and may, by his Warrant, appoint ſome other Juſtice of ſaid Court in the Room of any ſuch Juſtice or Juſtices ſo dying, removing, or any-wiſe rendered incapable; which Juſtice, ſo appointed, ſhall act under the like Rules and Penalties of the former Juſtice.

Pen. on Courts neglecting to appoint Conſtables, &c.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe any Court within this Province ſhall neglect to appoint one Conſtable to ſummons, and one Juſtice to receive the Liſt of Taxables in each and every Diſtrict within their reſpective Counties, according to the Directions of this Act, the Juſtices of ſuch Court ſhall forfeit and pay the Sum of One Hundred Pounds, Proclamation Money, for each and every Neglect; to be recovered and applied as other Fines by this Act directed.

Pen. on Perſons concealing their Taxables.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That every Maſter, Miſtreſs, or Overſeer, being ſummoned, alſo every Maſter, Miſtreſs, or Overſeer, as through Miſtake may not be ſummoned, that ſhall neglect to appear and give in his or her Liſt of Taxables, according to the Directions of this Act, Ten Days before the Second Court to be held for his County after the Firſt Day of *May*, ſhall

A. D. 1760. forfeit and pay the Sum of Forty Shillings, Proclamation Money, for each and every Taxable he or ſhe ought to have inliſted; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record having Cognizance thereof, by any Perſon who ſhall ſue for the ſame; one Half whereof to the Proſecutor, the other Half to our Sovereign Lord the King, for the Uſe of the County where the Forfeiture ſhall ariſe, to be applied by the Court of the ſaid County towards leſſening the Tax of the ſaid County.

Perſons coming into any County before the 1ſt of May, to pay Taxes there.

X. *AND be it further Enacted, by the Authority aforeſaid*, That every free Perſon coming into any County in this Province to reſide, on or before the Firſt Day of *May*, yearly, ſhall be liable to inliſt and pay Taxes, unleſs ſuch Perſon ſhall produce a Receipt that he, ſhe, or they, have paid Taxes for that Year in ſome other County or Province, under the like Rules and Penalties as is by this Act before directed: And every Perſon or Perſons that have the Care or Management of any Orphan's Eſtate, or of any taxable Perſon thereunto belonging, are hereby declared to be obliged to inliſt and pay for all ſuch Taxables as belong to ſuch Eſtate; and all Perſons that ſhall let out on Hire any taxable Perſon or Perſons, ſhall inliſt and pay for every ſuch Taxable in the County where ſuch Perſon ſo letten on Hire doth reſide, under the like Rules and Penalties as is by this Act before directed; any Uſage or Cuſtom, to the contrary, notwithſtanding.

Guardians to pay for the Taxables of their Ward.

Perſons having no Home, to procure ſome Houſe-Keeper to inliſt them.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon or Perſons, reſident within this Province at the Time Taxables are by Law to be inliſted, who have no Home or Dwelling of his or their own in ſuch County, ſhall, and are hereby required, to procure ſome Houſe-Keeper to liſt him or them, under the ſame Penalties and Forfeitures as by Law are inflicted on Maſters of Families neglecting to give in their ſeveral Liſts.

XII. AND whereas many idle Perſons within this Province, having no Home or Dwelling of their own, and neglecting to procure ſome Houſe-Keeper to liſt him or them, and ſuch Perſons having no viſible Eſtate, whereby the Fines and Forfeitures impoſed by this Act cannot be recovered and collected from them, or Eſtate ſufficient for the Sheriff to make Diſtreſs for the Levies as aforeſaid: Therefore, to compell ſuch Perſons to procure ſome Houſe-Keeper to inliſt him or them, or to provide, by an honeſt Induſtry, to pay the Levies and Taxes annually aforeſaid;

Idle Perſons compelled to pay Taxes.

XIII. WE pray that it may be Enacted, *And be it Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, if any ſuch Perſon as aforeſaid, in any County within this Province, ſhall refuſe or neglect to procure ſome Houſe-Keeper to liſt him as a Taxable, or ſhall neglect to pay his Levies to the proper Officer who ought to receive the ſame, at the Times when ſuch Levies are to be by Law paid and collected, the Sheriff of the County where ſuch Perſon ought to have inliſted, or procured ſome Houſe-Keeper to inliſt him, ſhall make Diſtreſs on the Goods and Chattels of ſuch Perſon, if any to be found within his ſaid County; and if there is no Goods nor Chattels of ſuch Perſon to be found in ſuch County, the Sheriff ſhall apply to ſome Magiſtrate within his ſaid County, and make Oath that ſuch Perſon as aforeſaid hath no Goods or Chattles within the ſaid County whereupon he can make Diſtreſs; and ſuch Juſtice ſhall iſſue his Warrant againſt any ſuch Perſon as aforeſaid: And ſuch Sheriff is hereby ordered and directed to take the Body of ſuch Perſon, and commit him to the Public Gaol of the ſaid County, there to remain without Bail or Mainprize for one Month, unleſs ſome Perſon will ſooner procure his ſaid Levies, and Fees of Impriſonment, to be paid; and ſuch Perſon being ſo committed, ſhall not have the Benefit of the Act of Aſſembly, intituled, *An Act for the Relief of poor Debtors*, as to the Impriſonment of their Perſons; but ſhall, at the Expiration of the ſaid Month, be by the Sheriff ſold for his ſaid Levies and Priſon Fees at Public Vendue, to ſuch Perſon who for the ſhorteſt Time of Service will pay the ſame; and ſuch Perſon ſo ſold ſhall, during his ſaid Service, be liable to the ſame Pains and Penalties that indented Servants

are

are liable to by an Act of Aſſembly of this Province, intituled, *An Act concerning Servants and Slaves.* A. D. 1766.

XIV. *AND be it further Enacted, by the Authority aforeſaid,* That if any Juſtice or Juſtices, appointed by the Court, or Chairman of ſuch Court as aforeſaid, ſhall neglect to receive and return his and the Conſtable's Liſt as is by this Act directed, every ſuch Juſtice ſo neglecting, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money, for each and every Neglect; to be recovered and applied as other Fines by this Act directed. Pen. on Juſtices neglecting to return their Liſt.

XV. *AND be it further Enacted,* That the Clerk of each and every Inferior Court ſhall, within One Month next after the ſeveral Liſts of Taxables ſhall be returned by the Juſtices into Court, tranſmit one atteſted Copy of ſuch Liſt, alphabetically digeſted, yearly, to the Sheriff of his County, one atteſted Copy to the Court, one atteſted Copy to the Veſtry, one atteſted Copy to the Treaſurer, and alſo ſhall affix one Copy in the Court-Houſe of his County, and keep the ſame conſtantly ſet up, that all Perſons may have an Opportunity to peruſe and examine the ſame, under the Penalty of Twenty Pounds for each and every Neglect; to be recovered and applied as other Fines by this Act directed. Clerk to make out Liſts of Taxables.

XVI. *AND be it further Enacted,* That the Juſtices of the ſeveral Inferior Courts are hereby impowered and directed to allow and pay unto the Clerk, out of the County Tax, ſuch reaſonable Allowance as they ſhall think ſufficient for the Service as afore-mentioned directed to be done by him. To be allowed for the ſame.

XVII. *AND be it further Enacted,* That when any Perſon ſhall have obtained a Commiſſion for the Office of Sheriff of any County, he ſhall, before he be admitted to take the Oath of a Sheriff, or enter upon the Execution of his Office, enter into Bond, with ſufficient Security, as is directed by an Act of Aſſembly, intituled, *An Act for appointing Sheriffs, and directing their Duty in Office; and for compelling Collectors of Public Taxes, and Perſons intruſted with laying out Public Money, to apply and account for the ſame:* And if any Sheriff ſhall preſume to enter on the Execution of his Office before he ſhall give ſuch Bond, he ſhall forfeit and pay the Sum of Five Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Plaint, or Information, in the Superiour Court of the Diſtrict where ſuch Sheriff ſhall reſide, by him that ſhall ſue for the ſame; the one Half to the Proſecutor, the other Half to our Sovereign Lord the King, for the Uſe of the Public, and ſhall be applied by the Governor, Council, and Aſſembly, towards defraying the contingent Charges of Government. Sheriffs to give Bond before they enter on their Office.

XVIII. *AND be it further Enacted,* That if any Inferior Court within this Province ſhall fail or neglect to take ſuch Bond, the Juſtices then ſitting ſhall forfeit and pay the Sum of Five Hundred Pounds, Proclamation Money; to be recovered and applied as the Fine herein laſt before-mentioned. Pen. on Juſtices neglecting to take ſuch Bond.

XIX. AND whereas Sheriffs, and other Collectors of Taxes, have diſcovered ſome Taxables not inliſted, and have demanded and received the Taxes from them, and retained the ſame to their own Uſe; *Be it therefore Enacted, by the Authorty aforeſaid,* That all Sheriffs, and Collectors of Taxes, ſhall hereafter account, on Oath, for all ſuch Taxes and Levies by them, or their Deputy or Deputies, received, to the reſpective Treaſurer, Inferior Court, or Veſtry, as the Caſe may be; which ſhall be applied to the Uſe of the Public, County, or Pariſh, accordingly, under the Penalty of One Hundred Pounds, Proclamation Money; to be recovered and applied as other Fines in this Act directed. Taxes not liſted, to be applied to the Public.

XX. *AND be it further Enacted, by the Authority aforeſaid,* That if any Sheriff ſhall neglect or refuſe to account for and pay the ſeveral County Taxes that have been, or hereafter ſhall be aſſeſſed on the taxable Perſons of the County whereof he is Sheriffs neglecting to pay the Taxes, Court may give Judgment againſt them.

A. D. 1760.

is Sheriff, and wherewith he ſhall be chargeable, according to the Directions of the Laws of this Province, after deducting his Commiſſions allowed him, and the ſeveral Sums chargeable to Perſons who have no viſible Eſtate in ſuch Counties, it ſhall and may be lawful for the Superior Court of the Diſtrict where ſuch Sheriff ſhall live, either before, or at any Time after the Expiration of his ſaid Office, on Motion of the Chairman of ſuch Inferior Court, to give Judgment againſt ſuch Sheriff for all the Money wherewith he ſhall or may be chargeable to the County, with Coſts, and thereupon to award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Sheriff; provided always, the Sheriff ſhall have Ten Days previous Notice of ſuch Motion.

Juſtices to provide Record Books for the County.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of each and every County ſhall purchaſe, at the Expence of the ſame, well bound Books, for keeping therein a fair Record, in which ſhall be, by the Clerk of ſuch County Court, yearly, fairly ſtated, all Accounts relating to the Charge and Expence of all Monies collected and received for the Uſe of ſuch County; as alſo an Account of the Number of Taxables in each Diſtrict, as returned by the ſeveral Magiſtrates thereof; and an Account of all ſuch Perſons as ſhall be diſcovered to have failed to inliſt within ſuch Diſtrict; and an Account of all the Maſters, Miſtreſſes, and Overſeers, in each Diſtrict, as returned by the ſeveral Conſtables of ſuch County; under the Penalty of Twenty Pounds, Proclamation Money, to be recovered and applied as other Fines by this Act directed; for which ſaid Services the Clerk ſhall be allowed by the Juſtices, out of the County Tax, all Sum or Sums of Money as they ſhall think adequate for ſuch Services.

Sheriff to deliver an Account of Public Monies to the Treaſurer.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That every Sheriff, and every Collector of Public Duties, ſhall, at his Settlement with the Treaſurer of his Diſtrict, deliver his Account, ſigned and proved, of all the Monies he hath received, payable to ſuch Treaſurer, for the Uſe of the Public; which Accounts ſuch Treaſurer ſhall produce as a Voucher for the Money by him received, in order to ſettle with the Aſſembly; under the Penalty of Five Hundred Pounds Proclamation Money; to be recovered and applied as other Fines by this Act directed.

Five Juſtices to be preſent, when Sheriffs Accounts are ſettled.

XXIII. AND whereas by the Laws now in Force, the Juſtices of every County Court, when they ſettle with their reſpective Sheriffs, are impowered to make the ſaid Sheriffs an Allowance for ſuch Perſons as have no viſible Eſtate, and an atteſted Copy of ſuch Allowance or Settlement may be given in Evidence when ſuch Sheriffs are ſued by the Public Treaſurer for the Public Taxes; which Power, in ſeveral Inſtances, has been abuſed: For Remedy whereof; *Be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, no County Court ſhall make ſuch Allowance for Inſolvents, nor give any Certificate for the ſame, unleſs there ſhall be Five or more Juſtices in Court at making ſuch Allowance, who ſhall all ſign the Certificate for the ſame.

Taxes when to be paid.

XXIV. AND whereas the ſeveral Public, County, and Pariſh Taxes, are not directed to be paid at one and the ſame Time, whereby ſeveral Sheriffs, when they have diſtrained for ſaid Taxes, have taken Fees for Diſtreſs on each Tax: For Remedy whereof, *Be it Enacted, and it is hereby Enacted*, That after the paſſing this Act, if any Perſon or Perſons ſhall fail to pay the Public, County, and Pariſh Taxes, on or before the Tenth Day of *March*, yearly, the Sheriff ſhall and may make Diſtreſs on ſuch Perſon or Perſons ſo failing as aforeſaid for the whole Amount of ſuch Taxes in one Sum, for which Diſtreſs he ſhall and may take Two Shillings and Eight Pence, and no more; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Penalties how recovered.

XXV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Forfeitures and Penalties by this Act inflicted, for which no Method of Recovery or Application is herein before directed, ſhall and may be recovered, with Coſts, before

before any Juriſdiction having Cognizance thereof; one Half to the Uſe of the Proſecutor, and the other Half to the Uſe of our Sovereign Lord the King, for the Uſe of the County wherein ſuch Penalty ſhall be incurred, and applied by the Juſtices towards leſſening the County Tax. A. D. 1760.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, and every Clauſe and Article thereof, for ſo much as relates to any Matter or Thing within the Purview of this Act, from henceforth ſhall be repealed and made void. Repealing Clauſe.

CHAP. III.

An Act for erecting the upper Part of Beaufort *County into a County and Pariſh, by the Name of* Pitt *County, and* St. Michael's *Pariſh; and for adjourning the Court from the Court-Houſe on the Land of* Thomas Bonner, *to the Court-Houſe in* Bath *Town; and other Purpoſes therein-mentioned.*

I. WHEREAS the large Extent of the County of *Beaufort* renders it grievous and burthenſome to the Inhabitants thereof to attend the Courts, General Muſters, and other Public Meetings appointed therein; Private.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Firſt Day of *January* next, the upper Part of the ſaid County of *Beaufort*, beginning at the Line between the ſaid County and *Tyrrel*, running South South Weſt to *Cherry*'s Run, where the main Road croſſes the ſaid Run; thence down the ſaid Run to *Tranter*'s Creek; thence down the ſaid Creek to *Pamplico* River; thence down the ſaid River to the *Fork Point*, on the South Side of the ſaid River; thence up the *Chocowinity* Bay and Creek to the Head thereof; thence South South Weſt to the dividing Line of the ſaid County and *Craven*; thence along the dividing Lines of *Craven*, *Dobbs*, *Edgcomb*, and *Tyrrel*; ſo that all that Part of *Beaufort* County to the Weſtward of *Cherry*'s Run, *Chocowinity* Bay and Creek, ſhall, and is hereby declared to be a ſeparate County and Pariſh, and ſhall be called and known by the Name of *Pitt* County, and *St. Michael*'s Pariſh, with all and every the Rights, Privileges, Benefits, and Advantages, whatſoever, which any other County or Pariſh within this Province can, ſhall, or may lawfully hold, uſe, or enjoy. Pitt County erected.

III. AND for the due Adminiſtration of Juſtice within the ſaid County, *Be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *January*, a Court for the ſaid County of *Beaufort* be conſtantly held by the Juſtices thereof at the Court-Houſe in *Bath* Town, upon the Days and Times by Law appointed for holding Courts in *Beaufort* County; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Beaufort Court held at Bath.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That *John Hardy*, *John Simpſon*, *William Speir*, *George Moy*, and *Iſaac Buck*, are hereby appointed Commiſſioners; and they, or the Majority of them, are hereby required, within Six Months after the paſſing of this Act, to agree and contract with Workmen for the building and erecting a ſuitable Court-Houſe, Priſon, Pillory, and Stocks, for the Uſe of the ſaid County of *Pitt*, on the Land of Mr. *John Hardy*, on the South Side of *Tar* River, near the Chapel known by the Name of *Hardy*'s Chapel. Commiſſioners for building Pitt Court-Houſe.

V. *AND be it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of Two Shillings, Proclamation Money, ſhall be levied on each taxable Perſon within the ſaid County of *Pitt* for Two Years; which Tax ſhall, on or before the Tenth Day of *June*, which ſhall be in the Year of our Lord One Thouſaud Seven Hundred and Sixty One, and Sixty Two, be paid to the Sheriff of the ſaid County. Tax laid.

VI. *AND*

A. D. 1760.

Diſtreſs may be made for non-Payment of the Tax.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all Perſons in the ſaid County neglecting to pay the ſaid Tax, until the Tenth Day of *March* in each of the aforeſaid Years, to the Sheriff as aforeſaid, ſhall be liable thereafter to the ſame Diſtreſs as for Non-Payment of other Taxes; and the Sheriff of the ſaid County ſhall, and is hereby required and directed, on or before the Tenth Day of *June* in each Year, to account, upon Oath, and pay to the ſaid Commiſſioners, the Survivors or Survivor, or the Majority of them, the Money which by Virtue of this Act he hath received, after deducting Six *per Cent.* for collecting the ſame, under the Penalty of Two Hundred Pounds, Proclamation Money, to be recovered by the ſaid Commiſſioners, the Survivors or Survivor of them, by Action of Debt, with Coſts, in the Superior Court in the Diſtrict to which the ſaid County belongs.

Sheriff to account with the Commiſſioners.

Surplus appropriated.

VII. *PROVIDED neverthelefs*, That if the Money ſo to be collected and paid by the Sheriff of the County of *Pitt*, to the aforeſaid Commiſſioners, ſhall amount to more than the Sum by them contracted to be paid for the erecting the ſaid Buildings, they ſhall account for and pay the Overplus thereof to the Juſtices of the ſaid Inferior Court of *Pitt*, which by them ſhall be applied towards defraying the Contingent Charges of the ſaid County.

Court Days altered, by Act 1768, Chap. 2.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That a Court for the County of *Pitt* ſhall be held Quarterly on the laſt *Tueſdays* in the Months of *February*, *May*, *Auguſt*, and *November*, which ſaid Court ſhall be held by a 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 preſcribed for other Inferior Courts of Pleas and Quarter Seſſions within this Province.

Juſtices impowered to hold a Court.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices to be appointed for the Inferior Court of Pleas and Quarter Seſſions for the ſaid County of *Pitt* ſhall, and they are hereby authorized and impowered, to hold a Court for the ſaid County of *Pitt*, on the Days before mentioned, at the Houſe of Mr. *John Hardy*, until there ſhall be a Court-Houſe built for the ſaid County; at which Time the ſaid Juſtices are hereby required to adjourn the ſaid Court from the Houſe of the ſaid *John Hardy*, to the Court-Houſe to be built for the ſaid County.

Sheriff of Beaufort to diſtrain for Taxes, as before the Diviſion.

X. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the aforeſaid County of *Beaufort*, as the ſame now ſtands undivided, to make Diſtreſs for any Taxes, Levies, Fees, or other Dues, that are now, or ſhall be due from the Inhabitants of the ſaid County for the Year of our Lord One Thouſand Seven Hundred and Sixty, or before, but that he may make Diſtreſs in the ſame Manner as by Law the ſaid Sheriff could or might have done if the ſaid County had remained undivided: And the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding.

Pitt Part of the Southern Diſtrict.

Jurors to be ſent.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *January* the ſaid County of *Pitt* ſhall be, continue, and remain Part of the Diſtrict of the Superior Court of Pleas and Grand Seſſions to be held for the Counties of *Craven*, *Carteret*, *Beaufort*, *Hyde*, and *Dobbs*; and the Juſtices of the Court of the ſaid Counties of *Beaufort* and *Pitt* ſhall, and they are hereby directed, before ſuch Superior Court, to nominate Six Freeholders to ſerve as Grand and Petit Jurors at ſuch Superior Court; a Liſt of which Jurors, ſo nominated, ſhall be delivered by the Clerks of each of the ſaid Counties to the Sheriff, who ſhall, and is hereby required, to ſummons the Perſons ſo nominated to ſerve as Jurymen at the Superior Court: And in Caſe any of the Jurymen ſhall, when nominated and ſummoned as aforeſaid, fail to appear at the ſaid Superior Court, they ſhall be under the ſame Rules, Fines, and Regulations, as other Jurymen are by Virtue of one Act of Aſſembly, paſſed in *Newbern* in the Year of our Lord One Thouſand Seven Hundred

Hundred and Sixty, intituled, *An Act directing the Method of appointing Jurymen in all Cauſes criminal and civil*; and the Sheriff of the ſaid County of *Pitt* ſhall, from Time to Time, account for and pay to the Public Treaſurer for the Southern Diſtrict of this Province 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 Sheriffs of the ſaid Diſtrict. *A. D.* 1760. Sheriff to account with the Southern Treaſurer.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That all Cauſes, Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, Indictments, Preſentments, and other Matters and Things in the ſaid Inferior Court of *Beaufort* depending, from and immediately after the Firſt Day of *January* next, ſhall ſtand adjourned and continued from the Court-Houſe on the Land of *Thomas Bonner* to the Court-Houſe in *Bath* Town; and all Appearances and Returns of Proceſs ſhall be made on the Day by Law appointed for holding the ſaid Court to the ſaid Court-Houſe; and all Suitors and Witneſſes bound to appear thereat, in the ſame Manner as if the ſaid Court had not been removed from the Court-Houſe in *Bath* Town to the Court-Houſe on the Land of *Thomas Bonner:* And all ſubſequent Proceſs which ſhall or may iſſue on any Action already commenced, and not determined, in the Inferior Court of *Beaufort*, ſhall be directed to, and executed by the Sheriff of *Beaufort* County, to the End and final Determination of ſuch Cauſes; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Proceſs continued to Bath.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Freeholders of the County of *Pitt*, as the ſame ſhall ſtand divided from the County of *Beaufort*, ſhall, and are hereby impowered and required, to meet at the Houſe of Mr. *John Hardy*, on *Eaſter Monday* next after the paſſing this Act, then and there to chooſe and elect Twelve Freeholders to ſerve as Veſtrymen; and the Freeholders of the County of *Beaufort*, as the ſame ſhall ſtand divided, ſhall, and are hereby impowered and required, to meet at the Court-Houſe in *Bath* Town, on *Eaſter Monday* next after the paſſing this Act, then and there to chooſe and elect Twelve Freeholders to ſerve as Veſtrymen; which Veſtries, when ſo choſen, ſhall be under the ſame Rules and Reſtrictions as other Veſtries in other Pariſhes are. *(a)* Veſtrymen to be elected.

XV. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Rights and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, of granting Letters of Incorporation to the ſaid County of *Pitt*, ordering, appointing, and directing the Election of a Member or Members to repreſent them in Aſſembly, and of granting Markets and Fairs to be kept and held in the Counties of *Beaufort* and *Pitt* reſpectively; but that the ſaid Rights and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner, to all Intents aud Purpoſes, as if this Act had never been made. Royal Prerogative of Incorporation ſaved.

CHAP. IV.

An Act to impower the Inhabitants of ſeveral Pariſhes within this Province, that have no legal Veſtry within their reſpective Pariſhes, to meet and elect Veſtries. Veſtry Act, on which this depends, repealed.

CHAP. V.

An Act for altering the Times of holding the Inferior Court of Pleas and Quarter Seſſions in the County of Chowan. Provided for by the Inferior Crt. Act, paſſed Dec. 11, 1762, Ch. 1.

(a) The 14th Clauſe provided for by the Road Act.

A. D. 1760.

CHAP. VI.

An Act to amend an Act, intituled, An Act for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and Meſne Conveyances proved and regiſtered within the Time heretofore appointed for ſuch Purpoſes, *and to prevent Diſputes and Law Suits concerning Lands.*

Preamble.

I. WHEREAS by the aforeſaid Act any Perſon or Perſons having Deeds or Meſne Conveyances within this Province were to regiſter the ſame within Eighteen Months after paſſing the ſaid Law, and many Perſons, through Want of knowing the ſaid Law, have neglected to have their Deeds or Meſne Conveyances regiſtered according to the Purport thereof; For Remedy whereof,

Deeds may be regiſtered within 18 Months.

II. WE pray it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Deeds and Meſne Conveyances of Lands, Tenements, and Hereditaments, not already regiſtered, acknowledged, or proved, ſhall and may, within Eighteen Months after the paſſing this Act, be acknowledged by the Grantor, their Agents or Attornies, or proved by one or more of the ſubſcribing Witneſſes to the ſame, and tendered and delivered to the Regiſters of the Counties where ſuch Lands, Tenements, and Hereditaments, reſpectively lie; and all Deeds and Meſne Conveyances whatſoever, which ſhall be acknowledged or proved according to the Directions of this Act, and alſo ſuch as have been heretofore recorded by the Clerk, or regiſtered by the Regiſter of any Precinct or County wherein the Lands or Tenements mentioned in the ſame lie or are ſituate, though not within one Year after the Date of the reſpective Conveyances, ſhall be good and valid in Law, and ſhall enure and take Effect as fully and effectually, to the Uſe and Behoof of the Grantee, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged, or proved and regiſtered, agreeable to the Directions of any Act of Aſſembly heretofore made.

Sheriff to read this Act.

III. *AND be it further Enacted, by the Authority aforeſaid,* That every Sheriff within this Province ſhall, on the Second Day of every Inferior Court of the County whereof he is Sheriff, read this Act at the Door of the Court-Houſe, immediately after the ſitting of the Court.

CHAP. VII.

An Act to amend and continue an Act, intituled, An Act for appointing a Militia. EXP.

CHAP. VIII.

An Act for raiſing Money by a Lottery, towards finiſhing the Churches at Wilmington *and* Brunſwick; *and for applying the Produce of the Slaves, and other Effects taken from the* Spaniards *at* Cape-Fear, *in the Year of our Lord One Thouſand Seven Hundred and Forty-eight, to the ſame Purpoſes.*

Private.

I. WHEREAS by an Act, intituled, *An Act for raiſing Money for finiſhing the Churches in the Pariſhes of St.* James's *and St.* Philip's, *in* New-Hanover *County, by a Lottery,* ſeveral Perſons were appointed Managers for undertaking, carrying on, and drawing a Lottery as therein mentioned; but the greateſt Part of the Tickets therein remaining unſold, and the Time for drawing the ſame being now expired, the Method for raiſing Money for the Purpoſes aforeſaid is now become ineffectual: And whereas it is imagined, that the Scarcity of Proclamation Money in this Part of the Province, had prevented many Perſons from purchaſing Tickets, who might have inclined to become Adventurers therein, if the Money had not been immediately payable on the Purchaſe of the Tickets; and the Method of ſelling them as hereafter mentioned, being rendered more eaſy to the Purchaſers,

a

a ſufficient Number might be ſold to enable the Managers to have the ſame drawn in a ſhort Time : A. D. 1760.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Cornelius Harnett*, *Alexander Duncan*, *Thomas Davis*, and *John Payne*, Eſqrs. ſhall be, and are hereby appointed Managers, for undertaking, carrying on, and drawing a Lottery in *Wilmington*, for the Purpoſes aforeſaid, with Power to iſſue One Thouſand Tickets, to be ſigned by themſelves, at the Price of Three Pounds, Proclamation Money, in the following Form : Managers for drawing the Lottery.

N°

Cape-Fear Church LOTTERY.

THIS TICKET intitles the Bearer to whatever Prize may be drawn againſt this Number, deducting Fifteen *per Cent.* as by Act of Aſſembly paſſed in *December* 1760. Form of the Ticket.

And on the Twenty-firſt Day of *April* next, at the Court Houſe in *Wilmington*, ſhall begin the Drawing 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 : Number and Value of Prizes.

One Prize of	£. 400	is	£. 400
Two Prizes of	100	is	200
Two Prizes of	50	is	100
Ten Prizes of	20	is	200
Two Hundred and Five Prizes of	10	is	2050
Firſt drawn			25
Laſt drawn			25
			3000
One Thouſand Tickets at	£. 3	is	£. 3000

III. *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 Penalty of Three Thouſand Pounds, Proclamation Money, with Condition, for their faithful Diſcharge of the Truſt repoſed in them by this Act; which Bond ſhall be recorded in the Superior or Inferior Court at *Wilmington*, and any Perſon injured may have Judgment thereon againſt the Managers. Managers to give Bond.

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 *New-Hanover*, take the following Oath, *viz.* And take

I A. B. *do ſolemnly ſwear, that I will faithfully execute the Office of Manager to the* Cape-Fear *Church Lottery, according to the Directions of the Act of Aſſembly in that Caſe made and provided.* SO HELP ME GOD. This Oath.

V. AND for the more ready Sale of the ſaid Tickets, *Be it Enacted, by the Authority aforeſaid*, That the Managers, on Diſpoſal of any of the ſaid Tickets, may take Notes from the Purchaſer, with Security, in the following Form : Notes may be taken for Tickets.

We, A. *and* B. *do jointly and ſeverally promiſe to pay to the Managers of the* Cape-Fear *Church Lottery, or their Aſſigns, the Sum of Three Pounds, Proclamation Money,*

A. D. 1760. *within Two Month after the drawing the ſaid Lottery, for Value received by a Ticket therein, bought by* A. *Witneſs our Hands, the Day of* 176

Which Note ſhall be, and is hereby declared to be valid againſt the Subſcribers, their, and each of their Perſons and Eſtates; and the Managers ſhall be intitled to demand and receive the Sum within mentioned from the Subſcribers; and on Neglect or Refuſal of Payment, the Time limited for Payment being expired, may, on Application to any Two Magiſtrates, obtain a Warrant, and, on Judgment, have Execution thereon for the ſame againſt Body or Goods; which Judgment and Execution the ſaid Magiſtrates are hereby authoriſed and impowered to grant, in the ſame Manner as they may in other Matters under the Value of Forty Shillings, by the Laws in this Province now in Force; and the uſual Fees may be taken thereon.

Tickets on Account of the Churches, and Satisfaction to the Managers.

VI. *AND be it Enacted*, That the ſaid Managers may take One Hundred and Thirty-three Tickets, for, and on Behalf of the Churches; which ſaid Tickets ſhall ſtand as Part of the Fifteen *per Cent.* by this Act to be deducted; and the ſaid Managers may alſo take Fifty-one Pounds, Proclamation Money, or Notes to that Amount, as a Satisfaction to themſelves for keeping the Accounts, drawing the Lottery, and the whole Charge thereof.

Monies appropriated to building the Churches.

VII. AND whereas the finiſhing the building of the ſaid Two Churches will be greatly expedited, provided the Money ariſing by the Sale of the Slaves, and other Effects ſaved out of the Wreck of the *Spaniſh* Privateer that blew up before *Brunſwick*, in the Year One Thouſand Seven Hundred and Forty-eight, and is now in private Hands, unapplied to any public Uſe, might be appropriated to the compleating the ſaid Two Churches; *Be it Enacted, by the Authority aforeſaid*, That the Slaves, and other Effects, ſaved out of the *Spaniſh* Wreck as aforeſaid, or taken from the *Spaniards* at the Time of their Invaſion, not already ſold; as alſo the Money ariſing by the Sale of thoſe which have been ſold, after deducting the Expences of ſuch Sales, ſhall be applied towards the compleating the building the ſaid Two Churches, in Manner following; that is to ſay, Two Third Parts of the Nett Proceeds towards finiſhing the Church at *Brunſwick*; and the other Third Part towards finiſhing the Church at *Wilmington*, and to no other Uſe or Purpoſe whatſoever.

Commiſſioners impowered to ſue Delinquents.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, by Law appointed, for building and finiſhing the ſaid Churches, ſhall have full Power and Authority to aſk for, demand, and receive, of and from each and every Perſon or Perſons in whoſe Poſſeſſion any of the Slaves, Money, or other Effects, ſaved or ariſing by the Sale of the Effects taken as aforeſaid, and from their Heirs, Executors, and Adminiſtrators; and, upon Refuſal, to ſue for and recover the ſame, by Action upon the Caſe, in any Court of Record in this Province, Reſpect being had to their Juriſdiction; wherein no Plea of the Act of Limitation of Actions, ſhall be allowed or admitted of.

Books and Papers to be delivered to the Commiſſioners.

IX. AND the better to enable the ſaid Commiſſioners to diſcover in whoſe Poſſeſſion the ſaid Effects now are; *Be it further Enacted*, That each and every Perſon or Perſons who have in Poſſeſſion any of the Books and Papers relating to the ſaid Effects, ſhall, upon Demand, deliver to the ſaid Commiſſioners all ſuch Books and Papers, under the Penalty of Two Hundred Pounds, Proclamation Money; to be recovered in Manner aforeſaid, and applied towards the finiſhing the ſaid Two Churches as aforeſaid.

Monies to be laid out for the Churches.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the reſpective Churches, ſhall, upon Receipt of their Proportion of the Money as aforeſaid, lay out the ſame to the beſt Advantage in Work hereafter to be done on the ſaid Churches, and ſhall not be allowed any Commiſſions thereon.

CHAP.

CHAP. IX.

A. D. 1760.

An Act for eſtabliſhing a Town on the Lands of Joſeph Howell, *on Tar* River.

Private.

I. WHEREAS it hath been repreſented to this Aſſembly, that the Land of *Joſeph Howell*, lying on the *South* Side of *Tar* River, in *Edgcomb* County, is a healthy pleaſant Situation, well watered, and commodious for Trade and Commerce; and *James Moir*, *Lawrence Tool*, *Aquila Sugg*, *Eliſha Battle*, and *Benjamin Hart*, have contracted with the ſaid *Joſeph Howell*, for the Purchaſe of One Hundred and Fifty Acres of the ſaid Land, and have accepted and taken a Deed of Feeoffment for the aforeſaid One Hundred and Fifty Acres from the ſaid *Joſeph Howell*, and cauſed the ſame to be laid off in Lots and Streets, and alſo a Part thereof for a Common for the Uſe of the ſaid Town, and have ſold a great Number of the ſaid Lots of Half an Acre each to ſundry Perſons, who are deſirous that a Town ſhould be eſtabliſhed thereon, for promoting the Trade and Navigation of the ſaid River:

Tarborough erected.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid One Hundred and Fifty Acres of Land ſo laid off by the Truſtees or Commiſſioners as aforeſaid, be, and the ſame is hereby conſtituted, erected, and eſtabliſhed a Town, and ſhall be called by the Name of *Tarborough*.

Directors appointed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That *James Moir*, *Lawrence Tool*, *Aquila Sugg*, *Eliſha Battle*, and *Benjamin Hart*, 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 One Hundred and Fifty Acres of Land, to and for the Uſes, Intents, and Purpoſes, hereby expreſſed and declared; and they, or the Majority of them, ſhall have full Power and Authority to meet, as often as they ſhall think neceſſary, and to appoint a Public Quay, and ſuch Place on the ſaid River for a Public Landing, as to them ſhall ſeem convenient; and Cauſe the Plan of the ſaid Town as laid off by the ſaid *James Moir*, *Lawrence Tool*, *Aquila Sugg*, *Eliſha Battle*, and *Benjamin Hart*, to be recorded, and filed among the Records of the Court of the County of *Edgcomb*.

Directors to execute Deeds for Lots.

IV. AND whereas Subſcriptions have already been made for one Hundred and Twenty-one Lots already laid off in the ſaid Town, and the ſame drawn for by the ſeveral Subſcribers or their Agents; *Be it therefore Enacted, by the Authority aforeſaid*, That the ſaid Directors, or the Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred and Twenty-one Lots to the Subſcribers, their Heirs and Aſſigns for ever; and alſo to every other Perſon who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the Coſts and Charges of the Grantee to whom the ſame ſhall be conveyed; and every Perſon claiming any Lot or Lots by Virtue of any ſuch Conveyance, ſhall and may hold the ſame in Fee-Simple.

Time of ſaving Lots.

V. *PROVIDED nevertheleſs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, or hereafter to be conveyed, ſhall, within Three Years next after the Date of the Conveyance for the ſame, erect, build, and finiſh, on each Lot ſo conveyed, one well framed Houſe, Sixteen Feet ſquare at the leaſt, and Ten Feet high in the Clear, with Brick or Stone Chimney or Chimnies, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more Lots contiguous; and if the Owner of any Lot ſhall fail to purſue and comply with the Directions in this Act preſcribed for building and finiſhing a Houſe thereon, then ſuch Lot upon which ſuch Houſe ſhall not be built and finiſhed, ſhall be reveſted in the ſaid Directors; and they, or the Majority of them, may, and are hereby impowered and authorized, to ſell ſuch Lot for the beſt Price that can be had, to any Perſon

A. D. 1760.

Perſon applying for the ſame, in ſuch Manner, and under ſuch Reſtrictions, as they could or might have done if ſuch Lot had not before been ſold or granted: And the Money ariſing by ſuch Sale to be applied as the Directors, or the Majority of them, ſhall think proper, for the Uſe of the Town.

Succeſſion of Directors kept up.

VI. AND for continuing the Succeſſion of the ſaid Directors until the ſaid Town be incorporated, *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 the Majority of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument of Writing under their reſpective Hands and Seals, to nominate ſome other Perſon, being an Inhabitant or Freeholder in the ſaid Town, in the Place of him ſo dying, refuſing to act, or removing out of the Country; which new Director ſo nominated and appointed, ſhall, from thenceforth, have the like Power and Authority in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act.

CHAP. X.

An Act to amend an Act, intituled, An Act for the better Regulation of the Town of *Newbern*, and for ſecuring the Titles of Perſons who hold Lots in the ſaid Town, *paſſed the Thirtieth Day of* September, *One Thouſand Seven Hundred and Fifty Six.*

Private.

I. WHEREAS by the before recited Act the Freeholders of the ſaid Town have Liberty annually, on the Second *Tueſday* in *November*, to meet at the Court-Houſe, then and there to elect and chooſe Five Freeholders of the ſaid Town to be Commiſſioners for the ſame, but no Directions to the Sheriff, or any other Perſon, to open the Poll, or receive the Votes for electing ſuch Commiſſioners; and the ſame hath been neglected or refuſed by the Sheriff, on the Day appointed as aforeſaid for electing Commiſſioners for the enſuing Year, whereby the Town is at preſent without Commiſſioners, to the great Detriment thereof: Wherefore,

Sheriff to take the Poll for Election of Commiſſioners.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Sheriff of *Craven* County, or his Deputy, ſhall, on the Second *Tueſday* in *January* next, before the Hour of Ten o'Clock in the Morning, open the Poll, and receive the Votes of the Freeholders for electing ſaid Commiſſioners, as directed in the before-mentioned Act, and continue the ſame open till Sun-ſet, then ſhall proclaim the Perſons to be Commiſſioners who ſhall have the moſt Suffrages; and in like Manner ſhall, on the Second *Tueſday* in *November* annually, open the Poll, receive the Votes, and proclaim the Commiſſioners as before directed, under the Penalty of Fifty Pounds, Proclamation Money, for every Neglect or Refuſal of complying with the Directions of this Act; to be recovered from the ſaid Sheriff by Action of Debt, Bill, Plaint, or Information, in any Court of Record, wherein no Eſſoin, Injunction, or Wager of Law, ſhall be allowed or admitted, by any Perſon or Perſons who ſhall ſue for the ſame within one Year after ſuch Neglect or Refuſal; one Half to the Proſecutor, the other Half to be paid to the Commiſſioners for the Uſe of the ſaid Town, to be applied towards fencing in the ſame: Which Commiſſioners ſo choſen or elected, ſhall have all the Powers and Authorities mentioned in the ſaid recited Act, or any other Act now in Force, relating to the ſaid Town of *Newbern*.

CHAP. XI.

An Act for deſtroying Crows, Blackbirds, and Squirrels, in the County of Hyde. EXP.

CHAP.

CHAP. XII.

A. D. 1760.

An Act for continuing James Davis *Printer to this Province.* EXP.

CHAP. XIII.

An Act to continue an Act, intituled, An Act for the Reſtraint of Vagrants, and for making Proviſion for the Poor, and other Purpoſes.

Preamble.

I. WHEREAS an Act paſſed at *Newbern* in the Twenty Ninth Year of the Reign of his preſent Majeſty, intituled, *An Act for the Reſtraint of Vagrants, and for making Proviſion for the Poor, and other Purpoſes*, will expire at the End of this preſent Seſſion of Aſſembly; and whereas the ſaid Act hath been found uſeful and convenient:

Act continued.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the before recited Act ſhall continue and be in Force for and during the Term of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.

James Haſell, Preſident.

Samuel Swann, Speaker.

A. D. 1761.

ANNO REGNI GEORGII III. REGIS, MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ, PRIMO.

ARTHUR DOBBS, Esq; Governor.

At an ASSEMBLY, begun and held at *Wilmington*, the Twentieth Day of *March*, in the First Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Sixty One; being the First Session of this present Assembly.

CHAP. I.

The first 8 Clauses of this Act are obsolete.

An Act for granting to his Majesty an Aid of Twenty Thousand Pounds, Proclamation Money, for raising, cloathing, and paying, Five Hundred effective Men, exclusive of Officers, to be employed as his Excellency the General, or Commander in Chief of his Majesty's Forces in America, *or his Excellency the Governor, or Commander in Chief of this Province, shall direct or appoint; for paying and subsisting Fifty Men and Officers, now in Garrison; and for appointing an Agent to represent to his Majesty and his Ministers the Loyalty and the dutiful Behaviour of the Inhabitants of this Province, and their Zeal for his Majesty's Service; and also to lay before his Majesty and his Ministers proper Documents of the Charges and Expences this Province hath been, or shall be at, in his Majesty's Service, during the present War; and to sollicit the Affairs of this Province at the several Boards in* England; *and other Purposes.*

20,000 l. Bills of Credit emitted.

IX. AND whereas there is not Money in the Public Treasury to answer the Purposes aforesaid, and the reduced State of the Province renders it impracticable to raise the same by an immediate Poll-Tax; *Be it Enacted, by the Authority aforesaid*, That the Honourable *John Swann*, *Lewis De Rossett*, Esqrs. *Samuel Swann*, and *John Starkey*, Esqrs. are hereby authorized, impowered, and required, to stamp or print, and make out, or cause to be stamped or printed, and also to sign with their Hands, Public Bills of Credit, to the Amount of Twenty Thousand Pounds, at the Rate of Proclamation Money; that is to say, One Thousand Three Pound Bills, One Thousand Forty Shilling Bills, One Thousand of Thirty, Six Thousand Five Hundred and Six of Twenty, Three Thousand of Fifteen, Three Thousand

Thouſand of Ten, Three Thouſand of Five, Two Thouſand Seven Hundred and Twenty of Four, Three Thouſand of Three Shillings, Three Thouſand of Two Shillings and Six Pence, Five Thouſand of Two Shillings, Five Thouſand of One Shilling, Five Thouſand of Eight Pence, Five Thouſand of Six Pence, and Five Thouſand of Four Penny Bills; and ſhall receive for ſtamping or printing, making out, and ſigning the ſame, Two *per Cent.* and no more. And the ſaid *John Swann*, *Lewis De Roſſett*, *Samuel Swann*, and *John Starkey*, Eſqrs. ſhall, before they ſtamp, print, or ſign, any of the ſaid Public Bills of Credit, make Oath before ſome Magiſtrate within this Province, that they will well and truly execute the Truſt in them repoſed by Virtue of this Act; and give their reſpective Bonds, with ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, for the Uſe of this Province, in the Sum of Twenty Thouſand Pounds each, for the faithful Diſcharge of the Truſt in them repoſed by this Act; which Bond ſhall be lodged in the Secretary's Office. *A. D.* 1761.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Bills of Credit, when ſo ſtamped or printed, and ſigned as aforeſaid, ſhall be delivered to *John Starkey*, Eſq; Public Treaſurer of the Southern Diſtrict, and ſhall be by him applied to the Uſes and Purpoſes by this Act directed. To be delivered into the Treaſury.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Bills of Credit to be emitted by this Act ſhall be current, and a lawful Tender in all Payments whatſoever as Proclamation Money. To be current in all Payments.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Public Treaſurer, when directed (until the Sum of Twenty Thouſand Pounds, by this Act granted for paying and ſubſiſting the afore-mentioned Regiment, and the ſaid Fifty Men and Officers now in Garriſon, ſhall be fully paid) ſhall make Payment in the ſaid Bills of Credit to ſuch Perſon or Perſons as the Governor, or Commander in Chief, by his Warrant, ſhall order and appoint to receive the ſame. Treaſurer to pay the ſame to ſuch Perſons as the Governor ſhall appoint.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Perſon or Perſons who ſhall receive the ſaid Sum of Twenty Thouſand Pounds, or any Part thereof, by Virtue of any ſuch Warrant or Warrants, ſhall account with the General Aſſembly for the ſame; and every ſuch Perſon or Perſons, before receiving the ſaid Monies, ſhall enter into Bond, with good and ſufficient Security, to his Majeſty, his Heirs and Succeſſors, in double the Sum or Sums he ſhall receive, with Condition that he will account with the General Aſſembly for the Sum or Sums he ſhall ſo receive from the ſaid Treaſurer by Virtue of ſuch Warrant; which Bond ſhall be taken by, and lodged with the Treaſurer: And in Caſe of a Breach of the Condition thereof, may be put in Suit, and Judgment being obtained thereon, the Money recovered ſhall be applied towards defraying the contingent Charges of Government, in ſuch Manner as the Governor, Council, and Aſſembly, ſhall direct, and to no other Uſe whatſoever. Perſons receiving the ſame, to give Security.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Sum of Twenty Thouſand Pounds ſhall be, by Direction of the Governor, or Commander in Chief for the Time being, applied to the particular Purpoſes by this Act herein before directed, if neceſſary; but if a leſs Sum ſhould be found ſufficient for the ſame, the Surplus ſhall be applied towards defraying the contingent Charges of Government, already allowed, or which ſhall be hereafter allowed by the Governor, Council, and Aſſembly, and to no other Purpoſes whatſoever. Surplus applied to Contingencies of Government.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That each able bodied Man, inliſting voluntarily in the ſaid Service, as ſoon as may be after inliſting, ſhall be properly cloathed; for which Expence of cloathing and furniſhing each Soldier with a Blanket, the Colonel ſhall have an Allowance, not exceeding Six Pounds a Man. Colonel allowed 6 l. a Man for Cloathing.

A. D. 1761.

Pen. on counterfeiting Bills of Credit.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall forge or counterfeit any of the above-mentioned Bills of Credit, or ſhall paſs or utter the ſame in Payment or Exchange, knowing the ſame to be forged or counterfeited, the Offender therein, being lawfully convicted, ſhall be adjudged a Felon, and ſuffer as in Caſes of Felony, without Benefit of Clergy.

Poll-Tax of 2 s. laid.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That for redeeming the ſaid Public Bills of Credit, a Poll-Tax of Two Shillings, Proclamation Money, be laid on every taxable Perſon within this Province, to commence on the Firſt Day of *January*, which ſhall be in the Year of our Lord One Thouſand Seven Hundred and Sixty Four, and to continue until the whole Sum to be emitted by this Act ſhall be paid in and burnt: Which ſaid Tax ſhall be collected by the Sheriffs of the ſeveral Counties, and accounted for and paid to the Treaſurers of the ſeveral Diſtricts, in the ſame Manner, and under the like Penalties, as are by Law directed for the collecting, accounting for, and paying other Taxes. *(a)*

CHAP. II.

An Act for an additional Act to an Act, intituled, An Act to make Proviſion for paying the Chief Juſtice and Attorney General's Salaries, and defraying the contingent Charges of Government. EXP.

CHAP. III.

The Veſtry Act, on which this depends, repealed.

An Act to impower the Inhabitants of ſeveral Pariſhes within this Province, that have no legal Veſtry within their reſpective Pariſhes, to meet and elect Veſtries.

CHAP. IV.

An Act to appoint Commiſſioners to further improve and amend the Navigation of New River, *in* Onſlow *County, to raiſe a Fund by a Lottery, to defray the Expence thereof.*

Preamble.

I. WHEREAS an Act of Aſſembly, intituled, *An Act to improve and amend the Navigation of* New River, *in* Onſlow *County*, paſſed in the Year One Thouſand Seven Hundred and Sixty, by Reaſon of the Death of the Commiſſioners, and Smallneſs of the Fund, has not anſwered fully the good Purpoſes thereby intended, although from what was then done the Scheme appears practicable:

Commiſſioners appointed for amending the Navigation.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *William Cray*, *Richard Ward*, and *Henry Roads*, be, and are hereby conſtituted and appointed Commiſſioners, and authorized and impowered to contract and agree with ſuch Perſon or Perſons as are willing to undertake the ſame, for the more perfect clearing away and removing the Rock or Shell, or cutting through the Marſh fronting *New River* Inlet, in ſuch Manner as in their Diſcretion ſhall beſt promote the Navigation thereof; provided the Sum ſo contracted for ſhall not exceed Two Hundred Pounds, Proclamation Money.

Lottery for the ſame.

III. TO enable the ſaid Commiſſioners to diſcharge the ſaid Contract, *Be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall, and are hereby appointed Managers, for undertaking, carrying on, and drawing a Lottery, at the Court-Houſe on *New River*, for the Purpoſes aforeſaid, with Power to iſſue One Thouſand Tickets, to be ſigned by themſelves, at the Price of Thirty Shillings, Proclamation Money, for each Ticket, in Form following:

NEW

(a) The 18th, 19th, and 20th Clauſes of this Act, for appointing an Agent, expired.

A. D. 1761.

Form of the Ticket.

N°

NEW-RIVER LOTTERY.

THIS TICKET intitles the Bearer to whatever Prize may be drawn againſt the Number, deducting Fifteen *per Cent.* as by Act of Aſſembly paſſed in *April* 1761.

And on the Firſt *Tueſday* in *November* next, at the Court Houſe on *New-River*, ſhall begin the Drawing 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:

Number and Value of Prizes.

Two Prizes of	£. 100	is	£. 200	
Two Prizes of	50	is	100	
Two Prizes of	25	is	50	
Ten Prizes of	10	is	100	
Two Hundred and Five Prizes of	5	is	1025	
Firſt Ticket drawn			12	10ſ.
Laſt Ticket drawn			12	10ſ.
At 15 *per Cent.*		£.	1500	is £. 225

IV. *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 Penalty of One Thouſand Five Hundred Pounds, Proclamation Money, 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 *Onſlow*, and any Perſon injured may have Judgment thereon againſt the Managers.

Managers to give Bond.

V. *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 *Onſlow* take the following Oath, *viz.*

And take

I A. B. *do ſolemnly ſwear, that I will faithfully execute the Office of Manager to the* New-River *Lottery, according to the Directions of the Act of Aſſembly in that Caſe made and provided.* SO HELP ME GOD.

This Oath.

VI. AND for the more ready Sale of the Tickets, *Be it Enacted, by the Authority aforeſaid*, That the Managers, on Diſpoſal of any of the ſaid Tickets, may take Notes from the Purchaſer, with Security, if required, in the Form following:

Notes may be taken for Tickets.

I *or We do jointly or ſeverally (as the Caſe may be) promiſe to pay to* William Cray, Richard Ward, *and* Henry Roads, *Managers of the* New-River *Lottery, or their Aſſigns, the Sum of within Two Months after the Drawing the ſaid Lottery, for Value received for Tickets bought by Witneſs my Hand, the Day of*

Which Note ſhall be deemed valid againſt the Subſcriber, theirs, and each of their Perſons and Eſtates; and the Managers ſhall be intitled to demand and receive the Sum therein mentioned from the Subſcribers; and on Neglect or Refuſal of Payment at the Time limited for Payment being expired, may, on Application to any One Magiſtrate, obtain a Warrant, and on Judgment, have Execution thereon; which ſaid Magiſtrate is hereby authoriſed and impowered to grant, in the ſame Manner as he may in other Matters under the Value of Forty Shillings by the Law now in Force.

A. D. 1761.

Allowance to the Managers.

VII. *AND be it Enacted*, That the ſaid Managers may take Twenty-five Pounds, or Notes to that Amount, as Satisfaction for keeping the Accounts, drawing the Lottery and whole Charge thereof, and no more; and the remaining Two Hundred Pounds ſhall be applied to the amending the Navigation of *New-River*; and to no other Purpoſe whatſoever. *Provided nevertheleſs*, That if the whole Sum of Two Hundred Pounds ſhall not be expended in the improving the Navigation as aforeſaid, the Reſidue thereof unapplied ſhall go in Aid of the County Tax of *Onſlow*.

CHAP. V.

An Act to amend and improve the Navigation from Currituck *Inlet through the Diſtrict in* Currituck *County, to* Albemarle *Sound.* REP.

CHAP. VI.

An Act to impower the Inferior Court of Pleas and Quarter Seſſions for the County of Northampton, *to lay a Tax to pay ſundry Perſons who have ſuffered by the burning of* Pace's *Warehouſe in the ſaid County; and other Purpoſes.*

Preamble.

I. WHEREAS the Public Warehouſe in the County of *Northampton*, called *Pace*'s Warehouſe, was lately by Accident burnt, with a great Quantity of Tobacco, belonging to ſundry Perſons in the ſaid County; and there being no Law now in Force to aſcertain the Method of raiſing a Sum of Money ſufficient to pay and ſatisfy the Loſs thereof to the Sufferers: For Remedy whereof,

Sufferers allowed for their Tobacco.

II. We pray that it may be Enacted, *And be it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Inferior Court of Pleas and Quarter Seſſions, for the County of *Northampton*, is hereby authoriſed and directed, upon Application made to them by any Perſon that had Tobacco burnt in the ſaid Warehouſe, and Proof made thereof, to allow ſuch Perſon ſo much Money as he ſhall make appear he has ſuſtained by ſuch Warehouſe being burnt; and to lay a Tax on the Inhabitants of the ſaid County, ſufficient to pay and ſatisfy all ſuch Loſs as ſuch Perſon ſhall make appear he has ſuſtained thereby: Which ſaid Tax ſhall be collected by the Sheriff, in the ſame Manner, and under the like Rules and Reſtrictions, Fines, Forfeitures, and Penalties, as are directed and inflicted by Law in paying and collecting other Taxes.

How paid.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Inferior Court of Pleas and Quarter Seſſions, upon Application made to them, by any Perſon as aforeſaid, having a Claim on the ſaid County for Tobacco burnt in the aforeſaid Warehouſe, ſhall order and direct the Sheriff, after collecting the aforeſaid Tax as aforeſaid, to pay ſo much Money out of the ſame to any ſuch Perſon as ſhall have been allowed by ſuch Court.

Sheriff impowered to receive the Taxes for 1760.

IV. AND whereas there was no Court held for the ſaid County in the Year One Thouſand Seven Hundred and Sixty, or Magiſtrates qualified at the Times by Law appointed for taking the Liſt of Taxables; by Means whereof, there was no Public, County, or Pariſh Tax, collected for that Year: Therefore, *Be it Enacted, by the Authority aforeſaid*, That the Sheriff of the aforeſaid County is hereby directed and authoriſed, to collect from the Taxable Perſons of the aforeſaid County, the Public Taxes, already impoſed by the ſeveral Acts of Aſſembly of this Province, by the Liſt of Taxables returned by the Juſtices of ſuch County, in the Year One Thouſand Seven Hundred and Fifty-nine, and account for the ſame to the Treaſurer, in the ſame Manner, and under the like Rules and Reſtrictions, as he is by Law to account for and pay other Public Taxes; and the Juſtices of the aforeſaid Inferior Court, and the Veſtry of the Pariſh of St. *George*, within the ſaid County

of

of *Northampton*, reſpectively, ſhall, as ſoon as convenient may be, lay ſuch Tax on the County or Pariſh (as the Caſe may be) for paying and defraying all ſuch County or Pariſh Debt or Debts, and which ought to have been collected and paid in the Year One Thouſand Seven Hundred and Sixty, and apply the Monies thereby ariſing, to ſuch Uſe or Uſes as the ſame was levied for: Any Law, Uſage, or Cuſtom to the contrary notwithſtanding. *(a)* *A. D.* 1761.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That in either of the aforeſaid Caſes, if there ſhall be a greater Sum of Money levied and collected by Virtue of this Act than will be ſufficient to anſwer the Purpoſes thereby intended, the Overplus ſhall be applied towards diſcharging the Debts of the County, where the ſame ſhall be laid. Surplus of the Tax appropriated.

CHAP. VII.

An Act for altering the Times of holding the Superior Court of Pleas and Grand Seſſions for the Diſtrict of Newbern; *and alſo the Inferior Courts of Pleas and Quarter Seſſions in the Counties of* Orange, *and* Carteret; *and for other Purpoſes.* Provided for by the Court Laws.

CHAP. VIII.

An Act for building a Court-Houſe in the Town of Newbern, *in the County of* Craven, *for raiſing a Tax, and for appointing Commiſſioners for building the ſame; and for repealing an Act paſſed at* Wilmington *the 20th Day of* November, 1759, *intituled* An Act for appointing Commiſſioners for finiſhing the Court-Houſe already begun in the Town of *Newbern*; and for other Purpoſes.

I. WHEREAS the ſaid County is at preſent, and hath been for ſome Years paſt without a Court-Houſe to hold their Courts in; and the Commiſſioners mentioned in the before recited Act, having neglected building and finiſhing the Court-Houſe therein mentioned, to the great Detriment and Inconvenience of the Inhabitants thereof: Private.

II. *Be it therefore Enacted, and it is hereby Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That a Court-Houſe for the ſaid County, not exceeding Sixty Feet long, and Forty Feet wide in the Clear, be built on the Public Lots in the Town of *Newbern*, nearly oppoſite Mr. *Rice*'s Red Houſe, or in the Interſection of *Broad-ſtreet*, where a Court-Houſe is already begun, whichſoever of the ſaid Places they the Commiſſioners herein after appointed for carrying on the ſaid Building, or the Majority of them, ſhall judge moſt convenient. Court-Houſe to be built.

III. *AND be it further Enacted, by the Authority aforeſaid*, That a Poll Tax of Two Shillings, Proclamation Money, be, and is hereby laid on each taxable Perſon within the ſaid County of *Craven*, Yearly, for Three Years, from and after the paſſing of this Act; to be levied and collected by the Sheriff of the ſaid County, in like Manner, and at the ſame Time, as Public Taxes are collected; which ſhall by him be accounted for, and paid into the Hands of the Honourable *Richard Spaight*, Eſq; *Joſeph Leech*, and *John Fonville*, Eſqrs. Commiſſioners, hereby appointed for building and finiſhing the ſaid Court-Houſe, or to the Majority of them, or their Orders, who are to build the ſame at their Diſcretion; the Firſt Collection of the ſaid Tax to be made, accounted for, and paid by the ſaid Sheriff unto the ſaid Commiſſioners, or their Orders, on or before the Tenth Day of *April*, 1762, and ſo, Annually, till the ſaid Three Years are expired. Tax laid for it. Commiſſioners appointed.

IV. AND for the better enabling the ſaid Commiſſioners to carry on and finiſh the ſaid Court-Houſe as ſoon as may be, *It is hereby Enacted, by the Authority aforeſaid*,

(a) The 5th Clauſe provided for by the Inſpection Act.

A. D. 1761.

Their Power to ſell the old Court Houſe Lot, and call Perſons to Account for Monies in their Hands.

ſaid, That they the ſaid Commiſſioners, or the Majority of them, ſhall be, and they are hereby inveſted with full Power and Authority, to ſell and diſpoſe of the Lot belonging to the ſaid County, whereon the old Court-Houſe and Priſon formerly ſtood, at Public Vendue, at any Time hereafter, on giving Public Notice thereof, at leaſt Twenty Days before the Sale; and after ſuch Sale to convey and make over the ſame in Fee-Simple, to the Perſon or Perſon ſo buying and paying for the ſame, and to their Heirs, Executors, Adminiſtrators, and Aſſigns, by ſuch Inſtrument or Inſtruments in Writing as ſhall be ſufficient and available in Law; and alſo full Power and Authority to ſell and diſpoſe of the Bricks already laid, that were intended by the before recited Act to build a Court-Houſe with, in Caſe the ſaid Work ſhould be found inſufficient to build on; and alſo full Power and Authority to demand and receive from every Perſon or Perſons, all ſuch Sum or Sums of Money they may have in their Hands belonging to the ſaid County, excepting ſuch Taxes as hath been from Time to Time laid for paying Jury Tickets; and on ſuch Perſon or Perſons Neglect or Refuſal to account for and pay ſuch Sum and Sums of Money to them the ſaid Commiſſioners, they the ſaid Commiſſioners, or the Majority of them, are hereby authorized and impowered, in their own Names, to proceed againſt them, or any of them, for the Recovery thereof, in the ſame Manner and Form as Sheriffs may be ſued or proceeded againſt that have or detain Public Money in their Hands: And the Money ariſing from the aforeſaid Tax, Sale of the aforeſaid Lot, and Bricks, and what Money may be recovered of the Debts due to the County, ſhall be applied by the ſaid Commiſſioners, or the Majority of them, towards building, finiſhing, and compleating the Court-Houſe as aforeſaid; and if there ſhould be any Surplus of the Money in their Hands after building, finiſhing, and compleating the ſame, it ſhall be paid by the ſaid Commiſſioners to the Juſtices of the Inferior Court of the ſaid County, to be applied by them towards leſſening the County Tax.

Sheriff to collect the Tax.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County aforeſaid ſhall, before he receives any Part of the Tax herein laid, enter into Bond, with Two ſufficient Securities, to the ſaid Commiſſioners, that he will duly collect and pay the ſame unto the ſaid Commiſſioners, for the Uſes aforeſaid; and every ſuch Sheriff who ſhall fail or neglect to give ſuch Bond and Security, ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered with Coſts, by Action of Debt or Information, in any Court of Record, by the ſaid Commiſſioners, or the Majority of them, for and towards building and finiſhing the ſaid Court-Houſe: And upon ſuch Refuſal or Neglect of ſuch Sheriff, they the ſaid Commiſſioners, or the Majority of them, ſhall, and are hereby required, to nominate and appoint ſome other Perſon to collect and receive the aforeſaid Tax, who ſhall give Bond and Security to collect and pay the ſame in Manner aforeſaid; and thereupon ſhall, and is hereby declared to have full Power and Authority, to collect and receive the ſame, under the like Rules and Regulations as the Sheriff could or might have received the ſame.

Repealing Clauſe.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the before recited Act, intituled, *An Act for appointing Commiſſioners for finiſhing the Court-Houſe already begun in the Town of* Newbern, *and for other Purpoſes*, be, and is hereby from hence repealed, and made void.

CHAP. IX.

Rep. and provided for by the Act for appointing Sheriffs.

An Act to prevent the exacting of illegal and exorbitant Fees in levying Executions by Sheriffs, and other Officers.

CHAP. X.

A. D. 1761.

An Act for amending an Act, intituled, An Act for dividing the Parish of *St. John*, in *Granville* County.

Private.

I. WHEREAS by an Act of Assembly passed at *Edenton* the Twenty Third Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Fifty Eight, intituled, *An Act for dividing the Parish of* St. John's, *in* Granville *County*, it was Enacted, That the said Parish should be divided by a Line beginning at *Cotton* Creek, where the *Virginia* Line crosses the same; and there being no such Place found, by which Means Disputes are likely to arise between the Inhabitants of each Parish concerning the said Line: For Prevention whereof,

Dividing Lines.

II. WE pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That at any Time after the First Day of *May* next, the said dividing Line be run as followeth, *to wit*, To begin where *Jefferson*'s Road now crosses the *Virginia* Line, running thence a direct Line to *Horse* Creek, where *Johnston* County Line crosses the said Creek; and all that Part of the said Parish formerly called *St. John*'s, which shall be Eastward of the said Line, shall remain and be called the Parish of *St. John*'s; and all that Part of the said Parish which shall be to the Westward of said Line, shall be held, deemed, taken, and called the Parish of *Granville*.

Commissioners for running it.

III. *AND be it further Enacted, by the Authority aforesaid*, That Mr. *Robert Harris*, Mr. *Richard Henderson*, Mr. *William Johnston*, and Mr. *Gideon Macon*, and they, or any Two of them, are hereby appointed Commissioners to run the said Line; and that the Parish of *Granville* bear the Expence of the same, to be paid by the Churchwardens out of the Parish Tax.

Sheriff to make Distress as before the Division.

IV. *PROVIDED*, That nothing herein contained shall be construed to debar the Sheriff or Collector of the Parish of *St. John*'s, from making Distress for any Levies or Taxes which shall be due to said Parish from such Inhabitants, as were deemed before the passing of this Act to be within the Parish of *St. John*'s; any Thing herein contained, to the contrary, notwithstanding.

CHAP. XI.

An Act for adding Part of Orange *County to* Johnston *County, and for ascertaining the dividing Line between the said Counties.*

Private.

I. WHEREAS the Inhabitants of that Part of *Orange* County lying upon *Neuse* River labour under great Inconveniency, by Reason of the great Distance to the Court-House of the said County;

Part of Orange added to Johnston.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That that Part of *Orange* County, lying on *Neuse* River, be added to the County of *Johnston*; and be divided by a Line to begin at the South West Corner of *Granville* County, and running thence a due South Course to *Johnston* or *Cumberland* County Line, which of the said County Lines it may first intersect.

Commissioners for running the Lines.

III. *AND be it further Enacted, by the Authority aforesaid*, That *William Churton* and *Theophilus Hunter* be, and they are hereby appointed Commissioners, to run the said Line.

Tax laid for it.

IV. AND for defraying the Charges thereof, *Be it Enacted, by the Authority aforesaid*, That the Inferior Court of Pleas and Quarter Sessions of *Johnston* County be, and is hereby impowered, to lay a Poll-Tax, not exceeding the Sum of Four Pence,

A. D. 1761. Pence, Proclamation Money, *per* Taxable, upon the Inhabitants of *Johnſton* County, and ſhall cauſe the ſame to be levied in the ſame Manner that the Public Taxes are levied; and ſhall, out of the Money ariſing by the ſaid Tax, pay and ſatisfy the Commiſſioners aforeſaid, for their Trouble and Charges expended in running the Lines aforeſaid, and ſhall apply the Money remaining (if any there be) to the Uſe of the County.

Part of Orange deemed Johnſton County.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the Part of *Orange* County hereby added to *Johnſton* County, from henceforth ſhall be deemed, held, and taken to be Part of the County of *Johnſton*; and that the Inhabitants thereof be ſubject and liable to the ſame Rules, Orders, and Taxes, as any other of the Inhabitants of the ſaid County now, or ſhall hereafter be ſubject or liable to; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Sheriff to diſtrain for Taxes as before the Diviſion.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That nothing herein contained ſhall be conſtrued to debar the Sheriff of the aforeſaid County of *Orange*, as the ſame ſtands now undivided, to make Diſtreſs for any Taxes, Levies, Fees, or other Dues, that are now, or ſhall be due from the Inhabitants of the ſaid County for the Year of our Lord One Thouſand Seven Hundred and Sixty, or before, that he may make Diſtreſs in the ſame Manner as by Law the ſaid Sheriff could or might have done if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding.

CHAP. XII.

Provided for by the Inſpection Act.

An Act for enlarging the Time for Inſpection of Tobacco at the Public Warehouſe in the Town of Tarborough, *in the the County of* Edgcomb, *and for increaſing the Salaries of the Inſpectors thereof.*

Provided for by the Road Act.

CHAP. 13. *An Act to appoint Commiſſioners of the Roads for a certain Diſtrict in* Bladen *County.*

14. *An Act to impower the ſeveral Superior and Inferior Courts within this Province to admit a Copy of the laſt Will and Teſtament of any Perſon deceaſed to be given in Evidence.* EXP.

CHAP. XV.

An Act to dock the Entail of certain Lands therein mentioned, veſting the Fee-Simple thereof in Blake Baker, *and for ſettling other Lands in Lieu thereof to the ſame Uſes.*

Private.

I. WHEREAS Colonel *Barnaby M'Kinney*, late of this Province, deceaſed, being in his Lifetime, ſeized in his Demeſne, as of Fee, of, and into, certain Tracts of Land, lying and being in *Halifax* County (formerly *Edgcomb)* and being ſo ſeized, the ſaid *Barnaby M'Kinney* dia, by his laſt Will and Teſtament, in Writing, bearing Date the Thirteenth Day of *Auguſt*, in the Year of our Lord One Thouſand Seven Hundred and Thirty-ſeven, deviſe to his Son *Richard M'Kinney*, in Fee-tail (together with other Lands) that Tract of Land whereon the ſaid *Barnaby M'Kinney* then lived; bounded as followeth: Beginning at the upper End of the *Cypreſs* Gut on *Morattock* River, at a Place called the old *Mill-Dam*; thence by the Windings of the ſaid Gut to the Great Ditch; thence along the ſaid Ditch to the Corner thereof at the Road; and thence by the Courſes of the *Cypreſs* Gut to where *William Brown*'s head Line croſſes the ſame; then by *Brown*'s head Line to his Corner near the head of the *Merry* Branch; then by *Brown*'s lower Line to a Maple on *Morattock* River: As alſo, Two Hundred Acres of Land, purchaſed of Colonel *William Maule*, adjoining *William Brown*'s Lower Line; and all the Remainder

mainder of the ſaid *Barnaby M'Kinney*'s Lands on the South Side of *Morattock* River, not before deviſed; and if his ſaid Son *Richard* ſhould die without Heir, or lawful Iſſue, then the Plantation whereon the ſaid *Barnaby M'Kinney* then lived, with Three Hundred Acres of Land adjoining, ſhould deſcend to his Son *John M'Kinney*, in Fee-tail; and all other the Lands before deviſed to the ſaid *Richard M'Kinney*, ſhould go to the Two Daughters of the ſaid *Barnaby M'Kinney*, *to wit*, *Patience Lane*, and *Mourning Pope*, and the Heirs of their Two Bodies, lawfully begotten, and to their Heirs for ever, equally to be divided between them, and ſoon after died; and the ſaid *Richard M'Kinney*, after the Death of the ſaid Teſtator, in Conſequence of the ſaid Deviſe, became ſeized and poſſeſſed of the Lands aforeſaid, and ſo died ſeized thereof without lawful Iſſue; by Means whereof, *John Lane*, and *Henry Pope*, the lawful Heirs of *Patience Lane* and *Mourning Pope*, became ſeized as Heirs at Law to the ſaid *Patience* and *Mourning* of the Lands in the aforeſaid Deviſe mentioned; except the Plantation, and Three Hundred Acres of Land limited as aforeſaid to the ſaid *John M'Kinney*. And the ſaid *John Lane*, Heir at Law to the ſaid *Patience Lane*, who, by the Will of the ſaid Teſtator, in Default of lawful Iſſue of the ſaid *Richard M'Kinney*, was intitled to one Half of the ſaid Lands ſo limited to the ſaid *Patience* and *Mourning*, entered, and was ſeized, and poſſeſſed thereof; and apprehending he had a Fee-Simple Eſtate therein, agreed to ſell the ſame to Col. *Joſeph Lane*, for the Conſideration of Four Hundred Pounds, and executed a Leaſe and Releaſe to the ſaid Col. *Joſeph Lane*, for his Part or Share of the Lands ſo limited to the ſaid *Patience* and *Mourning*; and the ſaid *Joſeph Lane* apprehending that he had (after the Conveyance by the ſaid *John Lane* executed) an abſolute Eſtate, in Fee-Simple, to the ſaid Lands ſo conveyed by the ſaid *John Lane*, agreed to ſell the ſame to *Blake Baker*, for the Conſideration of Five Hundred Pounds, and executed Deeds of Conveyance for the ſame to the ſaid *Blake Baker*. And alſo whereas the ſaid *John Lane* is ſeized, in Fee-Simple, of, and into, one certain Tract or Parcel of Land, containing, by Eſtimation, Six Hundred and Eighty Three Acres, lying and being in the Pariſh of *Edgcomb*, in the County of *Halifax*, lately purchaſed by him of *Joſeph Lane* by Deed of Feeoffment: And alſo, whereas it will be greatly to the Advantage of the eldeſt Son of the ſaid *John Lane*, to dock the Entail of the ſaid Lands ſo limited to the ſaid *Patience* his Mother, whereby the ſaid *John* may be enabled to provide for his younger Children, and to ſettle the other Parcel of Land purchaſed of *Joſeph Lane* as aforeſaid, whereof he is ſeized in Fee-Simple, to the ſame Uſes: And foraſmuch as Notice has been publiſhed Three *Sundays* ſucceſſively in the ſeveral Churches and Chapels in the ſaid Pariſh of *Edgcomb*, in the County of *Halifax*, that Application would be made to this preſent General Aſſembly, to dock the Entail of the ſaid Dividend of Land ſo limited to the ſaid *Patience*, upon ſettling the other Lands to the ſame Uſes, purſuant to your Majeſty's Inſtructions: A. D. 1761.

II. MAY it therefore pleaſe your moſt Excellent Majeſty, at the humble Suit of the ſaid *John Lane*, and the ſaid *Blake Baker*, that it may be Enacted, *And be it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Lands ſo limited as aforeſaid to the ſaid *Patience Lane*, ſo as aforeſaid, agreed to be ſold to the ſaid *Joſeph Lane*, and by him to the ſaid *Blake Baker*, be, and are hereby veſted in the ſaid *Blake Baker*, his Heirs and Aſſigns, in Fee-Simple, to the only proper Uſe and Behoof of the ſaid *Blake Baker*, his Heirs and Aſſigns, for ever. And that the other Parcel of Land herein before mentioned to be purchaſed by the ſaid *John Lane*, lying and being in the County of *Halifax*, be, and is hereby veſted in the ſaid *John Lane*, in the ſame Manner as is by the ſaid Will directed for the other Lands ſo limited to the ſaid *Patience*; and the ſame ſhall remain, go, and deſcend, to all and every ſuch Perſon and Perſons, and for ſuch Eſtate or Eſtates, and in ſuch Manner and Form, as the ſaid Land ſo limited to the ſaid *Patience* would have remained, gone, and deſcended, by Virtue of any Limitations in the Will of the ſaid *Barnaby M'Kinney* before mentioned, as if this Act had never been made: Saving to the King's moſt excellent Majeſty, his Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies, Politic, and Corporate,

Lands veſted in Blake Baker.

Lands veſted in John Lane.

A. D. 1761. rate, their reſpective Heirs and Succeſſors, other than the Perſons claiming under the Will aforeſaid, of the ſaid *Barnaby M'Kinney*, all ſuch Right, Title, Intereſt, Claim, and Demand, as they, every, or any of them, ſhould or might claim, if this Act had never been made.

III. AND alſo, whereas the ſaid *Barnaby M'Kinney*, by his laſt Will and Teſtament as aforeſaid, deviſed to his Daughter *Chriſtian M'Kinney*, and the Heirs of her Body lawfully begotten, and to their Heirs for ever, Three Hundred and Twenty Acres of Land, more or leſs, being the Plantation leaſed to Doctor *James Thompſon*, known by the Name of the *Walnut* Fort; and Two Hundred and Fifty Acres, more or leſs, including the Plantation where *James Denſon* lived; and all the Lands between the *Cypreſs* Gut and *Iſaac Reck*'s Line, and the *Black* Pond; and the ſaid *Chriſtian* intermarried with *William Hurſt*, late of *Halifax* County, by whom ſhe had Iſſue *Mary*, her only Child and Heir; and ſome Time after the Death of the ſaid *Barnaby M'Kinney*, the ſaid *Chriſtian* departed this Life, leaving Iſſue the ſaid *Mary*, who is intitled to the aforeſaid Two Tracts or Parcels of Land ſo deviſed to the ſaid *Chriſtian* her Mother; and apprehending that ſhe the ſaid *Mary* had a Fee-Simple Eſtate therein, and in Order to purchaſe other Lands and Slaves of greater Value than the aforeſaid Two Tracts of Land, to advance her Fortune and Intereſt, agreed to ſell the ſame to *Blake Baker*, for the Conſideration of Five Hundred Pounds: And whereas the ſaid *Mary* is ſeized, in Fee-Simple, of and into one Tract of Land, containing by Eſtimation Two Hundred and Seventy Five Acres, lying and being in the County of *Halifax*, conveyed to *William Hurſt*, Father of the ſaid *Mary*, by *Benjamin Sherrod* and *Patience* his Wife, and by Deed of Gift, conveyed to the ſaid *Mary* by the ſaid *William Hurſt*, her Father; and alſo, Two Hundred Acres, lying and being in *Northampton* County, purchaſed of *Paul Patrick* and *Agnis* his Wife, by the aforeſaid *William Hurſt*, and by him conveyed to the ſaid *Mary* by Deed of Gift: And whereas it will be greatly to the Advantage of the ſaid *Mary* to dock the Entail of the ſaid Two Tracts of Land ſo deviſed to the ſaid *Chriſtian* her Mother, and to ſettle the other Parcels of Land whereof the ſaid *Mary* is ſeized, in Fee-Simple, being of greater Value, to the ſame Uſes: And foraſmuch as Notice has been publiſhed Three *Sundays* ſucceſſively, at the Churches and Chapels in the Pariſh of *Edgcomb*, in the County of *Halifax*, that Application would be made to this preſent General Aſſembly to dock the Entail of the aforeſaid Two Tracts or Parcels of Land ſo deviſed to the ſaid *Chriſtian*, upon ſettling the other Lands of greater Value to the ſame Uſes, purſuant to your Majeſty's Inſtructions:

Lands veſted in Blake Baker and Mary Hurſt.

IV. MAY it therefore pleaſe your moſt Excellent Majeſty, at the humble Suit of the aforeſaid *Mary Hurſt* and the ſaid *Blake Baker*, that it may be Enacted, *And be it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Two Tracts or Parcels of Land ſo deviſed as aforeſaid to the ſaid *Chriſtian*, ſo as aforeſaid agreed to be ſold to the ſaid *Blake Baker*, be, and are hereby veſted in the ſaid *Blake Baker*, his Heirs and Aſſigns, in Fee-Simple, to the only proper Uſe and Behoof of the ſaid *Blake Baker*, his Heirs and Aſſigns, for ever; and that the aforeſaid Two Hundred Acres of Land herein before mentioned, lying and being in *Northampton* County, conveyed to the ſaid *Mary* by Deed of Gift as aforeſaid, be, and is hereby veſted in the ſaid *Mary Hurſt*, in the ſame Manner as is by the ſaid Will directed for the other Lands ſo deviſed to the ſaid *Chriſtian* in Lieu and Stead of the aforeſaid Three Hundred and Twenty Acres of Land ſo deviſed as aforeſaid; and that the aforeſaid Two Hundred and Seventy-five Acres before mentioned, lying and being in the County of *Halifax*, conveyed to the aforeſaid *Mary* by *William Hurſt*, her Father, as aforeſaid, be, and is hereby veſted in the ſaid *Mary Hurſt*, in the ſame Manner as is by the ſaid Will directed for the other Lands ſo deviſed to the ſaid *Chriſtian*, in Lieu and Stead of the aforeſaid Two Hundred and Fifty Acres of Land ſo deviſed as aforeſaid, commonly called the *Callidonia* Plantation: And the aforeſaid Two Tracts or Parcels of Land, ſo conveyed as aforeſaid to the ſaid *Mary*, ſhall remain, go, and deſcend, to all and every ſuch

Perſon

Perſon and Perſons, and for ſuch Eſtate or Eſtates, and in ſuch Manner and Form, as the aforeſaid Two Tracts or Parcels of Land ſo deviſed to the ſaid *Chriſtian* ſeverally would have remained, gone, and deſcended, by Virtue of any Deviſe or Limitation in the Will of the ſaid *Barnaby M'Kinney* before mentioned, as if this Act had never been made: Saving to the King's moſt excellent Majeſty, his Heirs and Succeſſors, and to all and every other Perſon or Perſons, Bodies, Politick and Corporate, their reſpective Heirs and Succeſſors, other than the Perſons claiming under the Will of the ſaid *Barnaby M'Kinney* as aforeſaid; or otherwiſe, all ſuch Right, Title, Intereſt, Claim, and Demand, as they, every, or any of them, ſhould or might claim if this Act had never been made. *Provided always*, That this Act, or any Thing herein contained, ſhall not take Effect, or be in Force, until his Majeſty's Approbation be had to the ſame. *A. D.* 1761.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.
James Haſell, Preſident.
Samuel Swann, Speaker.

Read Three Times, and ratified in open Aſſembly, the 23d Day of April, 1761.

A. D. 1762.

ANNO REGNI GEORGII III. REGIS, MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ, TERTIO.

ARTHUR DOBBS, Esq; Governor.

At an ASSEMBLY, begun and held at *Newbern*, the Third Day of *November*, in the Third Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Sixty Two; being the First Session of this present Assembly.

CHAP. I.

Re enacted by Act 1768, Chap. 1.

An Act for dividing this Province into Five several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the Proceedings therein.

CHAP. II.

See Acts October 1764, Chap. 2. 1768, Chap. 2.

An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

Preamble.

I. WHEREAS the Establishment of Inferior Courts for the Trial of Causes, and punishing Offenders, under proper Limitations and Restrictions, would be of great Service, and general Utility, in the several Counties within this Province:

Inferior Courts established.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That in every County of this Province, a Court quarterly in every Year shall be held by the Justices thereof at the several respective Places already assigned for that Purpose, or at such Place or Places as shall be hereafter lawfully appointed, upon the Days herein after limited for each County respectively; which Courts shall be called Inferior Courts of Pleas and Quarter Sessions, and taken and held to be Courts of Record.

III. *AND*

A. D. 1762.

Juſtices to take the Oaths of Government.

III. *AND be it further Enacted*, That every Perſon nominated and appointed a Juſtice of any Inferior Court, before his entering upon and executing the ſaid Office, ſhall publicly in the Court-Houſe of his County, on a Court Day, take the Oaths appointed, or which ſhall be appointed, to be taken by Act of Parliament for the Qualification of Public Officers, repeat and ſubſcribe the Teſt, and ſhall alſo take the following Oath, *to wit*,

And the Oath of a Juſtice.

I A. B. *do ſwear, That as a Juſtice of Peace in the County of in all Articles in the Commiſſion to me directed, I will do equal Right and Juſtice to the Poor and to the Rich, after my Cunning, Wit, and Power, and according to Law; and I will not be of Council in any Quarrel hanging before me; I will not lett for Gift or other Cauſe, but well and truly I will do my Office of a Juſtice of the Peace, as well within the Inferior Court of Pleas and Quarter Seſſions of the ſaid County as without; and I will not take any Fee, Gift, or Gratuity, for any Thing to be done by Virtue of my Office; and I will not direct, or cauſe to be directed, any Warrant by me to be made to the Parties, but I will direct them to the Sheriff or Conſtable of the County, or other the King's Officers or Miniſters, or other indifferent Perſon, to do Execution thereof.*

SO HELP ME GOD.

On Pen. of 100l.

And if any Perſon whatſoever ſhall preſume to execute the Office of a Juſtice of any Inferior Court, without firſt qualifying himſelf in the Manner by this Act before required, he ſhall, for every ſuch Offence, forfeit and pay One Hundred Pounds, Proclamation Money; one Moiety to his Majeſty, his Heirs and Succeſſors, towards the Support of this Government, and the other Moiety to the Informer: To be recovered with Coſts, by Action of Debt, in any Court wherein the ſame is cognizable. *(a)*

Crts. when held.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Inferior Courts of Pleas and Quarter Seſſions ſhall be conſtantly held upon the Days hereafter ſpecified for every County reſpectively, that is to ſay: For the County of *Perquimans*, on the Third *Monday* in *January*, *April*, *July*, and *October*; *Anſon*, on the Fourth *Tueſday* in *January*, *April*, *July*, and *October*: And every Adjournment ſhall be to the next ſucceeding Court in Courſe, and not otherwiſe.

And how long to ſit.

V. *PROVIDED neverthelefs*, That if the Buſineſs of any of the ſaid Courts cannot be determined on the Court Day, the Juſtices may adjourn from Day to Day, not exceeding Five Days; at the End of which Time, if the Cauſes and Matters depending before them ſhall not be finally determined, or otherwiſe continued in the Manner herein after directed, the ſame ſhall be continued to the next ſucceeding Court.

One Juſtice may adjourn from Day to Day, not exceeding 3 Days.

VI. *PROVIDED alſo*, That if through Sickneſs or other Inability, Badneſs of Weather or other Accident, it ſhall ſo happen that a ſufficient Number of Juſtices ſhall not meet for holding the ſaid Courts on the Days herein before appointed, in ſuch Caſe it ſhall and may be lawful for any one Juſtice to adjourn the Court whereof he ſhall be a Member from Day to Day, not exceeding Three Days, until a ſufficient Number of Juſtices can attend to hold Court.

Courts, or Proceſs in them, not to be diſcontinued.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That none of the ſaid Courts, or Proceſs in any of them depending, ſhall be diſcontinued for or by Reaſon of the Juſtices failing to hold Court upon the Day by Law appointed, or of any Alteration of any of the ſaid Days appointed for holding the ſaid Courts; but in every ſuch Caſe all ſuch Proceſs, Matters, and Things depending, ſhall ſtand continued, and all Appearances upon Returns of Proceſs ſhall be made to the next ſucceeding Court in Courſe, in the ſame Manner as if ſuch ſucceeding Court had been the ſame Court to which ſuch Proceſs ſtood continued, or ſuch Returns or Appearances had been made; and all Recognizances, Bonds, and Obligations for Appearances,

(a) The 4th Clauſe, appointing the Court Days, except the Counties of *Perquimans* and *Anſon*, altered, by Acts October 1764, Chap. 2, and 1768, Chap. 2.

A. D. 1762. Appearances, and all Returns, ſhall be of the ſame Force and Validity for the Appearance of any Perſon or Perſons at ſuch ſucceeding Court, and all Summons for Witneſſes as effectual, as if the next ſucceeding Court had been expreſsly mentioned therein.

Juſtices Power.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid Inferior Courts of Pleas and Quarter Seſſions, or any Three of them, ſhall and may take Cognizance of, and are hereby declared to have full Power, Authority, and Juriſdiction, to hear and determine all Cauſes whatſoever at the Common Law, within their reſpective Counties, where the Debt, Damages, and Cauſe of Action, is above Forty Shillings, Proclamation Money, and ſhall not exceed Twenty Pounds like Money (Actions of Treſpaſs in Ejectment, Formedon in Decender, Remainder, and Reverter, Perjury and Felony, and ſuch Criminal Cauſes where the Judgment, upon Conviction, ſhall be for the Loſs of Life or Member, excepted) and all Petit Larcenies, Aſſaults, Batteries, and Treſpaſſes, other than ſuch Treſpaſſes wherein the Title of the Freehold ſhall or may come in Queſtion, Breaches of the Peace, and other Miſdemeanors of what Kind ſoever, of an Inferior Nature; and all filial Portions and Legacies, and Diſtributions of Inteſtates Eſtates, and other Matters thereto relating, for any Sum or Sums not exceeding Twenty Pounds, Proclamation Money: And the ſaid Juſtices of the Peace, and every of them, at all Times during their Continuance in that Office, as well within their Inferior Courts of Pleas and Quarter Seſſions as without, ſhall have full Power and Authority, as amply and as fully, to all Intents and Purpoſes, as the Juſtices of the Peace in the Counties of *England*, to preſerve, maintain, and keep the Peace within their reſpective Counties.

Courts Juriſdiction altered, by Act Dec. 1770, Chap. 43.

Courts Power to take Probate of Wills.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Inferior Courts reſpectively ſhall and may, by Summons or other legal Proceſs, upon Application to them made, compell any Perſon or Perſons whatſoever, having in their Poſſeſſion any Will or Teſtament of any deceaſed Perſon, to exhibit the ſame to the Court, in Order to a legal Probation thereof; and alſo to receive the Probate of Wills, and order the ſame to be recorded; and make Orders for iſſuing Letters Teſtamentary, and Letters of Adminiſtration; and the Clerk ſhall and may take Two Shillings and Eight Pence for recording each Will.

Proviſo, where Caveats are entered.

X. *PROVIDED always*, That any Perſon who hath a Right to execute any Will, or to adminiſter the Eſtate of any Inteſtate, who ſhall think himſelf injured by ſuch Order, may enter a Caveat in the Court wherein ſuch Order ſhall be made againſt the Perſon obtaining the ſame; and the Secretary, and his Deputy, ſhall forbear to ſeal and counterſign Letters Teſtamentary, or of Adminiſtration, till the Matter in Controverſy ſhall be re-heard and determined before the Governor, or Commander in Chief for the Time being, and Council.

Clerks to give Bond.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of the Pleas for the Time being ſhall, for the future, nominate and appoint ſkillful and diſcreet Perſons to ſerve as Clerks for the ſeveral Courts hereby eſtabliſhed; which ſaid Clerks ſhall, upon ſuch Nomination and Appointment, hold and enjoy their Offices during their good Behaviour therein: And each of the ſaid Clerks ſhall give Bond to the Juſtices of their reſpective Courts, with Two ſufficient Securities, in the Penalty of One Thouſand Pounds, for the Safe-keeping the Records, and the faithful Diſcharge of his Duty in his ſaid Office; which ſaid Bond ſhall be recorded, and lodged in the Secretary's Office; and in Caſe of a Breach of the Condition thereof, may be put in Suit, for the Benefit of, and at the proper Coſt and Charges of the Party or Parties injured, and ſhall not become void upon the firſt Recovery, or if Judgment be given againſt the ſaid Juſtices, but may, from Time to Time, be put in Suit, by Action of Debt, or *Scire Facias*, until the whole Penalty ſhall be recovered: And when any Judgment ſhall be obtained upon ſuch Bond, the Damages aſſeſſed ſhall, by Order of the Court, be paid to the Perſon or Perſons injured.

XII. *PROVIDED*

XII. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to leſſen or take away the Power of the Juſtices of the ſaid Courts over the Clerks thereof, any Thing herein contained, to the contrary, notwithſtanding. *A. D.* 1762. Juſtices Power over them.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon nominated and appointed Clerk of any Inferior Court, before his entering upon, and executing the ſaid Office, ſhall take the Oaths by Law appointed for the Qualification of Public Officers, repeat and ſubſcribe the Teſt, and alſo take the following Oath, *to wit*, Clerks to take the Oaths.

I A. B. *do ſwear, I will well and truly execute the Office of Clerk of the Inferior Court of Pleas and Quarter Seſſions for the County of according to the beſt of my Skill and Ability.* SO HELP ME GOD.

XIV. AND for the better Preſervation of Wills, *Be it further Enacted, by the Authority aforeſaid*, That all original Wills ſhall remain in the Clerk's Office among the Records of the reſpective Counties where they ſhall be proved, whereunto any Perſon may have Recourſe as to the other Records, except for the Time the ſame ſhall or may be removed before any other Court, upon the Determination of any Controverſy. Wills to remain in the Clerk's Office.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of every Inferior Court aforeſaid, in the Month of *October* annually, ſhall return to the Secretary's Office a Liſt of all Certificates for obtaining Probates or Adminiſtrations granted by their reſpective Courts from Time to Time, containing the Names of the Teſtators or Inteſtates, their Executors or Adminiſtrators, and the Names of the Securities; which Liſts the Secretary is hereby required to cauſe to be recorded in his Office alphabetically in Books for that Purpoſe, and ſhall and may take and receive Two Shillings and Eight Pence, Proclamation Money, for every ſuch Order therein-mentioned. Clerks to tranſmit Liſts of Wills proved to the Secretary's Office.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Attorney General is hereby authorized and required to appoint a Deputy in each County within this Province; which ſaid Deputy ſhall and may proſecute all Matters cognizable in the Inferior Court of Pleas and Quarter Seſſions for and in Behalf of his Majeſty, and ſhall take and receive Thirteen Shillings and Four Pence, Proclamation Money, on each and every Bill of Indictment found, or Preſentment made, in the ſaid Court in which he or his Deputy ſhall be. Attorney General to appoint a Deputy in every County.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Inferior Courts of Pleas and Quarter Seſſions reſpectively ſhall, and they are hereby authorized and impowered, annually, between the Firſt Day of *May* and the Firſt Day of *November*, to aſſeſs and lay ſuch Tax on the taxable Perſons in their reſpective Counties, as ſhall be ſufficient to defray the contingent Charges of the ſame; which Tax ſhall be collected by the Sheriff, and paid and accounted for in the ſame Manner as Public and Pariſh Taxes are or ſhall be by Law directed, and by him accounted for and paid to the Court, or their Order. *(b) (c)* Courts to lay a Tax for Contingencies of the County.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That any Juſtice of the Peace ſhall and may have Power, and is hereby authorized, upon Complaint being made by any Perſon or Perſons for any Matter or Thing, Debt or Damage, cognizable in the Inferior Courts of Pleas and Quarter Seſſions of this Province, to grant an original Attachment againſt the Eſtate of any Perſon abſconding or concealing Attachment returnable to Crt.

(b) The latter Part of the 17th, and the whole 18th Clauſe, provided for, by Act Dec. 1770, Chap. 43.

(c) Section 19, relating to Attachments, provided for, by Act Dec. 1770, Chap. 43.

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cealing, and removing himſelf out of the County, returnable to ſuch Court, obſerving therein the Rules and Reſtrictions directed for granting original Attachments returnable to the Superior Courts of Juſtice; and all Sheriffs, and other Officers, ſhall execute and return the ſame, and obſerve the Rules and Directions appointed to be obſerved in executing Attachments returnable to the Superior Court; and the like Judgment, Recovery, Relief, Remedy, and Proceedings, ſhall be had thereupon, as in the like Caſes is grantable in the ſaid Superior Courts.

Proceſs how iſſued & returned.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That all original Proceſs by Writ, Summons, Petition, or any other Manner or Means, and all ſubſequent Proceſs thereupon, to bring any Perſon or Perſons to anſwer to any Action, Suit, Bill, Information, or Plaint, in any Inferior Court of Pleas and Quarter Seſſions (except Subpœnas to ſummon Evidences, which may be made returnable immediately) ſhall be iſſued and bear Teſt by the Clerk of every Inferior Court of Pleas and Quarter Seſſions reſpectively, and ſhall be returnable on the Firſt Day of the Sitting of the Court, and ſhall be executed at leaſt Five Days before the Return thereof; and if any Perſon iſſues any Writ or Proceſs whilſt ſuch Court is ſitting, or within Five Days before the Beginning of the Court, ſuch Writ or Proceſs ſhall be returnable to the Court next after that then ſitting, or beginning to ſit, within Five Days as aforeſaid, and not otherwiſe: And all Writs and Proceſs iſſued, made returnable, or executed, in any other Manner, or at any other Time, than is herein before directed, may be abated, upon the Plea of the Defendant.

Proviſo, in Criminal Caſes.

XXII. *PROVIDED always*, That nothing herein contained ſhall extend, or be conſtrued to invalidate or vacate any Writ, Proceſs, Warrant, or Precept, iſſued by any Juſtice of the Inferior Courts of Pleas and Quarter Seſſions on any criminal Proſecution, or in his Majeſty's Behalf, but the ſame may be returnable on any Day in the Sitting of the Court; and the Proceedings in all criminal Caſes ſhall be had according to the Laws and Statutes of *Great Britain* and this Province; any Thing herein contained, to the contrary, notwithſtanding.

Proceed. where Proceſs iſſues to the Sheriff in Civil Caſes.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Writ or Proceſs ſhall iſſue to take the Body of any Perſon or Perſons to anſwer unto any Plaintiff in any civil Action in any Inferior Court of Pleas and Quarter Seſſions, the Sheriff ſhall return therewith a Bond, with Two ſufficient Securities, for double the Sum for which the Perſon ſhall be held in Arreſt (Executors, Adminiſtrators, and Perſons ſued on Penal Statutes, excepted) to the Clerk, on or before the Firſt Day of every Court; and if the Sheriff ſhall not return Bail, or the Bail ſo returned ſhall be found inſufficient, upon Exception taken thereto, then, and in ſuch Caſe, the Sheriff ſhall be taken and ſtand Bail for the Defendant, and the Plaintiff may proceed in his Suit to Judgment according to the Rules hereafter mentioned, and on Judgment, or Recovery, may take out Execution againſt the Defendant or Sheriff, or both; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. *Provided always*, That if the Defendant puts in Bail before the Time to plead given him by the Rules hereafter mentioned is expired, then the Sheriff ſhall be diſcharged. *Provided alſo*, That the Sheriff may ſurrender the Defendant in Diſcharge of himſelf at any Time before final Judgment obtained againſt the Defendant.

Execution to iſſue to any County, after Judgment.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That where any Judgment or Decree ſhall be obtained in any Inferior Court of Pleas and Quarter Seſſions, for any Debt, Damages, Portion, or Legacy, or Proportion of any Inteſtates Eſtate, and the Perſon againſt whom ſuch Decree ſhall be obtained ſhall remove him or herſelf and Effects, or ſhall reſide out of the Limits of the Juriſdiction of ſuch Court, it ſhall be lawful for the Clerk of the Court where Judgment was given, or Decree made, at the Requeſt of the Party for whom the ſame was rendered, to iſſue a Writ of *Fieri Facias*, *Capias ad Satisfaciendum*, or other Proceſs, under the Teſt herein before preſcribed, and to direct the ſame to the Sheriff, or other

other Officer of any County in this Province, where the Defendant or Debtor, or his Goods, ſhall be found; which ſaid Sheriff, or other Officer to whom the ſame ſhall be directed, is hereby impowered and required to ſerve and execute the ſame, and ſhall make Return thereof to the Court where the Judgment or Decree was given, in the ſame Manner as if ſuch Proceſs had iſſued from the Superior Court of Juſtice. *A. D.* 1762.

Proceed. where *Non eſt Inventus* is returned.

XXV. AND for the better aſcertaining what Proceſs may be iſſued where the Sheriff ſhall return that the Defendant is not to be found in his Bailiwick, *It is hereby Enacted*, That when any Sheriff ſhall make ſuch Return, the Plaintiff or Plaintiffs, in any civil Action, may ſue an Attachment againſt the Eſtate of ſuch Defendant, returnable as is herein before directed for the Return of original or other ſubſequent Proceſs, thereupon to enforce an Appearance, or an *Alias*, or *Pluries Capias*, until ſuch Defendant be arreſted, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff ſhall return ſuch Attachment executed, the Plaintiff ſhall file his Declaration according to the Rules of the Court, and be intitled to a Judgment.

Proceedings on Attachments the ſame as in the Superior Courts.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſame Rules, Methods, and Proceedings, ſhall be had, kept, uſed, and obſerved, by the ſaid Inferior Courts of Pleas and Quarter Seſſions, and Officers, in the granting, iſſuing, executing, returning, and awarding Judgment on judicial Attachments; and the like Remedy, Recovery, and Relief, againſt Sheriffs and Bail, as in like Caſes is provided by Law in Suits depending in the Superior Courts of Juſtice.

Rules of Courts

XXVII. AND for the regular Proſecution and Determination of Suits, entering up Judgments, and Preſervation of the Records; *Be it therefore Enacted, by the Authority aforeſaid*, That the following Rules and Methods ſhall be obſerved, *to wit*,

That the Plaintiff in every Suit ſhall file his Declaration on the Firſt Day of the Court, or firſt calling of the Cauſe in Court; and at the ſame Time ſerve the Defendant, or his Attorney, with a Copy thereof, if required.

That if the Plaintiff fail to file his Declaration, or appear and proſecute his Suit, the Defendant may enter a Non-proſs.

That the Defendant ſhall enter his Appearance, and file his Plea in Writing, whether general or ſpecial, the Firſt Court; and if he fails ſo to do, the Plaintiff ſhall have Judgment, which in Actions of Debt ſhall be final, except where Damages are to be ſuggeſted on the Roll; in which Caſe, and in all others where the Plaintiff ſhall recover in Damages, a Writ of Enquiry ſhall be executed the next Court.

That the Defendant may plead as many ſeveral Matters as he ſhall think neceſſary for his Defence, ſo that he be not admitted to plead and demur to the Whole.

That all Iſſues, whether general or ſpecial, ſhall be heard and tried the next ſucceeding Court, unleſs ſufficient Cauſe is ſhewn to ſuch Court why ſuch Cauſes ſhall be continued.

That all Cauſes at Iſſue ready for Trial be firſt heard and tried.

That every Motion in Arreſt of Judgment ſhall be argued the laſt Day of the ſame Court the Iſſue is tried, the Defendant's Attorney firſt ſerving the Plaintiff's Attorney with a Copy of the Reaſons in Arreſt of Judgment; unleſs, upon ſufficient Reaſons ſhewn, and approved of by the Court, further Time ſhall be allowed.

That when any ſpecial Verdict ſhall be found, or Demurrer to Evidence, at the Motion of either Party, Time ſhall be allowed to the next ſucceeding Court for hearing.

That in every Cauſe, unleſs brought by Petition, if the Plaintiff recovers, or is Non-ſuit, or where his Suit ſhall be diſmiſſed, or Judgment paſſed for the Defendant, the Court ſhall allow in the Bill of Coſts Fifteen Shillings, Proclamation Money, for an Attorney's Fee, if the Party employed one.

That the Clerk of every Inferior Court of Pleas and Quarter Seſſions, where any Cauſe is finally determined, ſhall enter all Pleadings and other Matters relating

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Dilatory Pleas prevented.

XXVIII. AND for Prevention of Delay and Vexation by dilatory Pleas, *It is hereby further Enacted*, That no Plea in Abatement ſhall be received in any Action or Suit, unleſs the Truth thereof be ſufficiently ſhewn to the Court by Affidavit or otherwiſe; and in all Actions where the Declaration ſhall plainly ſet forth ſufficient Matter of Subſtance for the Court to proceed upon the Merits of the Cauſe, the Suit ſhall not abate for Want of Form; and that when any Plea in Abatement ſhall be pleaded in any Action, and upon Argument thereof the ſame ſhall be judged inſufficient, the Plaintiff or Plaintiffs in ſuch Action ſhall recover againſt the Defendant or Defendants full Coſts to the Time of over-ruling ſuch Plea, including the Coſt of that Court, a Lawyer's Fee only excepted. *(a)*

Clerks and Sheriff's Fees for all Services.

XXXII. *AND be it further Enacted, by the Authority aforeſaid*, That every Clerk, Sheriff, and other Officer of the ſaid Inferior Court of Pleas and Quarter Seſſions, may take and receive the Fees herein before mentioned; and alſo, for every other Service by them reſpectively to be done, ſhall and may take ſuch Fees and Perquiſites as they could or might have done for performing the like Services by Virtue of an Act of Aſſembly, intituled, *An Act for regulating the ſeveral Officers Fees within this Province, and aſcertaining the Method of paying the ſame:* And if any Clerk, Sheriff, or other Officer of the ſaid Courts, ſhall demand, extort, exact, or receive any other or larger Fees, or ſhall refuſe to do the particular Service of his Office for the Fees in this and the before recited Act expreſſed, or ſhall introduce any new Fees, or charge any ſuch for any pretended Service when ſuch Service is not actually performed, and when the ſame, according to the Courſe of Practice, is not neceſſary to be done; every ſuch Clerk, Sheriff, and other Officer, for every ſuch Offence, ſhall forfeit and pay Five Pounds, Proclamation Money; to be recovered and applied as by the aforeſaid Act is directed.

Appeals granted.

XXXIII. AND for granting Appeals from the Inferior Courts of Pleas and Quarter Seſſions, to the Superior Courts of Juſtice, and obtaining Writs of Error to the ſaid Courts, *Be it further Enacted, by the Authority aforeſaid*, That when any Perſon or Perſons, either Plaintiff or Defendant, ſhall be diſſatisfied with the Judgment, Sentence, or Decree of any Inferior Court, he may pray an Appeal from the Judgment, Sentence, or Decree of ſuch Court to the Superior Court of Juſtice of the Diſtrict wherein ſuch Inferior Court of Pleas and Quarter Seſſions is held; but before obtaining the ſame, ſhall enter into Bond, with Two ſufficient Securities, for proſecuting the ſame, and performing the Judgment, Sentence, or Decree that the Superior Court ſhall enter or make thereon, in Caſe ſuch Appellant ſhall be caſt.

Writs of Error granted.

XXXIV. AND becauſe it may happen, that in iſſuing Proceſs, carrying on the Proceedings, and rendering Judgments in the ſaid Inferior Courts of Pleas and Quarter Seſſions there may be Error to reverſe Judgments; *Be it Enacted*, That when any Defendant is deſirous to proſecute a Writ of Error, he ſhall move the Inferior Court of Pleas and Quarter Seſſions, where ſuch Suit is depending, to allow a Writ of Error, he firſt entering into Bond as afore-mentioned; and the Court is hereby impowered and required to allow thereof, as if ſuch Writ of Error was then and there produced.

How proſecuted.

XXXV. AND for carrying on and proſecuting ſuch Appeals and Writs of Error; *Be it Enacted, by the Authority aforeſaid*, That the following Rules and Methods of Practiſe ſhall be obſerved, *to wit*, That when any Perſon, either Defendant or Plaintiff, conceives he is injured by the Judgment, Sentence, or Decree of any Inferior Court, and ſhall have appealed to the Superior Court in Manner above

(a) The 29th, 30th, and 31ſt Sections, relating to Petition and Summons, repealed, by Act Dec. 1770, Chap. 43.

above directed, a Tranſcript of the Proceedings of the Inferior Court ſhall be filed with the Clerk of ſuch Superior Court Fifteen Days before the ſitting of the Court; and if the Tryal in the Inferior Court was of an Iſſue to the Country, a Tryal *de Novo* ſhall be had, and if on a Hearing on a Petition for a filial Portion, or Legacy, or Diſtribution of an Inteſtates Eſtate, or other Matter thereto relating, a Rehearing at the ſaid Court, without Notice given by either Party; and if ſuch Tranſcript of the Proceedings is not filed within the Time aforeſaid, with the Clerk of the Superior Court, or if the Appellant ſhall fail to appear and proſecute his Appeal, then the Judgment, Sentence, or Decree of the Inferior Court ſhall be affirmed, and the Appellant ſhall be adjudged to pay double Coſts; provided, that there ſhall be Thirty Days between the Day of Tryal or Hearing in the Inferior Court, and the next Superior Court: But when it ſo happens that there are not Thirty Days between ſuch Tryal or Hearing and the Superior Court, ſuch Appeal ſhall be continued, and a Tranſcript of the Proceedings tranſmitted to the Superior Court next after: And where any Defendant will proſecute a Writ of Error, he may move the Inferior Court where the Tryal is had, and enter into Bond, with Security, as before mentioned, whereupon a Tranſcript of the Proceedings ſhall be filed with the Clerk of the Superior Court Fifteen Days before the Court, and the Party proſecuting ſuch Writ of Error ſhall aſſign and file Error the firſt Four Days of the Court; and in Caſe ſuch Defendant ſhall neglect to file ſuch Writ, and aſſign Error as aforeſaid, or ſhall fail to appear and proſecute the ſame, then the Judgment of the Inferior Court ſhall be affirmed, and the Plaintiff in Error ſhall be adjudged to pay double Coſts; provided that there ſhall be Thirty Days between ſuch Motion for obtaining a Writ of Error, and the Time of holding the Superior Court. *A. D.* 1762.

XXXVI *AND be it further Enacted, by the Authority aforeſaid*, That in every Inferior Court within this Province, when an Appeal ſhall be granted, or Writ of Error allowed, the Clerk of ſuch Court ſhall immediately make up a full and perfect Record of all the Proceedings in ſuch Cauſe, and ſhall, within Ten Days after the Adjournment of the Court, give an atteſted Copy of ſuch Record with a Taxation of all Coſts accrued, to the Perſon appealing, or to whom the Writ of Error is allowed; and every Clerk neglecting to do the ſame, ſhall forfeit and pay to the Perſon intitled to ſuch atteſted Copy, the Sum of Five Pounds, Proclamation Money; to be recovered by Action of Debt, Plaint or Information, in any Court of Record; and the ſaid Clerk ſhall alſo be further liable to an Action on the Caſe, for all ſuch Damages as ſuch Perſon ſhall ſuſtain for Want thereof. Clerk to make up a Record of the Proceedings, and give a Copy to the Appellant.

XXXVII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Action or other Proceſs ſhall be commenced and proſecuted againſt the Sheriff of any County in this Province, then inſtead of other Proceſs which might be legally taken in the like Caſe againſt any other Perſon, the Clerk of any Inferior Court of Pleas and Quarter Seſſions ſhall, upon Requeſt, iſſue a Summons directed to the Coroner of the County, reciting the Matter or Cauſe charged againſt ſuch Sheriff, and ſummons him to appear and anſwer the ſame at the next Inferior Court of Pleas and Quarter Seſſions to be held for the ſaid County; and if ſuch Sheriff ſhall not appear according to ſuch Summons, it ſhall be lawful for the Court to award an Attachment againſt the Eſtate of ſuch Sheriff ſo failing to appear; and thereupon the like Proceedings ſhall be had as in Caſes of other Attachments. Proceedings againſt Sheriffs, in Actions againſt them.

XXXVIII. AND for the better Diſcovery of the Truth in any Matter whatſoever before the Inferior Courts, *Be it Enacted, by the Authority aforeſaid*, That the Clerk of every ſuch Court may, and he is hereby authorized and required, upon the Requeſt of either Party, to iſſue one or more Summons or Summonſes for any Perſon or Perſons to attend as a Witneſs or Witneſſes in any Cauſe depending before them, directed to the Sheriff or other Officer of the County where ſuch Witneſs or Witneſſes do live or uſually reſide, who is hereby impowered and required to ſerve ſuch Summons or Summonſes; and the Witneſs or Witneſſes thereby ſummoned ſhall appear according to the Tenor thereof, and every Perſon or Perſons ſo ſummoned Summonſes how to iſſue.

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Evidences ſummoned, how long to attend.

XXXIX. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon ſummoned to appear as a Witneſs in any of the ſaid Inferior Courts in Manner as herein before directed, ſhall appear according to ſuch Summons, and continue to attend from Day to Day, until diſcharged by the Court, or by the Party at whoſe Inſtance he was ſummoned; and in Default thereof, ſhall be ſubject to the Pains and Penalties herein before mentioned; any Law or Uſage, to the contrary, notwithſtanding.

Proceſs in the late Courts, to be tranſpoſed to the Inferior Courts.

XL. *AND be it further Enacted, by the Authority aforeſaid*, That all Cauſes, Actions, Suits, Writs, Petitions, Summonſes, Plaints, Proceſs, Recognizances, Indictments, and Preſentments whatſoever, heretofore commenced, and not yet determined, in either of the late Inferior Courts of Pleas and Quarter Seſſions in this Province, or ſuch as ſhall be returnable to, or had, or ſhall have Day or Days in any of the ſaid Courts, or other Matters or Things in them depending, not fully determined after the paſſing of this Act, ſhall be tranſpoſed and carried off the Dockets in each of the ſaid late Inferior Courts into the Dockets of the ſeveral Courts by this Act eſtabliſhed, in the ſame Order in which they ſhall then ſtand in the Dockets of the ſaid late Inferior Courts reſpectively; and ſhall be proceeded on by the ſaid Courts according to the Method by this Act directed, as if the ſame had been originally commenced therein.

All Proceſs in the late Courts where Judgment entered, to be taken Cognizance of.

XLI. *AND be it further Enacted, by the Authority aforeſaid*, That all Writs and other Proceſs, and all Suits and Proceedings whatſoever, iſſued, granted, or proſecuted in any of the ſaid late Inferior Courts, wherein Judgment hath been entered or Decree made, ſhall and may be taken Cognizance of by the ſaid Courts of the reſpective Counties by this Act eſtabliſhed; and ſuch Courts may reſpectively award Execution, or other neceſſary Proceedings, on ſuch Judgment or Decree, in the ſame Manner as if ſuch Suit had been originally commenced in ſuch Court by this Law hereby eſtabliſhed; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Continuance of the Act.
Further continued, by Act Oct. 1764, Chap. 2.

XLII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act, and every Clauſe and Article thereof, ſhall be and continue in Force for Two Years, from and after the Firſt Day of *January* next, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. III.

An Act to impower the ſeveral Inferior Courts of Pleas and Quarter Seſſions to try all Cauſes commenced in the late Inferior Courts, where the Debt, Damage, or Thing ſued for, does not exceed Fifty Pounds, Proclamation Money.

Preamble.

I. WHEREAS by the late Inferior Court Law, Power was given to the Juſtices of the reſpective Courts to try all Cauſes where the Debt, Damage, or Thing ſued for, did not exceed Fifty Pounds, Proclamation Money, and there

there being divers Suits commenced in the ſaid late Courts, and not yet determined, for the Sum of Fifty Pounds, and no Proviſion having been made for the Trial of ſuch Cauſes in the Inferior Court Law already paſſed by the Council and Aſſembly: For Remedy whereof, *A. D.* 1762.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Cauſes heretofore commenced in any of the late Inferior Courts, wherein the Debt, Damage, or Thing ſued for, ſhall exceed the Value of Twenty Pounds, Proclamation Money, and does not exceed the Sum of Fifty Pounds like Money, and not already determined, ſhall be tried in the ſaid Courts, and in the ſame Manner, as if the Sum ſued for did not exceed Twenty Pounds; and the Juſtices are hereby declared to have Cognizance thereof, to give Judgment, and award Execution thereon, as fully and amply, to all Intents and Purpoſes, as in other Caſes where the Debt, Damage, or Thing ſued for, did not exceed the Value of Twenty Pounds, Proclamation Money; any Thing in the before recited Act of Aſſembly, to the contrary, in any-wiſe, notwithſtanding. Courts Power to try Cauſes.

CHAP. IV.

An Act directing the Method of appointing Jurymen in all Cauſes, criminal and civil. EXP.

CHAP. V.

An Act for the better Care of Orphans, and Security and Management of their Eſtates.

I. WHEREAS the greateſt Part of the Eſtates in this Province belonging to Orphans are of ſo inconſiderable Value that an Application to the Court of Chancery, in many Inſtances, will occaſion an Expence, which the Profits of them are not ſufficient to defray; and it having been found by Experience, that the Court of each reſpective County, exerciſing the Power of regulating the Education of Orphans, and the Management of their Eſtates, have proved of ſingular Service to them: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That where any Perſon hath, or ſhall have any Child or Children under the Age of Twenty-one Years and not married, it ſhall and may be lawful to and for the Father of ſuch Child or Children, whether born at the Time of his Death, or in *Ventre ſamere*, or whether ſuch Father be within the Age of Twenty-one Years, or of full Age, by Deed executed in his Lifetime, or by his laſt Will and Teſtament in Writing, in ſuch Manner, and from Time to Time, as he ſhall think fit, to diſpoſe of the Cuſtody and Tuition of ſuch Child or Children, for and during ſuch Time as he, ſhe, or they ſhall remain under the Age of Twenty-one Years, or for any leſs Time, to any Perſon or Perſons other than the People called *Quakers*, and *Popiſh* Recuſants; and every ſuch Diſpoſition heretofore made, or hereafter to be made, ſhall be good and effectual againſt all and every Perſon and Perſons claiming the Cuſtody and Tuition of ſuch Child or Children as Guardian, in Soccage, or otherwiſe; and the Perſon or Perſons to whom ſuch Cuſtody and Tuition hath been, or ſhall be ſo diſpoſed or deviſed, ſhall and may maintain an Action of Raviſhment of Ward or Treſpaſs againſt any Perſon or Perſons who ſhall wrongfully take away or detain any ſuch Child or Children, for the Recovery of ſuch Child or Children, and ſhall and may recover Damages for the ſame in the ſaid Action, with Coſts, for the Benefit of ſuch Child or Children. Fathers to diſpoſe of the Cuſtody of their Children.

III. *PROVIDED nevertheleſs*, That nothing in this Act contained ſhall be conſtrued to hinder any of the People commonly called *Quakers* to make ſuch Diſpoſition, or to hinder the Superior or Inferior Courts from committing the Guardianſhip and Cuſtody of their Children to the People of that Perſuaſion; and that every Proviſo, for Quakers.

A. D. 1762. every Perſon or Perſons to whom ſuch Tuition and Cuſtody hath been, or ſhall be ſo diſpoſed or deviſed as aforeſaid, ſhall and may take into his or their Poſſeſſion, for the Uſe of ſuch Child or Children, the Profits of all Lands, Tenements, and Hereditaments; and alſo the Slaves, Goods and Chattels, and perſonal Eſtate of ſuch Child or Children; and may bring ſuch Action or Actions in Relation thereunto, as by Law a Guardian in common Soccage might do.

Not to diſcharge Apprentices.

Guardians abuſing their Truſt, may be removed.

IV. *PROVIDED always*, That nothing herein before contained ſhall extend to diſcharge any Apprentice from his Apprenticeſhip; and the Superior Court of the Diſtrict, or the Inferior Court of Pleas and Quarter Seſſions of the County wherein ſuch Guardian ſhall reſide, reſpectively, upon Complaint to them made of ſuch Guardian abuſing the Truſt repoſed in him, by miſuſing the Child or Children ſo committed to his Tuition as aforeſaid, in being about, or intending to marry ſuch Child or Children in Diſparagement, neglecting the Care of their Education ſuitable to their Eſtate, or waſting, converting to his own Uſe, or otherwiſe miſmanaging ſuch Eſtate, to make and eſtabliſh, from Time to Time, ſuch Rules and Orders for placing ſuch Child or Children under the Care and Tuition of any other Perſon or Perſons, ſecuring the Eſtate, and for the better Education and Uſage of ſuch Child or Children, as they, in their Diſcretion, ſhall judge meet and neceſſary.

Courts Power over Orphans.

Pen. for Neglect

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Superior Courts and Inferior Courts of Pleas and Quarter Seſſions of this Province, within their reſpective Juriſdictions, have, and ſhall have full Power and Authority, from Time to Time, to take Cognizance of all Matters concerning Orphans and their Eſtates, and to appoint Guardians in ſuch Caſes where to them it ſhall appear neceſſary; and ſhall take good Security of all Guardians by them to be appointed for the Eſtate of the Orphans by them committed: And if any Court ſhall commit an Orphan's Eſtate to the Charge or Guardianſhip of any Perſon or Perſons without taking good and Sufficient Security for the ſame, the Juſtice or Juſtices appointing ſuch Guardian ſhall be liable for all Loſs and Damages ſuſtained by the Orphan for Want of ſuch Security being taken; to be recovered by Action, at the Common Law, in any Court of Record in which the ſame is cognizable, at the Suit of the Party grieved.

Proviſo, where Security was at firſt good.

VI. *PROVIDED always*, That where the Securities were good at the Time of their being taken or accepted, but afterwards become inſolvent, in ſuch Caſe the Juſtice or Juſtices ſhall not be liable.

Bonds given by Guardians, payable to the Juſtices, in Truſt for Orphans.

VII. *AND be it further Enacted*, That the Bond to be given by any Perſon or Perſons appointed Guardian as aforeſaid, ſhall be made payable to the Juſtice or Juſtices preſent in Court and granting ſuch Guardianſhip, the Survivors or Survivor of them, their Executors or Adminiſtrators, in Truſt, for the Benefit of the Child or Children committed to the Tuition and Care of ſuch Guardian; which Bond ſuch Court ſhall cauſe to be acknowledged before them and recorded; and that in the Name of the Juſtice or Juſtices to whom the ſaid Bond is made payable, the Survivors or Survivor of them, their Executors or Adminiſtrators, any Perſon or Perſons injured, may and ſhall, at his, her or their Coſts and Charges, commence and proſecute a Suit againſt ſuch Guardian and his Securities, Executors or Adminiſtrators; and ſhall and may recover all Damages which he, ſhe, or they have ſuſtained by Reaſon of the Breach of the Condition thereof.

Proviſo, where Judgment for Guardian.

VIII. *PROVIDED always*, That if any Verdict or Judgment ſhall paſs for ſuch Guardian or his Securities, the Perſon at whoſe Inſtance ſuch Suit ſhall be commenced or proſecuted, ſhall pay Coſts.

Duty of Guardians.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That when a Guardian ſhall be appointed to an Orphan by any Superior or Inferior Court, ſuch Guardian ſhall, at the next Court after his Appointment, exhibit an Account, upon Oath, of all the Eſtate of ſuch Orphan which he or ſhe ſhall have received into his

his or her Hands or Poſſeſſion; and every Guardian heretofore, or hereafter to be by any ſuch Court appointed, ſhall annually exhibit his Account, and State of the Profits and Diſburſements of the Eſtate of ſuch Orphan upon Oath; and ſuch Account ſo to be exhibited, ſhall be entered by the Clerk in particular Books to be provided and kept for that Purpoſe only: And when the ſaid Courts ſhall know or be informed that any Guardian or Guardians by them reſpectively appointed, do waſte or convert the Money or Eſtate of any Orphan to his or their own Uſe, or do in any Manner miſmanage the ſame, is about, or intends to marry him or her in Diſparagement, or neglects to educate or maintain any Orphan according to his or her Degree and Circumſtances, or where any ſuch Guardian or his Securities are likely to become inſolvent; ſuch Court ſhall have Power, from Time to Time, to make and eſtabliſh ſuch Rules and Orders for the better ordering, managing, and ſecuring ſuch Eſtate, and for the better Education of, and maintaining ſuch Orphans, or to appoint another Guardian, as they ſhall think fit and convenient.

A. D. 1762.

Courts Power where they abuſe their Truſt.

X. *AND be it further Enacted*, That every Guardian, Executors, or Adminiſtrators, as ſoon as conveniently the ſame may be done, ſhall, by order of the Superior or Inferior Court of Pleas and Quarter Seſſions, cauſe the Sheriff to ſell and diſpoſe of all the Goods and Chattels of his or her Ward as are or may be liable to periſh, conſume, or be the worſe by uſing or keeping (except in the Inſtances hereafter mentioned) for the moſt that can be got for the ſame, by public Sale, having firſt advertiſed the ſame at all public Places within the County at leaſt Twenty Days before the Day of Sale, in reaſonable Lots, and ſhall, for enhancing the Price thereof, give Six Months Credit, upon good Security given, for which Service the Sheriff ſhall be allowed by the Court, ſo as ſuch Allowance does not exceed Two and a half *per Cent.* and ſuch Guardian, after the Time of ſuch Payment is paſt, ſhall take and purſue all lawful Ways and Means to receive and recover the Money, upon Pain of being anſwerable for the ſame; and if the ſame cannot be received before the Orphan intitled to receive ſuch Money ſhall have a Right to demand it, or ſuch Guardian ſhall be removed from his Guardianſhip, he or ſhe ſhall and may aſſign ſuch Bond to ſuch Orphan, and ſuch Aſſignment ſhall diſcharge ſuch Guardian for ſo much againſt him, her, or them: And where the Profits of any Orphans Eſtate ſhall be more than ſufficient to maintain and educate him or her, the Guardian of ſuch Orphan ſhall lend the Surplus, and all other Sums of Money in his Hands belonging to ſuch Orphan, upon Bond, with good and ſufficient Securities, to be approved of by the next ſucceeding Court, and to be repaid with Intereſt; which Intereſt ſuch Guardian ſhall account for annually; and where the Perſon or Perſons to whom ſuch Money ſhall be lent, or their Securities, are likely to become Inſolvent, ſuch Guardian ſhall uſe all lawful Means to enforce the Payment thereof, on Pain of being liable for the ſame as aforeſaid; and an Aſſignment of ſuch laſt mentioned Bond in either of the aforementioned Caſes, ſhall diſcharge ſuch Guardian for ſo much as is ſpecified in the Condition thereof.

To ſell the periſhable Eſtate.

And take all lawful Means to recover the Money, or aſſign the Bond when the Orphan comes of Age.

Profits more than will maintain the Orphan, Surplus to be lent, on Intereſt, and Means taken to ſecure it.

XI. *AND be it further Enacted*, That where any Orphan ſhall have Lands, and a ſufficient Number of Slaves to cultivate and improve the ſame, ſuch Slaves, unleſs otherwiſe ordered by the Superior or Inferior Courts, ſhall be employed on the Lands and Plantations of ſuch Orphan; and all Horſes, Cattle, Sheep, or Hogs, ſhall be kept upon ſuch Lands and Plantations until ſuch Orphan comes of Age; and he or ſhe ſhall have the Benefit of the Increaſe, and ſhall ſuſtain the Loſs, if any ſhall happen.

Slaves and Stock to be kept on their Land.

XII. *PROVIDED nevertheleſs*, That if any ſuch Stock grow too numerous, or if it will be to the Advantage of ſuch Orphan, his or her Guardian ſhall and may ſell, by Order of the Superior or Inferior Court, ſuch Part of ſuch Stock as ſuch Court ſhall think fit; and all Plate ſhall be preſerved and delivered to ſuch Orphan when at Age, in Kind, according to Weight and Quantity.

Proviſo, where too numerous.

Plate to be delivered in kind.

XIII. *AND*,

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Their Lands to be farmed for no longer Time than they come of Age, and Plantations to be kept in repair.

XIII. *AND be it further Enacted*, That no Guardian ſhall let or farm out any Land belonging to any Orphan for a longer Term than the Orphan be of Age, or in other Manner than by Leaſe, in Writing; and that ſpecial Care be had that the Tenant ſhall improve the Plantation; and that he or ſhe keep the Houſes, Orchards, and Fences thereon, or that ſhall be erected on the ſame, in good and ſufficient Repair, and leave the ſame ſo at the Expiration of ſuch Leaſe; and that Proviſion be made in ſuch Leaſe for preventing all kind of Waſte, and employing any Timber to any other Uſe than the immediate Uſe of the Plantation.

Their Lands not to lapſe.

XIV. *AND be it further Enacted*, That if the Guardian of any Orphan ſhall ſuffer his or her Lands to lapſe or become forfeited for Non-Payment of Quit Rents, ſuch Guardian ſhall be liable to anſwer the full Value of the Lands ſo forfeited unto ſuch Orphan at his or her coming of Age: And if it ſhall ſo happen that any Orphan ſhall not have Slaves to cultivate his or her Lands, and the Guardian of ſuch Orphan cannot Rent the ſame for ſufficient to pay and diſcharge the Quit Rents thereof, and there ſhall not be perſonal Eſtate ſufficient for that Purpoſe, it ſhall and may be lawful for ſuch Guardian, with the Conſent and Approbation of the Superior or Inferior Court, annually, to ſell or diſpoſe of, or uſe ſo much of the Light-Wood, to box ſo many Pine Trees, or to ſell ſo much of the Timber on the ſame, as ſhall raiſe ſufficient to pay and ſatisfy the Quit Rents thereof, and no more.

Lightwood may be ſold, or Trees boxed, to pay the Quit Rents.

Orphans Court to be held.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of every Inferior Court of Pleas and Quarter Seſſions in this Province, reſpectively, ſhall on the firſt Day of the Court that ſhall be held next after the firſt Day of *January* in every Year, hold an Orphan's Court for the Purpoſe aforeſaid; and every Perſon heretofore appointed, or that ſhall hereafter be appointed Guardian to any Orphan by any Court, or by Deed or Will as aforeſaid, ſhall exhibit ſuch Account as aforeſaid, and the Juſtices of every Court ſhall, at the ſame Court, examine into all Accounts of Guardians ſo to be exhibited to them, and ſhall direct a Summons to iſſue, returnable to their next Court, againſt all Guardians who ſhall then fail to appear and render ſuch Account, whether ſuch Guardian be reſident in the ſame or any other County, and ſhall then alſo enquire into the Abuſes and Miſmanagement of Guardians; and whether they, or their Securities, are likely to become inſolvent, and thereupon to proceed according to the Power in this Act before given; and if any ſuch Guardian ſhall wilfully neglect, after being ſummoned as aforeſaid, to appear, or obſtinately refuſe to exhibit ſuch Account, it ſhall and may be lawful for the Court to iſſue an Attachment for ſuch Contempt, and to commit ſuch Guardian until he or ſhe ſhall exhibit ſuch Account.

Guardians to exhibit their Accounts.

Abuſes prevented.

Courts Power at any Time to enquire into Abuſes.

XVI. *PROVIDED always*, That nothing herein before contained ſhall be conſtrued to reſtrain the Power of the Inferior Courts of Pleas and Quarter Seſſions in enquiring, as often as they ſhall think proper, into the Abuſes and Miſmanagement of Guardians; but that it ſhall be lawful for them to execute ſuch Power at any Time or Times when to them it ſhall appear neceſſary; any thing in this Act contained to the contrary notwithſtanding.

Grand Jury to give Account of the Orphans in their Pariſh, and of Abuſes of their Eſtates.

XVII. *AND be it further Enacted*, That the Grand Jury of every County in this Porvince ſhall, annually, at the Orphans Court to be holden for their Counties, reſpectively, be charged with, and preſent to the Juſtices thereof, in Writing, the Names of all Orphan Children within their Pariſh that they ſhall know have not Guardians appointed them, and are not bound out to ſome Trade or Employment; and all Abuſes, Miſmanagements and Neglect of ſuch Guardians as live within their County.

Reaſonable Diſburſements allowed Guardians.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for every Guardian to Charge in his Account all reaſonable Diſburſements and Expences; and if, upon rendering ſuch Account, it ſhall appear to the

the Court that ſuch Guardian hath, really and *bona fide*, diſburſed more in one Year than the Profits of the Orphan's Eſtate do amount unto, for the Education and Maintenance of ſuch Orphan, ſuch Guardian ſhall be allowed and paid for the ſame out of the Profits of ſuch Orphan's Eſtate in any other Year. *A. D.* 1762.

XIX. *PROVIDED always*, That ſuch Diſburſements be, in the Opinion of ſuch Court, ſuitable to the Degree and Circumſtances of the Eſtate of ſuch Orphan; and that where ſuch Eſtate ſhall be of ſo ſmall Value that no Perſon will educate and maintain him or her for the Profits thereof, ſuch Orphan ſhall, by Direction of the Court, be bound Apprentice; every Male to ſome Tradeſman, Merchant, Mariner, or other Perſon approved by the Court, until he ſhall attain to the Age of Twenty-one Years; and every Female to ſome ſuitable Employment, till her Age of Eighteen Years; and alſo, ſuch Court may, in like Manner, bind Apprentice all free baſe born Children; and every ſuch Female Child being a Mulatto or Muſtee, until ſhe ſhall attain the Age of Twenty-one Years: And the Maſter or Miſtreſs of every ſuch Apprentice, ſhall find and provide for him or her Diet, Cloathes, Lodging, and Accommodations, fit and neceſſary; and ſhall teach, or cauſe him or her to be taught, to read and write; and, at the Expiration of his or her Apprenticeſhip, ſhall pay every ſuch Apprentice the like Allowance as is by Law appointed for Servants by Indenture or Cuſtom; and on Refuſal, ſhall be compelled thereto, in like Manner; and if upon Complaint made to the Inferior Court of Pleas and Quarter Seſſions, it ſhall appear that any ſuch Apprentice is ill-uſed, or not taught the Trade, Profeſſion, or Employment to which he or ſhe was bound, it ſhall be lawful for ſuch Court to remove and bind him or her to ſuch other Perſon or Perſons as they ſhall think fit.

To be ſuitable to the Orphans Circumſtances.

Where they have ſmall Eſtates to be bound out.

XX. *AND be it further Enacted*, That the binding of ſuch Apprentice by Order of Court as aforeſaid, ſhall be by Indenture, made in the Name of the preſiding acting Juſtice of the Court, and his Succeſſors, of the one Part, and of the Maſter or Miſtreſs to whom he or ſhe ſhall be bound, of the other; which Indenture ſhall be acknowledged or proved before ſuch Court, and recorded, and a Counterpart thereof ſhall remain and be kept in the Clerk's Office for the Benefit of ſuch Apprentice; and that any Perſon or Perſons injured, may and ſhall, at his or her Coſts and Charges, proſecute a Suit thereon in the Name of ſuch Juſtice, or his Succeſſors, and recover all Damages which he or ſhe may have ſuſtained by Reaſon of the Breach of the Covenants therein contained; and if any Verdict or Judgment ſhall paſs for ſuch Maſter or Miſtreſs, he or ſhe ſhall recover Coſts.

Manner of binding Apprentices.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That where any Perſon who now is, or hereafter ſhall be Security for the Eſtate of any Orphan, ſhall conceive himſelf in Danger by Reaſon thereof, and Petition the Court where ſuch Security was entered into for Relief, it ſhall be lawful for ſuch Court, upon Petition to them exhibited, forthwith to order Summons to iſſue, againſt the Party or Parties with and for whom the Petitioner ſtands bound, returnable to the next Court; and thereupon to compell ſuch Party or Parties to give ſufficient other or counter Securities, to be approved by the ſaid Court, or to deliver up the ſaid Eſtate to the ſaid Petitioner, or ſuch other Perſon as the Court ſhall direct; or they may, and are hereby impowered, to make ſuch other Order or Rule therein for the Relief of the Petitioner, and better ſecuring ſuch Orphan's Eſtate, as to them ſhall appear juſt and equitable.

Proceed. where Securities are likely to ſuffer.

XXII. *PROVIDED always*, That ſuch Court ſhall take Good and ſufficient Security of the Perſon or Perſons to whom ſuch Eſtate ſhall be ſo committed, in like Manner, and under the like Penalty, as is by this Act required to be taken of Guardians appointed by the Court; and every ſuch Perſon ſhall alſo exhibit his Account, and be ſubject to the Rules and Orders of the Court, in the ſame Manner, to all Intents and Purpoſes, as is herein before required of Guardians, or they are made ſubject unto.

Securities to be taken when Eſtate committed.

A. D. 1762.

Legacies, &c. how recoverable.

XXIII *AND be it further Enacted, by the Authority aforeſaid*, That all Legacies, filial Portions, diſtributive Shares of Inteſtates Eſtates, Sum or Sums of Money, or other Eſtate, due or owing from any Perſon appointed Guardian to any Orphan, or from any Executors or Adminiſtrators, or other Perſon whatſoever, ſhall and may be recovered by Petition to the Superior Courts of the Diſtricts, or any Inferior Courts of Pleas and Quarter Seſſions, Reſpect being had to the Juriſdiction of the ſaid Court; and that in all Suits by Petition as aforeſaid, and in the ſaid Courts reſpectively, the following Rules and Methods ſhall be obſerved, *to wit*,

Rules of Court.

THE Petitioner ſhall file his Petition in Court, upon exhibiting the ſame, and thereupon Summons ſhall be iſſued by the Clerk of Courſe; and that upon the Defendant's being ſerved therewith, and with a Copy of the ſaid Petition, he ſhall appear and put in his Anſwer or Plea, upon Oath, or Demur.

THAT upon an Anſwer, Plea, or Demurrer being filed as aforeſaid, the Petitioner may move the Court to have the ſame ſet for Hearing, and immediately argued, and thereupon the Court ſhall proceed to hear and determine the ſame according as the Matter in Equity and Law ſhall appear to them, without Regard to Form, or Want of Form in the Petition, Proceſs, or Courſe of Proceedings.

THAT upon the Defendant's being ſerved with a Summons, and a Copy of the Petition, Ten Days before the Court to which ſuch Summons is returnable, and Oath made thereof, if he ſhall fail to appear and plead, anſwer or demur as aforeſaid, the Petitioner's Petition ſhall be taken *pro confeſſo*, and the Matter thereof decreed accordingly, with Coſts; unleſs on ſpecial Reaſons ſhewn to, and approved of by the Court, Time ſhall be allowed ſuch Defendant to file ſuch Plea, Anſwer, or Demurrer.

THAT upon the Petitioner diſmiſſing his Petition, or the ſame being diſmiſſed for Want of Proſecution, he ſhall pay Coſts.

AND if any Defendant ſhall appear on ſuch Summons, and ſhall obſtinately refuſe to anſwer the Petition of the Petitioner, the ſame ſhall be taken *pro confeſſo*, and the Matter decreed as aforeſaid.

EVERY Defendant ſhall be at Liberty to ſwear to his Anſwer or Plea before any Juſtice.

THAT when a Plea or Demurrer ſhall be over-ruled, the Defendant ſhall file his Anſwer the ſame Court.

THAT when the Petitioner ſhall be minded to diſprove the Anſwer of the Defendant and ſupport his Claim, he may reply.

COMMISSIONS to examine Witneſſes may be awarded by the Court after Replication filed, the Party taking out ſuch Commiſſion, giving the adverſe Party Ten Days Notice of the Time and Place of executing the ſame.

AND that upon a Decree being made on any ſuch Petition, it ſhall and may be lawful for the Court who ſhall make the ſame, to grant Execution againſt the Defendant's Body, Goods and Chattels, Lands and Tenements, for ſatisfying ſuch Decree and Coſts: Any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Appeal granted.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That when any Perſon ſhall conceive himſelf injured or aggrieved by Order or Sentence of any Inferior Court, in appointing a Guardian to any Orphan, or in removing any Orphan from the Care and Tuition of any Perſon who has been appointed ſuch, or on Refuſing to make ſuch Appointment or Removal as aforeſaid, he may appeal from ſuch Order or Sentence to the Court of Chancery of this Province, or to the Superior Court of the Diſtrict, at his Option; and the Party praying ſuch Appeal, ſhall file a Copy of the Proceedings of the Inferior Court therein with the Clerk of the Chancery, or Clerk of the Superior Court (as the Caſe may be) Fifteen Days before the Sitting of ſuch Court, and thereupon it ſhall and may be lawful for the Court, to which ſuch Appeal is made, to proceed to re-hear the Matter, and either affirm or reverſe, ſuch Order or Sentence, and thereupon to award Execution for all ſuch Coſts and Charges as ſhall be occaſioned by ſuch Appeal.

XXV. *PROVIDED*

XXV. *PROVIDED nevertheleſs*, That the Party praying ſuch Appeal, before the ſame ſhall be granted by the Inferior Court, ſhall enter into Bond, with ſufficient Security, for proſecuting ſuch Appeal with Effect; and the Payment of all ſuch Coſts and Charges as ſhall be awarded againſt him in Caſe he ſhall be caſt in his ſaid Appeal. *A. D.* 1762. Appellant to give Bond.

XXVI. *PROVIDED alſo*, That nothing in this Act contained ſhall be conſtrued to reſtrain or abridge the Power of the ſaid Court of Chancery, in any Matter or Thing relating to Orphans or their Eſtates; but the ſaid Court ſhall and may hold, uſe, exerciſe and enjoy, the ſame Juriſdictions, Powers and Authorities therein, in as full and ample Manner, to all Intents and Purpoſes, as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding. Court of Chancery's Power not abridged.

CHAP. VI.

An Act for making Proviſion for an Orthodox Clergy. REP.

CHAP. 7. *An Act for the further continuing and amending an Act* For appointing a Militia: *and alſo to continue one other Act, intituled*, An Act to amend and continue an Act, intituled, *An Act for appointing a Militia.* EXP.

8. *An Act appointing the Method of diſtributing Inteſtates Eſtates.* REP.

CHAP. IX.

An Act for the more eaſy Recovery of Money due upon promiſory Notes, and to render ſuch Notes negotiable.

I. WHEREAS promiſory Notes are of great Utility, as well to Merchants as others, and there being no Method of recovering Money, ſpecified in ſuch Notes, by any Act of Aſſembly in Force in this Province: For Remedy whereof, Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Notes ſigned by any Perſon or Perſons, Body politic or corporate, or by the Servant or Agent of any Corporation, Banker, Merchant or Trader, who is, or ſhall be uſually intruſted to ſign ſuch promiſory Notes for them, whereby ſuch Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, ſhall promiſe to pay any Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, or Order; the Money mentioned in ſuch Note, ſhall be conſtrued to be, by Virtue thereof, due and payable to ſuch Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, to whom the ſame is made payable; and alſo, ſuch Note payable to ſuch Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, or Order, may be aſſignable over in like Manner as In-land Bills of Exchange are by Cuſtom of Merchants in *England*; and the Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, to whom ſuch Money is or ſhall be payable, may maintain an Action for the ſame, as they might upon ſuch Bill of Exchange, and the Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, to whom ſuch Note ſo payable to Order is aſſigned or indorſed, may maintain an Action againſt the Perſon or Perſons, Body politic or corporate, or the Servant or Agent of any Corporation, Banker, Merchant, or Trader, who ſigned, or ſhall ſign ſuch Note, or any who ſhall or have indorſed the ſame, as in Caſes of In-land Bills of Exchange, and recover Damages, and Coſts of Suit; and in Caſe of Non-Suit, or a Verdict ſhould paſs againſt the Plaintiff, the Defendant ſhall recover Coſts. Method of Recovery on Promiſory Notes.

A. D. 1762.

Judgments already recovered valid.

III. *AND be it further Enacted, by the Authority aforesaid*, That all Judgments heretofore recovered in any Court of Law within this Province, on any such promisory Note or Notes, shall be good and valid, to all Intents and Purposes, and shall not be reversed for any Matter or Cause relating to such Note or Notes; and all Actions heretofore commenced in any of the said Courts on any promisory Note or Notes, and not already determined, shall be prosecuted, carried on, and Judgment thereupon had, in like Manner as is directed for the Recovery of Money due upon promisory Notes by an Act of Parliament made in the Third and Fourth Years of the Reign of her late Majesty Queen *Anne*, for making such Notes negotiable.

Notes negotiable.

IV. *AND be it further Enacted, by the Authority aforesaid*, That when any Person or Persons shall, by Order in Writing, signed by his or their proper Hand, direct the Payment of any Sum or Sums of Money, in the Hands or Possession of any other Person or Persons, to the Bearer, or any Person or Persons whatsoever, the Money therein specified, shall, by Virtue thereof, be due and payable to such Person or Persons to whom the same is drawn payable, and may be put in Suit against the Person or Persons who shall draw the same, or against the Person or Persons on whom the same shall be drawn, after Acceptance thereof by him or them to whom the same shall be made payable, and recover Damages.

Proviso, to be first protested before suit brought for Recovery.

V. *PROVIDED nevertheless*, That no Person or Persons whatsoever, shall prosecute any Suit against any Person or Persons, who shall give such Order, for the Money therein mentioned, before the same shall have first been protested for Non-Acceptance, and Notice given thereof to the Drawer, before such Suit shall be brought; and if any Suit shall be brought on any such Order before Notice, and Refusal to pay as aforesaid, the Plaintiff or Plaintiffs shall be Non-Suit, and pay Costs.

CHAP. X.

An Act to amend an Act, intituled, An Act for the Relief of poor Debtors, as to the Imprisonment of their Persons; *passed the Fourteenth Day of* April, *in the Year of our Lord One Thousand Seven Hundred and Forty-nine.*

Preamble.

I. WHEREAS by the before recited Act, the Court of the County where any such Debtor is imprisoned on Mesne Process, or Execution, or in the Vacation of such Court, any Two Justices may, under the Rules and Directions therein mentioned, set at Liberty and discharge any such poor Debtor that hath not the Value of Forty Shillings Sterling Money, in any worldly Substance; or that shall be minded to deliver up all his or her Effects to his or her Creditor on whose Suit any such Debtor is imprisoned; the said Creditor being first personally summoned to appear, to shew Cause, if any he or she hath, why such Debtor shall not have the benefit of the said Act; which Summons, some Times, cannot be served, by Reason of such Plaintiff or Creditor living or being out of the Province, which disables such poor Debtor from having the Relief intended by said Act: For Remedy whereof,

Plaintiff's Attorney may be summoned.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That where any such Plaintiff or Creditor lives or resides out of this Province, or is so removed that a Summons cannot be served on him or her, it shall and may be lawful for the Court from whence such Process issued, to summons the Attorney of such Plaintiff or Creditor in the Room and Stead of such Plaintiff or Creditor, to shew Cause, if any he hath, why such Debtor should not be set at Liberty and discharged agreeable to the before recited Act; which said Summons shall be executed at least Ten Days before the Sitting of the Court to which the same is made returnable; and after so summoning such Attorney, the said Court are hereby directed to set at Liberty and discharge such poor Debtor agreeable to the before recited Act; any Thing herein contained to the contrary notwithstanding.

CHAP. XI.

CHAP. XI.

A. D. 1762.

An Act to amend and further continue an Act, intituled, An Act for facilitating the Navigation of Port *Bath*, Port *Roanoke, and* Port *Beaufort*; *paſſed the Thirty-firſt Day of* May, *One Thouſand Seven Hundred and Fifty-two, for Five Years.* EXP.

CHAP. XII.

An Act for dividing the County of Anſon, *and other Purpoſes*

Private.

I. WHEREAS by Reaſon of the large Extent of the County of *Anſon*, it is greatly inconvenient for the Inhabitants to attend the Court of the aforeſaid County, General Muſters, and other public Duties by Law required:

Mecklenburg County erected.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That from and after the Firſt Day of *February*, the ſaid County of *Anſon* ſhall be, and is hereby divided into Two diſtinct Counties, by a Line beginning at Lord *Carteret*'s Line, Six Miles *North-Eaſt* from Captain *Charles Hart*'s Plantation on *Buffelo* Creek, and to run from thence to the Mouth of *Clear* Creek, which empties itſelf into *Rockey* River, below Captain *Adam Alexander*'s; and from thence, due *South*, to the Bounds of the Province of *South-Carolina*: And that all that Part of ſaid County which lies to the *Eaſtward* of ſaid Dividing Line, ſhall be a diſtinct County, and remain and be called by the Name of *Anſon* County; and that all that Part of the ſaid County lying to the *Weſtward* of ſaid Dividing Line, ſhall be, thenceforth, one other diſtinct County, and called by the Name of *Mecklenburg*.

Courts to be held.

III. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *February* next, a Court for the ſaid County of *Anſon* ſhall be conſtantly held by the Juſtices thereof, at ſuch Place as ſhall be laid of and agreed upon by the Commiſſioners herein after mentioned, for directing and agreeing with Workmen, for building the Public Buildings for the ſaid County of *Anſon*, or the Majority of them, upon the Days and Times by Law appointed for that Purpoſe: And alſo, that a Court for the ſaid County of *Mecklenburg*, ſhall be conſtantly held by the Juſtices thereof, at ſuch Place as ſhall be laid off and agreed upon by the Commiſſioners herein after named, for the directing and agreeing with Workmen for building the Public Buildings for the ſaid County of *Mecklenburg*, upon the Third *Tueſdays* in *January*, *April*, *July* and *October*, in every Year, as by the Laws of this Province is, or ſhall be provided, and by Commiſſion, ſhall be directed, to the Juſtices of the ſaid Counties, reſpectively.

Mecklenburgh Court Days altered, by Act 1768, Chap. 2.

Sheriff to diſtreſs for Taxes as before tha Diviſion.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Anſon*, as it now ſtands undivided, to make Diſtreſs for any Levies, Fees, or other Duties, that ſhall be due from the Inhabitants of the ſaid County on the ſaid Firſt Day of *February*, in the ſame Manner as he could or might have done by Law if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Duties, ſhall be accounted for, in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

Royal Prerogative of Incorporation ſaved.

V. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate, from the Right and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid County of *Mecklenburg*, and of ordering, appointing, and directing the Election of Members to repreſent the ſame in Aſſembly, and granting Markets and Fairs to be kept and held in the ſaid Counties, reſpectively; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty,

A. D. 1762. Majeſty, his Heirs and Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made. *(a)*

Commiſſioners for building the Court-Houſes, &c.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That *Anthony Hutchins*, *Stephen Jackſon*, *Walter Gibſon*, *James Hutchins*, and *Samuel French*, the Survivors or Survivor of them, be, and are hereby appointed Commiſſioners, and impowered and directed to agree and contract with Workmen for erecting and building a Court-Houſe, Priſon, and Stocks, for the Uſe of the ſaid County of *Anſon:* And that *Robert Harris*, ſen. *Robert M'Clannahan*, *Richard Berry*, *Nathaniel Alexander*, *Abraham Alexander*, *John Frohock*, and *Thomas Polk*, the Survivors or Survivor of them, be, and are hereby appointed Commiſſioners, and impowered and directed to agree and contract with Workmen, for erecting and building a Court Houſe, Priſon, Pilory, and Stocks, for the Uſe of the ſaid County of *Mecklenburg*.

Tax laid for building them.

VIII. AND for reimburſing the ſaid Commiſſioners the Money they ſhall expend in erecting the ſaid Buildings; *Be it further Enacted, by the Authority aforeſaid*, That a Poll Tax of Three Shillings, Proclamation Money, *per Annum*, ſhall be levied on each Taxable Perſon in the ſaid Counties, reſpectively, for Two Years next after the Firſt Day of *February* next; and that all Perſons in either of the ſaid Counties, who ſhall neglect to pay the ſaid Tax till after the Tenth Day of *March*, in each Year, ſhall thereafter be liable to the ſame Diſtreſs as for Non-Payment of Public Taxes; and the Sheriff of each of the ſaid Counties is hereby required and directed, on or before the Tenth Day of *June*, in the ſaid Years, reſpectively, to account for, and pay the Money ſo by him to be collected, to the Commiſſioners aforeſaid, after deducting Six *per Cent.* for his Trouble in collecting the ſame; that is to ſay, ſo much thereof, as ſhall be levied on the Taxable Perſons of the County of *Anſon*, to the aforeſeid *Anthony Hutchins*, *Stephen Jackſon*, *Walter Gibſon*, *James Hutchins*, and *Samuel French*, the Survivors or Survivor of them; and ſuch Part of the ſame as ſhall be levied on the Taxable Perſons in the County of *Mecklenburg*, to the aforeſaid *Robert Harris*, ſen. *Robert M'Clannahan*, *Richard Berry*, *Nathaniel Alexander*, *Abraham Alexander*, *John Frohock*, and *Thomas Polk*, the Survivors or Survivor of them; and in Caſe of Failure or Neglect therein by the Sheriff, he ſhall be liable to the ſame Penalties, Reſtrictions, Proceſs and Remedy, for enforcing the Payment thereof, as by Law may be had againſt Sheriffs who neglect or refuſe to account for and pay public Taxes.

Surplus appropriated.

IX. *PROVIDED nevertheleſs*, That if the Money ſo to be collected ſhall be more than ſufficient to anſwer the Purpoſes aforeſaid, the ſaid Commiſſioners reſpectively, ſhall account for, and pay the Overplus thereof to the Juſtices of the Court of the County for which they are hereby appointed Commiſſioners; to be applied towards defraying the contingent Charges of ſuch County.

Sheriff of Anſon to account with the Southern Treaſurer.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County of *Anſon*, for the Time being, after the ſaid Tenth Day of *June*, ſhall account with, and pay to the public Treaſurer of the *Southern* Diſtrict of this Province, all public Taxes by him collected, under the like Rules and Reſtrictions, Pains, Penalties, Proceſs and Remedy, as other Sheriffs are by Law ſubject to in like Caſes.

Proceſs continued to the new Court-Houſe.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That all Cauſes, Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, and other Matters and Things in the ſaid Court of *Anſon* depending, from and immediately after the Firſt Day of *February* aforeſaid, ſhall ſtand adjourned and continued from the preſent Court-Houſe of the ſaid County to ſuch Place as the Commiſſioners, or the Majority of them for the County of *Anſon* aforeſaid, ſhall ſo appoint, lay off, and agree upon; and all Appearances and Returns of Proceſs ſhall be made on the Day by

(a) The 6th Clauſe of this Act provided for by the Road Act.

by Law appointed for holding the ſaid Court, to the Fourth *Tueſday* in *April* next; and all Suitors and Witneſſes bound to appear thereat, in the ſame Manner as if the ſaid Court had not been removed from the preſent Court-Houſe; and all ſubſequent Proceſs which ſhall or may iſſue on any Action already commenced and not determined in the ſaid Court of *Anſon*, ſhall be directed to, and executed by the Sheriff of *Anſon* County, to the final Determination of ſuch Cauſes; any Law, Uſage, or Cuſtom to the contrary notwithſtanding. *A. D.* 1762.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Firſt Day of *February*, the County of *Mecklenburg* ſhall be continued and remain Part of the Diſtrict of the Superior Court of Juſtice for the Diſtrict of *Saliſbury*; and the Juſtices of the ſaid Inferior Court of *Mecklenburg* ſhall, and they are hereby directed, before every Superior Court held for the Diſtrict aforeſaid, to nominate and appoint Eleven Freeholders to ſerve as Grand and Petit Jurors at ſuch Superior Court: A Liſt of which Jurors ſo nominated, ſhall be delivered by the Clerk of ſuch Court to the Sheriff; who ſhall, and is hereby required, to ſummons the Perſons ſo nominated to ſerve as Jurymen at the ſaid Superior Court; which Jurymen ſo nominated, ſhall have and receive the ſame Allowance, and ſhall be under the ſame Rules, Fines, and Reſtrictions, as other Jurymen are in the reſpective Counties of this Province. Mecklenburg Part of the Saliſbury Diſtrict. Number of Jurors to be ſent.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Inferior Court of Pleas and Quarter Seſſions of the Counties of *Rowan* and *Anſon*, for the future, to nominate and appoint the following Number of Freeholders to ſerve as Grand and Petit Jurors, at the Diſtrict of *Saliſbury* aforeſaid; that is to ſay, *Rowan* Eighteen, and *Anſon* Seven; any Law, Uſage, or Cuſtom to the contrary notwithſtanding. Jurors for Rowan and Anſon.

CHAP. XIII.

An Act for eſtabliſhing a Town on the Land of William Herritage, *at a Place called* Atkins's *Banks, in* Dobbs *County.*

I. WHEREAS it has been repreſented to this Aſſembly, that the Land of *William Herritage*, lying on the *North* Side of *Neuſe* River, at a Place called *Atkins*'s Banks, in *Dobbs* County, is a pleaſant and healthy Situation, and commodious for Trade and Commerce; and the ſaid *William Herritage* having acknowledged his free Conſent to have One Hundred Acres of the ſaid Land laid off for a Town, and Fifty Acres for a Town Common, which will greatly promote the Trade of the ſaid River: Preamble.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Directors or Truſtees herein after appointed, or a Majority of them, ſhall, ſo ſoon as may be, after the paſſing of this Act, cauſe the ſaid One Hundred Acres of Land to be laid off in Lots of half an Acre each, with convenient Streets, Lanes, and Allies, reſerving one Acre and a Half of the ſaid Land whereon the Chappel and public Warehouſe now ſtands, for their reſpective Uſes; which Land ſo laid off, according to the Directions of this Act, is hereby conſtituted, erected, and eſtabliſhed a Town, and ſhall be called by the Name of *Kingſton*. Kingſton erected.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *Francis M'Lewean*, *Richard Caſwell*, *Simon Bright*, jun. *John Shine*, and *David Gordon*, 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, of the ſaid One Hundred and Fifty Acres of Land, to and for the Uſes, Intents, and Purpoſes, hereby expreſſed and declared; and they, or any Three of them, ſhall have Power Directors appointed.

A. D. 1762. 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 have taken Subſcriptions for Fifty Lots, or upwards, they ſhall appoint a Day, and give public Notice to the Subſcribers of the Day appointed for the Drawing of the ſaid Lots; which ſhall be done by Ballot, in a fair and open Manner, by the Directions, and in the Preſence of the Majority of the ſaid Directors, at leaſt; and ſuch Subſcriber ſhall be intitled to the Lot or Lots which ſhall happen to be drawn for him, and correſpond with the Mark or Number contained in the Plan of the ſaid Town; and the ſaid Directors, or a Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred Acres of Land, in Half Acres, as aforeſaid, to the Subſcribers, their Heirs and Aſſigns, for ever, under the Rules, Reſtrictions and Proviſo's, hereafter mentioned; and alſo to every other Perſon who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the Coſt and Charges of the Grantee to whom the ſaid Lot or Lots ſhall be conveyed; 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.

Lots to be drawn.

Time of ſaving Lots.

IV. *PROVIDED nevertheleſs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, ſhall, within Three Years next after the Date of the Conveyance for the ſame, erect, build, and finiſh, on each Lot ſo conveyed, one well framed or Brick Houſe, Sixteen Feet ſquare at the leaſt, and Nine Feet Pitch in the Clear, with a Brick or Stone Chimney, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more Lots contiguous; and if the Owner of any Lot or Lots ſhall fail to comply with the Directions in this Act preſcribed for building and finiſhing a Houſe thereon; ſuch Lot or Lots upon which a Houſe ſhall not be built and finiſhed as aforeſaid, ſhall be free for any other Perſon or Perſons to take up, in the ſame Manner, and under the like Rules and Reſtrictions, as other Lots are directed to be granted to any other Perſon or Perſons after the Subſcription Lots are drawn for: And in Caſe any Perſon, Owner of a ſaved Lot or Lots in the ſaid Town, ſhall die without Heir, or legally diſpoſing thereof, then, and in ſuch Caſe, ſuch Lot or Lots ſhall revert and come to the ſaid *William Herritage*, his Heirs and Aſſigns; any Thing in this Act contained to the contrary notwithſtanding.

To revert to the Proprietor, where no Heirs.

Price of Lots to be paid to the Treaſurer.

V. *AND be it further Enacted, by the Authority aforeſaid*, That each reſpective Subſcriber who ſhall ſubſcribe 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 Treaſurer of the ſaid Town, Forty-five Shillings, Proclamation Money, for each Lot by him ſubſcribed for: And in Caſe of the Refuſal or Neglect of any Subſcriber to pay the ſaid Sum, the Treaſurer ſhall and may commence and proſecute a Suit in his own Name, for the ſame, and therein ſhall recover Judgment, with Coſts of Suit: And the ſaid Treaſurer ſhall, as ſoon as he receives the ſaid Money, pay and ſatisfy to the ſaid *William Herritage*, his Executors, Adminiſtrators or Aſſigns, the Sum of Forty Shillings, Proclamation Money, for each Lot, in full Satisfaction for the ſaid Land; and the other Five Shillings ſhall be applied towards defraying the Expences of laying off and improving the ſaid Town, as a Majority of the Directors ſhall think neceſſary.

And Proprietor.

Treaſurer appointed.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That *Francis Macklewean* be, and is hereby appointed Treaſurer of the ſaid Town; who ſhall enter into Bond with ſufficient Security, to the Juſtices of the Inferior Court of the ſaid County of *Dobbs*, in the Penal Sum of Three Hundred Pounds, that he will well and truly account with, and pay the Monies he ſhall receive in Virtue of his Office, to ſuch Perſon and Perſons as by this Act he is directed: And on the Death or Removal

moval out of the County of the ſaid Treaſurer, the remaining Directors, or any Three of them, by Certificate under their Hands and Seals, ſhall nominate and appoint one other of the ſaid Directors to be Treaſurer of the ſaid Town; and ſo in like Manner, from Time to Time, as often as the ſaid Office ſhall become vacant as aforeſaid; and ſuch Treaſurer or Treaſurers ſhall enter into Bond, with Security, in the ſame Manner as the Treaſurer by this Act appointed. A. D. 1762.

VII. AND for continuing the Succeſſion of the ſaid Directors untill the ſaid Town ſhall be incorporated; *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 remaining Directors, or the Majority of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their Hands and Seals, to nominate ſome other Perſon, being a Freeholder in the 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 like Power and Authority, in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act. Succeſſion of Directors continued.

CHAP. XIV.

An Act for eſtabliſhing a Town on the Lands of John *and* William Ruſſell, *Minors, Sons of* John Ruſſell, *deceaſed, on the* Weſt *Side of the* North-Weſt *Branch of* Cape-Fear *River, near the Mouth of* Croſs-Creek, *by the Name of* Campbellton, *and other Purpoſes.*

I. WHEREAS the eſtabliſhing a Town on the Lands of *John* and *William Ruſſell*, Minors, Sons of *John Ruſſell*, deceaſed, on the *Weſt* Side of the *North-Weſt* Branch of *Cape-Fear* River, near the Mouth of *Croſs Creek*, will greatly encourage honeſt and able Traders to reſide therein; by Means whereof, the Trade of the Counties of *Anſon* and *Rowan*, which at preſent centers in *Charles-Town, South-Carolina*, to the great prejudice of this Province, will be drawn down to the ſaid Town: And whereas the erecting a Town on the ſaid Lands will be of great Benefit and Advantage to the ſaid Minors, in as much as the Lands adjoining thereto will become of much greater Value: Therefore, Private.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Honourable *John Sampſon*, Eſq; *Cornelius Harnett, Maurice Moore, Hugh Waddle, William Dry, Hector M'Neil, Walter Gibſon, Alexander M'Aliſter, Richard Lyon, William Bartram*, and *John Wilcocks*, Eſquires, are hereby appointed Commiſſioners, and are veſted with full Power and Authority, to lay off One Hundred Acres of Land, Part of a Tract of Six Hundred and Forty Acres, belonging to *John* and *William Ruſſell*, Minors, Sons of *John Ruſſell*, deceaſed, ſituate on the *Weſt* Side of the *North-Weſt* Branch of *Cape-Fear* River, below the Mouth of *Croſs Creek*, for a Town, by the Name of *Campbellton:* And the ſaid Commiſſioners, or the Majority of them, are hereby directed and impowered, to lay out the ſaid One Hundred Acres of Land, as ſoon as conveniently may be, after the paſſing of this Act, into Lots of Half an Acre each, with convenient Streets, and a Square, for Public Buildings. Campbellton erected.

III. *AND be it further Enacted, by the Authority aforeſaid*, That when the Commiſſioners, or the major Part of them, have laid out the ſaid Town into Lots and Streets as aforeſaid, which Lots being regularly numbered, and Subſcriptions taken for Fifty Lots, or upwards, they ſhall appoint a Day for drawing the ſaid Lots, and give Public Notice thereof, at leaſt Three Months before drawing the ſame, which ſhall be by Ballot, in a fair and open Manner, in their Preſence; and the Subſcriber ſhall be intitled to the Lot which ſhall happen to be drawn for him and correſpond with the Number contained in the Plan of the ſaid Town; which Lots to be drawn.

A. D. 1762. Lot or Lots, the Commiſſioners before appointed, or the Majority of them, are hereby impowered to grant, convey, and acknowledge, to the Perſon or Perſons ſo drawing the ſame, and his Heirs and Aſſigns, for ever, in Fee-Simple, upon the Payment of Three Pounds, Proclamation Money, to the Treaſurer herein after named.

Treaſurer appointed. IV. *AND be it further Enacted, by the Authority aforeſaid*, That *Richard Lyon*, Eſq; be, and is hereby appointed Treaſurer and Receiver of all ſuch Sum and Sums of Money which ſhall ariſe by the Sale of the ſaid Lots, for the Uſes hereafter mentioned: And on the Death, or Departure out of the Government of the ſaid Treaſurer, the ſaid Commiſſioners, or the major Part of them, ſhall appoint ſome other Perſon Treaſurer, in the Place of the ſaid Treaſurer.

To give Security. V. *AND be it further Enacted, by the Authority aforeſaid*, That the Treaſurer herein appointed, and every Treaſurer that ſhall or may be hereafter appointed by the Commiſſioners as aforeſaid, ſhall give Security to the Inferior Court of the County, in the Sum of One Thouſand Pounds, Proclamation Money, that he ſhall and will account with, and pay in all the Monies he ſhall receive by the Sale of all and every the Lot and Lots that ſhall be ſold, Yearly, on the Firſt Day of *January*, into the Hands of the Guardian or Guardians of the ſaid Minors *John* and *William Ruſſell*, for the ſole Uſe and Benefit of them the ſaid Minors.

Time of ſaving Lots. VI. *PROVIDED always*, That if any Lot or Lots ſhall be granted and conveyed by the ſaid Commiſſioners, to any Perſon or Perſons whatſoever, who ſhall not, within Three Years, build a good ſubſtantial habitable framed Houſe, not of leſs Dimenſions than Twenty Feet of Length, and Sixteen Feet wide, excluſive of Sheds, or make ſuch Preparation for ſo doing, as the Commiſſioners, or the major Part of them ſhall, on View, think reaſonable; ſuch Grant or Conveyance ſhall be void, and it is hereby declared void and of none Effect, as if the ſame had never been made: And the Commiſſioners may grant and convey ſuch Lot or Lots which ſhall not be built on within the Time, and in the Manner as is herein before directed, to any other Perſon or Perſons applying for the ſame, and paying the Money for the ſaid Lot as in this Act is before directed, for the Uſe of the ſaid Minors *John* and *William Ruſſell*.

Part of Bladen added to Cumberland. VII. AND whereas Part of the ſaid One Hundred Acres of Land, whereon the ſaid Town of *Campbellton* is hereby intended to be built, is in *Bladen* County; and the Inhabitants of *Cumberland* County have petitioned, that ſuch Part thereof may be added to *Cumberland*, and that the Court-Houſe, Priſon, and Stocks, be removed to, and erected in the ſaid Town; *Be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That ſo much of the ſaid Land, being in *Bladen* County, as ſhall be judged neceſſary for eſtabliſhing the ſaid Town, by the Commiſſioners herein before appointed, or the Majority of them (provided the ſame do not exceed One Hundred Acres of Land) is hereby annexed to, and declared to be Part of *Cumberland* County; any Law, Uſage, or Cuſtom, to the contrary in anywiſe notwithſtanding.

Dividing Line. VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners herein before appointed, or the Majority of them, are hereby impowered and directed, to run an *Eaſt* Line down to the River; beginning at the Dividing Line between *Cumberland* and *Bladen*, Two Hundred Poles below the Mouth of *Croſs-Creek*; which Line being ſo run, as above directed, ſhall be henceforth taken and deemed to be the Dividing Line between the Counties of *Cumberland* and *Bladen*; any Law, or Uſage, to the contrary notwithſtanding.

Tax for Court-Houſe, &c. IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County of *Cumberland*, are hereby impowered and directed, to lay a Yearly Tax, not exceeding One Shilling, Proclamation Money, for Two Years, commencing

commencing the First Day of *January* next, to be paid and collected as other Public Taxes are, and to be applied towards building a Court House, Prison, and Stocks. *A. D.* 1762.

X. *AND be it further Enacted, by the Authority aforesaid*, That as soon as such Court-House and Prison shall be built, that then the Courts of the said County of *Cumberland*, shall be held in the said Town, and at no other Place whatsoever; and all Matters and Suits therein depending and undetermined, in the Court of the said County of *Cumberland*, shall stand adjourned to the Court to be held at the said Town of *Campbellton*. Courts to be held in Town.

XI. *AND be it further Enacted, by the Authority aforesaid*, That the said Justices may make Use of the old Court-House and Prison, for the Use of the said Court-House and Gaol, to be built in the said Town as aforesaid, or by selling the same, and applying the Money arising by such Sale, towards erecting the said Buildings in the said Town. Old Court House to be used.

CHAP. XV.

An Act to lay a Tax on the Inhabitants of the several Counties of the District of Halifax *Superior Court, to repair the Public Prison thereof, and other Purposes.* See Act January 1764, Chap. 11.

I. WHEREAS the Public Prison of *Halifax* District, has, by Experience, been found to be insufficient for the safe keeping of Prisoners committed to the same: For Remedy whereof, Private.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That a Poll-Tax of Eight-Pence, Proclamation Money, be, and is hereby laid on each Taxable Person within the County of *Halifax*; and a Poll-Tax of Four-Pence, Proclamation Money, on each Taxable Person within the Counties of *Northampton*, *Edgcomb*, *Granville*, and *Johnston*, for the ensuing Year; which said Tax shall be paid, collected, and distrained for by the Sheriff of each County respectively, in the same Manner, and under the like Rules, Fines, Forfeitures, and Penalties, as other Taxes are by Law to be collected, paid, and distrained for; and such Tax, when so collected by the said Sheriffs, shall be paid into the Hands of the Honourable *Alexander M'Culloh*, Esq; *John Bradford*, and *Blake Baker*, Esqrs. or the Majority of them, on or before the Tenth Day of *January*, which shall be in the Year of our Lord One Thousand Seven Hundred and Sixty-four; who are hereby impowered and directed, or a Majority of them, to agree with Workmen for repairing the Prison, in the Town of *Halifax*, erecting a Wall round the same, and building a Gaoler's House thereto, in such Manner as the said Commissioners, or the Majority of them, shall think most proper: And the Money to be collected and paid, shall, by the said Commissioners, or the Majority of them, be applied towards paying such Workmen as aforesaid; and the Overplus, if any, shall by them be disposed of towards defraying the Public Charges of the District of *Halifax* Superior Court. Taxes laid for repairing the Gaol.

III. *AND be it further Enacted, by the Authority aforesaid*, That if any, or either of the said Sheriffs aforementioned, shall fail or neglect to pay the Money, to be collected by Virtue of this Act, into the Hands of the said Commissioners, or the Majority of them, on or before the said Tenth Day of *January*, it shall and may be lawful, and the aforesaid Commissioners, or the Majority of them, are hereby required to proceed against such Sheriff so neglecting, in the Superior Court of *Halifax* District, or either of the Superior Courts within this Province, in the like Manner as Sheriffs are to be proceeded against in other Cases for Non-Payment of Pubpublic Monies which they shall have received. Sheriffs to collect it.

IV. *AND*

A. D. 1762.

Criminals to be committed to Gaol.

VI. *AND be it further Enacted, by the Authority aforesaid*, That after such Buildings and Repairs shall be made as aforesaid, when any Person or Persons within the District of *Halifax* Superior Court, shall be apprehended for any criminal Offence, that on a Conviction thereof, would incur the Loss of Life or Member, it shall and may be lawful for the Inferior Court, or Justice of the Peace, as the Case may be, before whom an Examination of such Criminal shall be had, if such Court or Justice shall think it necessary, to commit such Criminal to the aforesaid Gaol; and the Sheriff of the County wherein such Criminal shall be, is hereby directed and ordered to convey such Criminal to the said Gaol, and deliver him or them to the Sheriff, or Keeper thereof; and take a Receipt for such Prisoner or Prisoners from the said Sheriff, or Keeper; which shall be his Discharge for such Criminal or Criminals.

Gaol Keeper to be employed.

V. *AND be it further Enacted, by the Authority aforesaid*, That after such Buildings and Repairs shall be made as aforesaid, the Sheriff of the County of *Halifax*, for the Time being, is hereby required and directed, when any Criminal shall be committed to the said Gaol, to employ some Person of Integrity to be Keeper thereof; who shall constantly reside in the said Gaoler's House during the Time such Criminal shall be in Gaol; and shall also take all lawful Means for preventing such Criminal from escaping.

Charges to be paid by the Public.

VI. *AND be it further Enacted, by the Authority aforesaid*, That all incident Charges attending the Commitment and Keeping such Criminal or Criminals, shall, if such Criminal or Criminals have not sufficient Estate to satisfy the same, be paid by the Public.

CHAP. XVI.

This Act had its Effect.

An Act to impower Thomas Bonner, *Jun. late Sheriff, to receive and collect the Arrears of Taxes due in the Counties of* Beaufort *and* Pitt, *for the Year One Thousand Seven Hundred and Sixty.*

Provided for by the Road Act.

CHAP. 17. *An Act to establish a Public Road from the Court-House, in* Currituck *County, across the great Swamp, to the Bridge on* North *River, near the* Indian *Town.*

18. *An Act for destroying Vermin in the County of* Orange, *and other Counties therein mentioned.* EXP.

This Act had its Effect.

19. *An Act to enable the Commissioners of the Church of* Edenton *to discharge the Contract by them made with the Workmen employed in finishing the Inside of the said Church.*

CHAP. XX.

An Act for enlarging the Time allowed for saving Lots in the Town of Hertford, *and other Purposes.*

Private.

I. WHEREAS by one Act of Assembly, passed in the Thirty Second Year of the Reign of his late Majesty, intituled, *An Act for establishing a Town on the Lands of* Jonathan Phelps, *in* Perquimans *County*, among other Things, it is provided, That the Grantee of every Lot in the said Town shall, within Three Years after obtaining a Conveyance for the same, erect and finish thereon a House, of the Dimensions therein specified; and on Failure thereof, every Lot whereon such House shall not be so erected, shall be re-vested in the Directors of the said Town by the said Act appointed; and whereas the Time limited by the said Act has been found too short to complete the Buildings on the said Lots, whereby many Persons are now likely to forfeit the same:

II. *BE*

A. D. 1762.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That every Lot in the ſaid Town on which a Houſe ſhall be erected and built, of the Dimenſions mentioned in the ſaid Act, within the Space of Five Years next after the paſſing of this Act, and alſo every Lot therein which ſhall hereafter be ſold or conveyed, on which ſuch Houſe ſhall be erected within the Space of Five Years after the Date of the Conveyance made for the ſame, ſhall be, and is hereby declared to be veſted in the Grantee thereof, in Fee-Simple; any Thing to the contrary in the ſaid recited Act, notwithſtanding.

Further Time allowed for having Lots.

III. AND whereas ſuffering wooden Chimnies to be built in the ſaid Town may occaſion Accidents by Fire, *Be it further Enacted, by the Authority aforeſaid,* That no Perſon whatſoever ſhall hereafter erect any wooden Chimney in the ſaid Town; and every Perſon who hath already built any ſuch wooden Chimney therein, ſhall pull down the ſame within the Term of Five Years next after the paſſing of this Act; and if any Perſon or Perſons ſhall preſume to act contrary hereto, in erecting any wooden Chimney in the ſaid Town, or in failing to pull down or remove, within the Time afore-mentioned, any ſuch wooden Chimney by him already erected therein, the Directors mentioned in the before recited Act, or any Two of them, are hereby authorized, impowered, and required, to pull down and deſtroy every ſuch Chimney, and ſhall not be liable to an Action or Damage for ſo doing; and if the Directors, or any of them, ſhall be ſued for the ſame, they may plead the General Iſſue, and give this Act in Evidence.

Wooden Chimnies not to be built.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Directors, or any Three of them, ſhall and may, and are hereby authorized and impowered, to make and execute Deeds for granting and conveying to every Perſon and Perſons, who already have purchaſed, or hereafter ſhall purchaſe, any Lot or Lots in the ſaid Town; and every Perſon claiming any ſuch Lot or Lots by Virtue of any ſuch Conveyance, ſhall, and is hereby declared to have an indefeaſible Eſtate, in Fee-Simple, in the ſame.

Directors to grant Lots.

CHAP. XXI.

An Act for altering the Method of working on the Roads, and appointing Public Ferries, within the Counties of Duplin, Cumberland, Rowan, *and* Anſon.

Provided for by the Road Act.

CHAP. XXII.

An Act to apply the Money already levied on the taxable Inhabitants of Currituck *County, by Virtue of an Act, intituled,* An Act to amend and improve the Navigation from *Currituck* Inlet, through the Diſtrict in *Currituck* County, to *Albemarle* Sound.

Private.

I. WHEREAS by the above recited Act, a conſiderable Sum of Money has been levied on the taxable Inhabitants of *Currituck* County, for the amending the Navigation of *Currituck* Inlet, that remains ſtill in the Hands of the Commiſſioners appointed in the ſaid Act, which it is prayed may be applied towards the alleviating the Taxes of the Inhabitants of the ſaid County:

Monies appropriated.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Veſtry of *Currituck* Pariſh, in the County of *Currituck,* ſhall have full Power and Authority to aſk and demand of *Joſhua Campbell, John Woodhouſe,* and *William Mackey,* Commiſſioners in the ſaid Act mentioned, an Account of all the Sum or Sums of Money they the ſaid Commiſſioners may have received of the ſeveral Sheriffs of the ſaid County, and upon their faithfully accounting, to receive the ſame: And the ſaid Veſtry are hereby further impowered, if the ſaid Commiſſioners ſhall refuſe or neglect to ſettle, account, and pay to them all ſuch Sum or Sums of Money they may have received in Manner as aforeſaid, or if the ſaid Veſtry

A. D. 1762. Veſtry ſhall have Cauſe to ſuſpect the ſaid Commiſſioners do tender a falſe Account, to put the Bond of the ſaid Commiſſioners, entered into for the Performance of the Truſt repoſed in them, in Suit; and that all Sum or Sums of Money received of the ſaid Commiſſioners by Virtue of this Act, either by their accounting and paying, or by Force of an Execution or Executions, ſhall by the ſaid Veſtry be applied towards eaſing the Tax for purchaſing a Glebe, or building a Church in the ſaid County, and no other Purpoſes whatever.

Commiſſioners appointed Veſtrymen, other Veſtrymen may call them to Account.

III. *AND be it further Enacted, by the Authority aforeſaid*, That if any of the ſaid Commiſſioners ſhall now be, or ſhall hereafter be choſen and appointed Veſtrymen in the ſaid Pariſh, without having fully accounted agreeable to the Intent hereof, that then the Remainder or other Veſtrymen, by themſelves, and apart, ſhall and may demand an Account and Payment; and on Refuſal or Neglect thereof, may bring Suit or Suits againſt the Commiſſioners aforeſaid, as well thoſe who may happen to be of the Veſtry as the others who are not, and proceed to final Judgment or Judments, and Execution or Executions; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

CHAP. XXIII.

Provided for by the Inſpection Act.

An Act for increaſing the Salaries of the Inſpectors of Tobacco at the Warehouſe in the Town of Halifax.

CHAP. 24. *An Act to amend and further continue an Act, intituled*, An Act to eſtabliſh a Public Ferry from *Newby*'s Point to *Phelps*'s Point, whereon the Court-houſe now ſtands, on *Perquimans* River. EX.

Provided for by the Road Act.

25. *An Act to impower and direct the Commiſſioners of the Diſtricts hereafter mentioned to lay out and make a Road through* Regan's *Swamp, in* Bladen *County, to the Court-Houſe in the ſaid County.*

Provided for by the Road Act.

26. *An Act to impower and direct the Commiſſioners of the Diſtrict herein mentioned to lay out and make a Road from* John Howard's *Ferry on* Black *River, through* Colley's *Swamp to the* North Weſt *River, in* Bladen *County.*

CHAP. XXVII.

An Act to encourage Joſeph Howell *to build a Bridge over* Tar *River, at or near the Place called* Howell's *Ferry, at* Tarborough, *in* Edgcomb *County.*

Private.

I. WHEREAS a Bridge over *Tar* River, at or near the Place called *Howell*'s Ferry, would be much for the Conveniency of all Travellers, and *Joſeph Howell* being deſirous of building one there at his own Expence, on Condition of having the Benefit thereof for the Space of Twenty Five Years from the paſſing of this Act:

Bridge to be built.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That it ſhall and may be lawful for the ſaid *Joſeph Howell*, his Heirs or Aſſigns, to erect and build a good ſubſtantial Bridge over *Tar* River, near the Place where the main Road croſſeth the ſaid River, commonly called *Howell*'s Ferry: And after building the ſaid Bridge as aforeſaid, it ſhall and may be lawful for the ſaid *Joſeph Howell*, his Heirs, Executors, Adminiſtrators, or Aſſigns, to keep a ſufficient Gate thereon, and take and receive from all Perſons that ſhall paſs over the ſame the following Rates, that is to ſay: For every Man and Horſe, Four Pence; for every two wheeled Carriage, drawn by one or two Horſes or Oxen, One Shilling and Four Pence; and for every four wheeled Carriage, Two Shillings; and for every Horſe or Ox more, Four Pence each; and for every Head of neat Cattle

Toll to be paid.

Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling; and so in Proportion for a greater or leſs Number of Hogs or Sheep, for and during the Space of Twenty Five Years. A. D. 1762.

III. *AND be it Enacted, by the Authority aforeſaid*, That after the ſaid Bridge is ſo built and compleated as aforeſaid, it ſhall not be lawful, during the Time the ſaid Bridge ſhall be kept in Repair, and fit for Travellers and Carriages to paſs and repaſs over the ſame, for any Perſon whatſoever to keep any Ferry, build any Bridge, or ſet any Perſon or Perſons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the ſaid River, for Fee or Reward, within One Mile of the ſame, during the Time aforeſaid, under the Penalty of Ten Shillings, Proclamation Money, for each and every Offence; to be recovered before any Magiſtrate of the County of *Edgcomb*, to be applied to the Uſe of the Proprietor of the Bridge built by the ſaid *Joſeph Howell*; and during the ſaid Time, the Right and Property of the ſaid Bridge is hereby inveſted in the ſaid *Joſeph Howell*, his Heirs, Executors, Adminiſtrators, or Aſſigns. No Ferry to be kept within one Mile of the Bridge.

IV. *AND be it Enacted, by the Authority aforeſaid*, That when the above mentioned Bridge ſhall be built, and the ſaid *Joſeph Howell* ſhall have received Toll by Force of this Act, and thereafter ſhall ſuffer or permit the ſaid Bridge to fall to Decay, or go out of Repair, that then, and in every ſuch Caſe, ſhall be ſubjected to the Indictment of the Grand Jury of the ſaid County, or the Preſentment of the Attorney General, or his Deputy; and if the ſaid *Joſeph Howell* ſhall thereupon be convicted, he ſhall, for ſuch Offence, be fined at the Diſcretion of the Court: And it is hereby declared to be the Intention of this Act, that the ſaid *Joſeph Howell* ſhall build, or fully compleat and finiſh the ſaid Bridge, within the Space of Two Years after the paſſing this Act; and when the ſaid Bridge ſhall be built, the aforeſaid *Joſeph Howell*, his Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall, at the Expiration of the Term aforeſaid, leave the ſame in good Order and Condition, under the Penalty of Fifty Pounds; to be recovered by the Veſtry and Churchwardens of *St. Mary*'s Pariſh, by Action of Debt; which Sum, if recovered, ſhall be applied towards the contingent Charges of the ſaid County. Penalty for letting the Bridge be out of Repair.

CHAP. XXVIII.

An Act to eſtabliſh a Ferry from Solley*'s Point to* Relf*'s Point, whereon the Court-Houſe now ſtands, on* Paſquotank *River.* EXP.

SIGNED by

ARTHUR DOBBS, Eſq; Governor.
James Haſell, Preſident.
John Aſhe, Speaker.

Read Three Times, and ratified in open Aſſembly, the 11th Day of Dec. 1762.

A. D. 1764.

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

QUINTO.

ARTHUR DOBBS, Esq; Governor.

At an ASSEMBLY, begun and held at *Wilmington*, the Thirtieth Day of *January*, in the Fifth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thouſand Seven Hundred and Sixty Four: Being the Firſt Seſſion of this preſent Aſſembly.

CHAP. I.

An Act for appointing a Militia. EXP.

CHAP. II.

See Act Novemb. 1768, Chap 2, for amending this Act.

An Act concerning Veſtries.

Preamble.

I. WHEREAS making Proviſion for the Clergy, providing for the Poor, and the due Management of parochial Affairs, require that a Veſtry be eſtabliſhed in each Pariſh in this Province, under proper Regulations:

Veſtrymen to be elected.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Freeholders of each Pariſh ſhall, and are hereby directed, to meet on the Firſt Day of *Auguſt* next after the paſſing of this Act, and on *Eaſter Monday*, in the Year of our Lord One Thouſand Seven Hundred and Sixty Seven, and on *Eaſter Monday* in every Third Year thereafter, at the Court-Houſe, or Place where the County Court is commonly held, or at the uſual Place of electing Veſtrymen, then and there to chooſe and elect Twelve Freeholders to ſerve as Veſtrymen: Which Veſtrymen ſo choſen ſhall, by the Sheriff or his Deputy, be ſummoned, at leaſt Ten Days before the Time appointed for ſuch Meeting,

And ſummoned by the Sheriff to appear and qualify.

ing, to meet at the Church in each reſpective Pariſh; and where there is no Church, at the Court-Houſe or Place where the County Court is held, within Thirty Days next after ſuch Choice, to be qualified according to the Directions of this Act: And if the Sheriff ſhall neglect or refuſe to ſummon, or cauſe to be ſummoned, the Veſtry as aforeſaid, he ſhall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for each and every Veſtryman not ſummoned as aforeſaid, to be levied and applied as herein after directed; and the ſaid Sheriff ſhall be paid by the Pariſh the Sum of Two Shillings, Proclamation Money, for each Veſtryman he ſhall ſo ſummon. *A. D.* 1764.

Pen. on Sheriff for not ſummoning, and his Fee for ſummoning Veſtrymen.

III. AND that the Election may be made in a fair and open Manner, *Be it Enacted, by the Authority aforeſaid*, That at all Elections of Veſtrymen hereafter to be made, the Sheriff of the County, or his Deputy, ſhall attend at the Court-Houſe of the County, or Place where the County Court is held, or uſual Place of electing Veſtrymen, and there to take the Votes in the following Manner, that is to ſay: He ſhall open the Poll at Ten of the Clock in the Forenoon, and after Proclamation to the Freeholders to come and give their Votes for Veſtrymen, ſhall take a Liſt of the Names of the Voters who ſhall give their Suffrages, which ſhall be for neither more nor leſs than Twelve; and the Votes ſhall be given openly, and the Poll kept open till Sun-ſet; and the Sheriff ſhall then caſt up the Number of Votes given for each Candidate, and declare the Twelve who ſhall have the greateſt Number of Suffrages, to be duly elected; and in Caſe of an Equality of Votes among any of the Candidates, the Sheriff ſhall have the caſting Vote, and in no other Caſe give his Vote.

Manner of Election of Veſtrymen.

IV. AND to prevent Diſputes concerning who ſhall be underſtood to be a Freeholder capable of voting for Veſtrymen, *Be it further Enacted, by the Authority aforeſaid*, That every Perſon in actual Poſſeſſion of an Eſtate real, for his own Life, or the Life of ſome other Perſon, or an Eſtate of greater Dignity, of Fifty Acres of Land, or a Lot in ſome Town, ſaved according to Law, in the Pariſh of which ſuch Election ſhall be made, and no other Perſon whatſoever, ſhall be deemed a Freeholder within the Meaning of this Act: And any One of the Candidates may, in Caſe he ſuſpects any Perſon going to give his Vote hath not a Freehold within the Meaning of this Act, object to ſuch Perſon giving his Vote, and require the Sheriff to tender him an Oath or Affirmation, concerning his Qualification; which Oath or Affirmation the Sheriff is hereby impowered and directed to adminiſter, in the following Words, *to wit*,

Qualification of Voters.

Who may be ſworn, on Objection.

YOU ſhall ſwear (or affirm) that you are in actual Poſſeſſion of a Freehold of Fifty Acres of Land, in your own Right, or the Right of ſome other Perſon; or a Lot in the Town of ſaved according to Law, in the Pariſh of and that you have not given your Vote before in this Election.

SO HELP YOU GOD.

V. *AND be it further Enacted*, That no Perſon under the Age of Twenty One Years ſhall be elected a Veſtryman, or give his Vote for the Election of Veſtrymen in any Pariſh.

Perſons under Age, not to be Veſtrymen.

VI. AND to enforce the Attendance of the Freeholders at ſuch Elections, *Be it further Enacted, by the Authority aforeſaid*, That every Perſon qualified to vote for Veſtrymen in their reſpective Pariſhes (the People called *Quakers* excepted) is hereby required to attend, and give his Vote at the Election of Veſtrymen, in Manner herein before directed, unleſs prevented by ſome bodily Infirmity, or legal Diſability, under the Penalty of Twenty Shillings, Proclamation Money; to be recovered by a Warrant from any Juſtice of the Peace within the County, provided that ſuch Penalty be ſued for within Ten Days after the ſame be incurred: And in Caſe any Perſon ſhall think himſelf injured by any Order of ſuch Juſtice of the Peace, he ſhall and may appeal therefrom to the next Inferior Court of his County, who are

Attendance of Voters at Elections, inforced.

A. D. 1764. hereby directed and impowered to proceed and determine upon the same in a summary Manner.

Pen on Persons, not being Freeholders, voting at Elections.

VII. *AND be it further Enacted, by the Authority aforesaid*, That if any Person shall give his Vote at such Election of Vestrymen, who hath not been possessed, in his own Right, of a Freehold of Fifty Acres of Land, in Manner herein before mentioned, or Lot, saved according to Law, in some Town in the Parish wherein he shall give his Vote, such Person shall forfeit Five Pounds, Proclamation Money; to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Sessions; one Half to the Informer, and the other Half to the Use of the Parish wherein such Vote shall be given; and where such Action shall be brought, the *Onus Probandi* shall lie upon the Defendant.

Vestrymen to qualify.

VIII. *AND be it further Enacted*, That the said Vestrymen so elected shall, at the first or second Meeting of the Vestry next after such Election, take, before some Magistrate, and in Presence of the Vestry, the Oaths by Law appointed to be taken by Public Officers, and shall repeat and subscribe, in the Vestry Book, the following Declaration, *to wit*, *I A. B. will not oppose the Doctrine, Discipline, and Liturgy of the Church of* England, *as by Law established.* And every Vestryman so elected and qualified shall, to all Intents and Purposes, be deemed and taken to be the Vestrymen of the respective Parishes for which they were elected, for Three Years next succeeding such Election. *(a)*

Vestryman neglecting to qualify, incapable of acting.

And others to be chosen in their Room.

X. *AND be it Enacted, by the Authority aforesaid*, That every Person elected or chosen a Vestryman according to this Act, who shall refuse or neglect to take the said Oaths, and to repeat and subscribe the Test, and also to subscribe the Declaration as aforesaid, is hereby declared to be incapable of acting as a Vestryman; and the other Persons chosen and qualified as aforesaid, shall elect and choose one or more Freeholder or Freeholders, instead of him or them so refusing or neglecting; and such Person or Persons so chosen by the Vestry shall, after being qualified in Manner aforesaid, be held to be a legal Vestryman or Vestrymen, to all Intents and Purposes.

Minister to act as a Vestryman.

XI. *AND be it further Enacted*, That it shall and may be lawful for every Orthodox Minister inducted into any Parish within this Province, to vote and act as one of the Vestry of his Parish; and he is hereby declared to have the same Power and Authority in the Vestry of the Parish for which he is Minister, as any other Vestryman hath or ought to have.

Churchwardens to be chosen.

XII. *AND be it further Enacted, by the Authority aforesaid*, That the Vestry of each respective Parish, or a Majority of them, shall, and are hereby directed, within One Month after being elected and qualified as aforesaid, to elect and choose out of the said Vestry Two Persons to execute the Office of Churchwardens; and every Vestry shall, and are hereby required, at all Times thereafter, within Forty Days after *Easter Monday*, yearly, to elect and choose out of the Vestry Two Persons to execute the said Office; and if the Persons elected Churchwardens as aforesaid by Virtue of this Act, or either of them, shall refuse to execute the said Office, he or they so refusing, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to be recovered and applied as herein after directed; and in such Case the Vestry shall proceed to choose, in the Room of him or them so refusing, another, or other Churchwarden or Churchwardens, out of the said Vestrymen. *Provided*, That no Person whatsoever shall be obliged to serve as Churchwarden in any Parish longer than One Year.

Pen. on them for not acting; and others to be chosen in their Room.

Members of Council exempt from serving as Churchwardens.

XIII. *PROVIDED also*, That no Member of his Majesty's Council shall be compelled to serve in the Office of Churchwarden; any Thing herein contained, to the contrary, notwithstanding. XIV. *AND*

(a) The 9th Clause, relating to Dissenters, altered, by Act Nov. 1768, Chap. 2.

A. D. 1764.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Churchwardens of every Pariſh ſhall purchaſe, at the Expence of the ſame, well bound Books, for keeping therein a Journal and Minute of all the Proceedings of the Veſtry; in which ſhall be fairly ſtated, Accounts of all ſuch Money as they, from Time to Time, ſhall receive in Virtue of their Office, and all Diſburſements made on Account of the Pariſh; and within Ninety Days after their Wardenſhip ſhall expire, cauſe the Clerk to ſet up, in the Court-Houſe of their County, on a Court Day, Copies of ſuch Accounts, and continue the ſame during the Sitting of the Court, for Inſpection of the Pariſhioners; and every Churchwarden or Clerk who ſhall fail or neglect ſo to do, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Seſſions; one Half to the Uſe of the Informer, and the other Half to the Uſe of the Pariſh wherein ſuch Failure or Neglect ſhall happen.

Books to be provided for the Veſtry Accounts.

Churchwardens to ſet up in the Court-Houſe Copies of them.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Churchwardens, or in Caſe they refuſe or neglect, any Three of the Veſtry in any Pariſh, ſhall have Power and Authority to call a Veſtry upon any Occaſion which they ſhall judge neceſſary, by Summons under their Hands, directed to the Conſtables of the ſeveral Diſtricts of each Pariſh, who are hereby directed to execute the ſame, under the Penalty of Ten Shillings, Proclamation Money, for each Veſtryman in ſuch Summons named that they ſhall fail to ſummon: And every Veſtryman who ſhall refuſe or neglect to attend the Veſtry agreeable to ſuch Summons, ſhall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for every ſuch Neglect, unleſs he ſhall ſhew ſufficient Cauſe for ſo doing, to be admitted by the Veſtry at their next Meeting; which Penalties ſhall be recovered and applied as herein after directed.

Churchwardens, or any 3 of the Veſtry, may call a Veſtry.

Penalty on them neglecting to attend.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtries of the ſeveral Pariſhes ſhall have full Power and Authority, upon the Death or Removal out of their reſpective Pariſhes of any Churchwarden or Churchwardens, before the Time limited for executing the ſaid Office is expired, to elect and chooſe out of the Veſtry another or other Churchwardens, in the Place of the Perſon or Perſons ſo dead or removed; and every Churchwarden ſo elected ſhall ſerve until the Time appointed by this Act for Election of Churchwardens, under the Penalty of Forty Shillings, Proclamation Money.

On Death, &c. of Churchwardens, Veſtry to chooſe others.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That every Agreement and Order by the Veſtry of any Pariſh heretofore entered into or made, or which hereafter ſhall be made or entered into, for making Proviſion for a Miniſter to ſerve the Cure of the Pariſh, ſupporting the Poor, or defraying the contingent Charges thereof, ſhall be, and is hereby declared good and available againſt them and their Succeſſors.

Agreements made by Veſtries, to bind them and their Succeſſors.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Veſtryman ſhall hereafter happen to die, or remove out of the Pariſh for which he was elected, the remaining Veſtrymen, or the Majority of them, ſhall, and are hereby directed and required, to elect another Veſtryman inſtead of him ſo dying or removing, who ſhall qualify himſelf as by this Act is directed.

Veſtrymen dying, &c. others to be choſen.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of every Pariſh in this Province, ſhall hereafter be held at the Church, or Court-Houſe, or uſual Place of holding the Court of the County; any Uſage or Cuſtom to the contrary notwithſtanding.

Veſtries where held.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Veſtries of each and every Pariſh within this Province, to appoint one or more Clerk or Clerks as Readers, to perform Divine Service at ſuch Places within their ſeveral Pariſhes as ſhall, by the reſpective Veſtries be appointed and directed.

Veſtries to appoint Readers.

A. D. 1764.

Veſtry to lay a Tax for Contingencies of the County.

XXI. *AND be it further Enacted, by the Authority aforeſaid,* That the Veſtry of each reſpective Pariſh ſhall have full Power and Authority, and are hereby directed and required, between *Eaſter Monday* and the Firſt Day of *November*, yearly, to lay a Poll-Tax on the taxable Perſons in their Pariſh, not exceeding Ten Shillings, for building Churches and Chappels, paying the Miniſters Salary, purchaſing a Glebe, erecting a Manſion, and convenient Out-Houſes thereon; encouraging Schools, maintaining the Poor, paying Clerks and Readers, and defraying other incident Charges of their Pariſh: And if the Veſtry of any Pariſh ſhall neglect or refuſe to lay a ſufficient Tax to ſatisfy the Miniſter, and other Creditors of the Pariſh; in ſuch Caſe, the Veſtry ſo refuſing or neglecting, ſhall be liable to the Action of the Party grieved, his, her, or their Executors, or Adminiſtrators, for all Damages which he, ſhe or they ſhall ſuſtain thereby.

Incumbent to perform Divine Service in his Surplice or Gown.

XXII. *AND be it further Enacted,* That the Incumbent of each and every Pariſh within this Province ſhall, at the Time of performing Divine Service, appear in the reading Deſk and Pulpit, either in a Surplice or Gown, agreeable to the Rubrick of the Church of *England.*

No Veſtryman to be Clerk of the Veſtry.

XXIII. *AND be it further Enacted, by the Authority aforeſaid,* That no Veſtryman hereafter ſhall be capable of holding or exerciſing the Office of Clerk of the Veſtry; but the Veſtry of every reſpective Pariſh ſhall appoint ſome other Perſon of Skill and Probity to officiate as Clerk.

Sheriffs to collect the Pariſh Taxes and to give Bond

XXIV. AND for the better collecting and paying the ſaid Tax; *Be it further Enacted, by the Authority aforeſaid,* That every Sheriff in this Government ſhall be, and is hereby appointed Collector of all ſuch Taxes as ſhall be aſſeſſed by the Veſtry or Veſtries within his County; and within Forty Days after ſuch Aſſeſſment, ſhall enter into Bond, with ſufficient Securities, in the Sum of Five Hundred Pounds, to the Churchwardens of the Pariſh or Pariſhes within his County, that he will duly collect ſuch Taxes, and pay the ſame to the Veſtry for the Uſe of the Pariſh: And every Sheriff who ſhall fail or neglect to give ſuch Bond and Security, ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered with Coſts, by Action of Debt or Information, in any Court of Record, by the Churchwardens to whom ſuch Bond and Security ought to have been given, to the Uſe of the Pariſh: And upon ſuch Refuſal or Neglect of the Sheriff, the Veſtry ſhall, and are hereby required, to nominate and appoint ſome other Perſon to collect and receive the aforeſaid Tax, who ſhall give Bond and Security to collect and pay the ſame in Manner aforeſaid; and thereupon ſhall, and is hereby declared to have full Power and Authority to collect and receive the ſame, under the like Rules and Regulations as the Sheriff could or might have collected the ſaid Taxes.

Upon their refuſal, Veſtry may appoint a Collector.

Sheriff removed from his Office, before finiſhing his Collection, not to deſtroy his Power of collecting; and where he dies, Veſtry to employ next Sheriff.

XXV. *AND be it further Enacted, by the Authority aforeſaid,* That if any Sheriff who hath undertaken the Collection of Pariſh Taxes as aforeſaid, ſhall happen to be removed from his Office as Sheriff, or his Time of Service therein expire before he ſhall have compleated the ſame, his Power of collecting ſuch Pariſh Taxes and making Diſtreſs for the ſame, ſhall continue as fully and amply as if he had not been removed, or his ſaid Office of Sheriff had not expired: And where any ſuch Sheriff or other Collector ſhall happen to die before he hath finiſhed his Collection, the Veſtry ſhall have full Power, and are hereby directed, to appoint the ſucceeding Sheriff, or another Collector, to finiſh the ſame; who having given Bond and Security for the Diſcharge of his Office, ſhall be, and is hereby inveſted with the like Power and Authority for that Purpoſe, as the Sheriff or other Collector ſo dying had or might have exerciſed.

Recovery of Money from Pariſh Collectors.

XXVI. *AND be it further Enacted, by the Authority aforeſaid,* That if any Sheriff, or other Pariſh Collector, ſhall neglect or refuſe to account for and pay the ſeveral Pariſh Taxes that have been, or hereafter ſhall be aſſeſſed on the Taxable Perſons of the Pariſh whereof he is Collector, and wherewith he ſhall be charge-

able,

able, according to the Directions of this Act, after deducting the Commiſſions allowed him, and the ſeveral Sums chargeable to Perſons who have no viſible Eſtate in ſuch Pariſh; it ſhall and may be lawful for the Superior Court of the Diſtrict wherein ſuch Sheriff or Collector ſhall live, either before, or at any Time after the Expiration of his ſaid Office, on Motion of the Churchwardens, to give Judgment againſt ſuch Sheriff or Collector for all the Money wherewith he ſhall or may be chargeable to ſuch Pariſh, with Coſts; and thereupon to award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Sheriff or Collector. *Provided*, That he have Ten Days previous Notice of ſuch Motion. *A. D.* 1764.

XXVII. *AND be it further Enacted, by the Authority aforeſaid*, That all ſuch Taxes ſhall be collected and accounted for by the Sheriff or other Collector, on or before the Tenth Day of *June* in every Year; and the Sheriff or Collector ſhall be allowed Six *per Cent.* for his Trouble for collecting and paying the ſame; and is hereby declared to have full Power and Authority, at any Time after the Tenth Day of *March* in every Year, upon Neglect or Refuſal of Payment of the ſaid Tax, or any Part thereof, by any Perſon chargeable therewith, to diſtrain the Goods and Chattels of the Perſons ſo refuſing or neglecting: And if the Owner thereof ſhall not pay what is due within Five Days after ſuch Diſtreſs is made, ſuch Sheriff or Collector ſhall and may ſell, by Auction, the Goods ſo diſtrained, or ſo much thereof as ſhall be ſufficient to ſatisfy the ſaid Tax; and the Sum of Two Shillings and Eight-Pence, Proclamation Money, for making ſuch Diſtreſs, and Charges on the Sale thereof, returning the Overplus (if any) to the Owner; but ſhall give Notice of the Sale, by ſetting up an Advertiſement in Writing, at the Court-Houſe of the County, the Church Door in the Pariſh, or at the moſt public Place of Worſhip where there is no Church; and by publiſhing the ſame among the People immediately after Divine Servvice, on the next *Sunday* after the Expiration of the ſaid Five Days; which Sale ſhall not be in leſs than Three Days, nor more than Ten Days after Notice ſo given; and ſhall be good and effectual in Law againſt all Perſons whatſoever.

Pariſh Taxes when to be paid.

Diſtreſs may be made on Delinquents.

XXVIII. *PROVIDED always*, That no Sheriff or other Officer ſhall, at any Time, make or take unreaſonable Diſtreſs, or ſeize the Slave or Slaves of any Perſon for Pariſh Taxes, if other ſufficient Diſtreſs ſhall be ſhewn to ſuch Sheriff or Collector by the Perſon on whom ſuch Diſtreſs is made; upon Penalty of being liable to the Action of the Party grieved, wherein he ſhall recover full Coſts, altho' the Damages recovered ſhall be under Forty Shillings.

Diſtreſs not to be unreaſonable, or on Slaves.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That the Veſtry of every Pariſh ſhall have full Power, from Time to Time, to call any Juſtice of the Peace, or other Perſon or Perſons whatſoever, to Account, on Oath, and pay to them the Monies in the Hands of him or them belongnig to their Pariſh, or accruing or becoming due to the ſame by Virtue of the Laws of this Province: And if any Juſtice, or other Perſon, ſhall refuſe or neglect to appear and account as aforeſaid, he ſhall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered with Coſts, by Action of Debt or Information, in any Court of Record, and be applied to the Uſe of the Pariſh; and where any Suit ſhall be undetermined, the ſame ſhall or may be carried on by the ſucceeding Churchwardens, in the Name of their Predeceſſors who brought ſuch Suit; and the Death or Expiration of Office of the Churchwarden or Churchwardens ſhall not be pleaded in Abatement of ſuch Suit, nor deemed Matter of Error; any Law or Uſage, to the contrary, notwithſtanding.

Veſtries Power to call Magiſtrates to Account, for all Monies due to the Pariſh.

XXX. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Forfeitures and Penalties by this Act inflicted, for which no Method of Recovery or Application is herein before directed, ſhall and may be recovered, with Coſts, before any Juriſdiction having Cognizance thereof; one Half to the Uſe of the Informer, and the other Half to the Uſe of the Pariſh wherein ſuch Penalty ſhall be incurred.

Recovery and Application of Penalties.

XXXI. *AND*

A. D. 1764.

Provision for Elections, if the Day by Law appointed proves bad.

XXXI. *AND be it further Enacted, by the Authority aforesaid*, That if it shall so happen from Badness of Weather, or any other unavoidable Hinderance, that an Election of Vestrymen for any Parish shall not be held upon any of the Days by this Act appointed for that Purpose, that in such Case the Sheriff shall appoint a Time, not less than Ten, nor exceeding Twenty Days thereafter, for electing Vestrymen in every such Parish, and shall summons the Freeholders thereof to attend and elect Vestrymen in the Manner by this Act directed; and every such Election shall be as good and valid as if made upon the particular Days herein appointed for that Purpose; any Thing herein contained, to the contrary, notwithstanding.

Sheriff to read this Act at Court, and give Notice, before every Election.

XXXII. *AND be it further Enacted, by the Authority aforesaid*, That the Sheriff of every County within this Province, at the Court preceding every Election of Vestrymen, shall publickly read this Act, at the Door of the Court-House, on the Second Day of the Court, between the Hours of Twelve and One of the Clock; and also give Notice of such Election, by setting up an Advertisement in Writing at each Church and Chappel in the Parish, on some *Sunday*, at least Forty Days before the same: And every Sheriff failing so to do, shall forfeit and pay Ten Pounds, Proclamation Money; to be recovered with Costs, in any Inferior Court of Pleas and Quarter Sessions, by Action of Debt; one Half to the Use of the Parish wherein such Failure shall happen, and the other Half to him or them who shall sue for the same.

Continuance of this Act.

XXXIII. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall continue and be in Force, from and after the passing thereof, for and during the Term of Five Years. *(a)*

CHAP. III.

An Act to impower the Inferior Courts of the several Counties in this Province to order the laying out of Public Roads, and establish and settle Ferries; and to appoint where Bridges shall be built, for the Use and Ease of the Inhabitants of this Province; and to clear navigable Rivers and Creeks. (b)

Roads and Ferries established.

I. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That all Roads and Ferries in the several Counties of this Province, that have been laid out or appointed by Virtue of any Act of Assembly heretofore made, or by Virtue of any Order of Court, are hereby declared to be Public Roads and Ferries; and that from Time to Time, and at all Times hereafter, the Inferior Court of the several Counties in this Province, shall have full Power and Authority to appoint and settle Ferries; and to order the laying out Public Roads, where necessary; and to appoint where Bridges shall be made, for the Use and Ease of the Inhabitants of each County; and to discontinue such Roads as are now, or shall hereafter be made, as shall be found useless; and to alter Roads, so as to make them more useful, as often as Occasion shall require.

Courts Power to appoint Ferries, & lay out Roads.

Courts to call to Account Persons owing Money on Delinquency on Roads.

II. *AND be it further Enacted, by the Authority aforesaid*, That each Inferior Court within this Province is hereby authorized and impowered to call any Person or Persons in their respective Counties to Account, for any Monies such Person or Persons may have in his or their Hands, by Virtue of any Distress heretofore made for Default of working on any Road in such County; and all such Monies to receive and apply towards keeping in Repair the Roads and Bridges on which such Default was made.

III. *AND*

(a) Further continued for Five Years, by Act Nov. 1768, Chap. 2.

(b) See Act Dec. 1770, Chap. 18, for amending this Act. Also Act, Nov. 1771, Chap 2, for repealing this Act as to the Counties of Bladen, Mecklenburg, and Guilford.

A. D. 1764.

III. *AND be it further Enacted*, That all Roads hereafter to be laid out, ſhall be laid out by a Jury of Twelve Men, appointed by the ſaid Inferior Courts, reſpectively: Which Jury, being Freeholders, ſhall take an Oath to lay out the ſame to the greateſt Eaſe and Conveniency of the Inhabitants, and as little as may be to the Prejudice of any private Perſon or Perſons incloſed Ground; and the Damages which ſhall be ſuſtained by any private Perſon in laying out ſuch Road, ſhall be aſcertained by the ſame Jury, on Oath, who laid out ſuch Road, to be equally aſſeſſed by the Inferior Court of ſuch County, and levied and collected by the Overſeer of ſuch Road on the taxable Perſons which ought to work on the ſame, and by him paid to the Party injured.

Roads how laid out.

IV. *AND be it further Enacted*, That if any Perſon or Perſons after the paſſing this Act, not impowered to keep Ferry, ſhall pretend to keep any Ferry, or to tranſport any Perſon or Perſons, or their Effects, for Pay, within Ten Miles of any Ferry (being on the ſame River or Water) which is already, or hereafter ſhall be appointed, ſuch Perſon or Perſons ſo pretending to keep Ferry, or tranſporting any Perſon or Perſons, or their Effects, ſhall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for every ſuch Offence, to the neareſt Ferryman; to be recovered by a Warrant from any Juſtice of the Peace, upon full Proof th reof made before him.

Pen. on Perſons tranſporting for Pay, over any River within 10 Miles of a Ferry.

V. *AND be it further Enacted*, That all ſuch Perſons who ſhall hereafter undertake to keep any Public Ferry by Appointment, and do not provide good and ſufficient Boats, or other proper Craft, and keep the ſame in good and ſufficient Repair, and well and ſufficiently attended for the Paſſage of all Travellers, and their Effects, ſhall forfeit and pay Ten Pounds, Proclamation Money, for every Neglect; one Half to the Informer, and the other Half for and towards leſſening the County Tax; to be recovered in the Inferior Court of the County where the Offence ſhall be committed.

Pen. on Ferryman not keeping them well attended, and in good Order.

VI. *AND be it further Enacted*, That all Public Roads already laid out, or now in Uſe, or which hereafter ſhall be laid out, ſhall be cleared of and from all Trees, Stumps, and Bruſh, at leaſt Twenty Feet wide; and ſuch Limbs of Trees as may incommode Horſemen and Carriages, ſhall be cut away; all Bridges or Cauſways made, or to be made over Swamps, Lowlands, or ſmall Runs of Water, the Pieces wherewith the ſame ſhall be made ſhall be laid acroſs the Road, and be at leaſt Fourteen Feet long, well ſecured, made faſt, and covered with Earth; and all Bridges over deep or navigable Streams ſhall be made at leaſt Twelve Feet wide, with good ſawed Plank, clear of Sap, at leaſt Two Inches thick, with firm and ſtrong Poſts, Rails, and Bearers, well ſecured and faſtened; and for that Purpoſe, the Overſeer of the Road to which any of the Bridges aforeſaid ſhall belong, ſhall and may lawfully cut and take from off the Lands of any Perſon next adjacent to ſuch Bridge, ſuch, and ſo much Timber only, as ſhall be neceſſary for that Uſe.

Manner of making Roads and Bridges.

VII. *AND be it further Enacted*, That where a Bridge ſhall be neceſſary over any Place, where the Overſeer, with his Aſſiſtants, cannot conveniently make it, the Inferior Court of that County wherein ſuch Place ſhall be, is hereby impowered and required to contract and agree for the building, keeping, and repairing thereof, and to levy the Charge in their County Levy: And when Bridges ſhall be neceſſary over any ſuch Creek or River, which divides one County from another, the Inferior Court of each County ſhall join the Agreement for building, keeping, and repairing the ſame; and the Charge thereof ſhall be defrayed by both Counties, in Proportion to the Number of Taxables in each.

Courts to make Bridges, where inconvenient for the Overſeers.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Contract, Agreement, and Order, by the Juſtices of the Inferior Court of any of the Counties aforeſaid, entered into or made, for or concerning the building, keeping, or repairing Bridges, in ſuch Manner as to them ſhall ſeem moſt proper, ſhall be good and available againſt them, and their Succeſſors.

Contracts by them made for Bridges, to bind them and their Succeſſors.

IX. *AND*

A. D. 1764.

Overſeers appointed, who are to warn Perſons to work on Roads.

IX. *AND be it further Enacted*, That the Inferior Court of the ſaid Counties ſhall annually appoint Overſeers of the High-Ways or Roads, who are by this Act obliged to ſummon all Male Taxables, from the Age of Sixteen to Sixty (except ſuch Perſons as are or ſhall be exempted from Public Services by the Aſſembly) within their Diſtrict, to meet at ſuch Places and Times as to them ſhall ſeem convenient, for the repairing or making ſuch Roads as ſhall be neceſſary; and except ſuch as are, or have been heretofore by Law excuſed from appearing at Muſters; and ſuch as ſend Three Slaves, or other Three ſufficient Hands, to work on the Public Roads: And whoſoever ſhall, upon ſuch Summons, refuſe or neglect to do and perform their Duty therein, ſhall forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, *per* Day, for each Perſon ſo neglecting or refuſing; to be recovered by a Warrant from a Magiſtrate of the County, and paid by the Sheriff or Conſtable to the Overſeer, and by him to be expended in hiring other Hands to work on the ſaid Roads.

Pen. for Neglect to work.

Overſeers not exempt.

X. *PROVIDED neverthelefs*, That nothing herein contained ſhall be conſtrued to exempt Overſeers of Slaves from working on Roads.

Taxables to have 6 Days Notice.

XI. *PROVIDED alſo*, That the ſeveral Perſons ſummoned by the Overſeers to work on the Roads as aforeſaid, ſhall not be liable to any Time for not appearing and doing their Duty, unleſs they ſhall be ſo ſummoned Six Days before the Day appointed for working.

Pen. on Overſeers ſuffering Roads to be out of Repair.

XII. *AND be it further Enacted*, That all Overſeers of Roads which ſhall refuſe or neglect to do their Duty, as is by this Act directed, or who ſhall not keep the Roads or Bridges clear and in Repair, or let them remain uncleared or out of Repair for and during the Space of Ten Days, unleſs hindered by extreme bad Weather, ſuch Overſeer ſhall forfeit, for each and every ſuch Offence, the Sum of Twenty Five Shillings, over and above ſuch Damages as may be ſuſtained; to be recovered by a Warrant from a Magiſtrate, by any Perſon taking out the ſame, and to be applied to his own Uſe.

Ferrymen to give Bond, to keep their Ferries well attended.

XIII. *AND be it further Enacted*, That from and after the paſſing of this Act, the Inferior Courts of each and every County in this Province ſhall have full Power and Authority, and they are hereby directed and required, to compell all Perſons that now do, or hereafter ſhall be appointed to keep a Public Ferry, or who ſhall own a Bridge receiving Toll within the ſaid County, to give good and ſufficient Security, in the Sum of One Hundred Pounds, Proclamation Money, payable to the Chairman of the ſaid Court, and his Succeſſors; with Condition, that he or they ſhall and will conſtantly find, provide, and keep good and ſufficient Boats, or other proper Craſts, and keep ſuch Bridges in good Repair, as the Caſe may be, and always to be well attended for Travellers or other Perſons, their Horſes, Carriages, and Effects, over any River or Creek: And if any Perſon ſhall receive Damage by any Ferryman, or Keeper of a Toll Bridge, not having complied with the Condition of his Bond, the Perſon who has ſo received Damage ſhall and may bring an Action of Debt againſt ſuch Ferryman or Bridge Keeper, on ſuch Bond, in the Name of the Chairman, and recover, for the Non-performance of the ſaid Condition, ſo much Damages as he, ſhe, or they, ſhall appear to have ſuſtained, and thereupon take out Execution for whatever ſhall be ſo recovered, and apply the ſame to his, her, or their own Uſe; and it ſhall and may be lawful for any Perſon detained at any Public Ferry, by Means of the Ferryman's not having ſufficient Boats, or other proper Craſts, and Hands, or by his neglecting to do his Duty, by a Warrant from a Juſtice of Peace, to recover of ſuch Ferryman Twenty Five Shillings, Proclamation Money, for ſuch Default or Neglect.

Suit may be bro't on it, for any Damage ſuſtain'd.

Pen. for detaining any Perſon.

Overſeers appointed to clear Rivers and Creeks.

XIV. *AND be it further Enacted*, That upon proper Application made to any of the Inferior Courts in this Province for clearing navigable Rivers and Creeks in their reſpective Counties, it ſhall and may be lawful for the ſaid Courts, and they are

are hereby directed and required, to appoint ſuch Overſeers of the Roads as live moſt convenient to ſuch Rivers and Creeks, with their Companies, to do and perform the ſame, as ſoon as may be, after being ſo directed: And upon Neglect or Refuſal of ſuch Overſeer, or Company, or any of them, to do and perform ſuch Work or Service, upon due Proof thereof, he or they ſo refuſing or neglecting, ſhall be liable to the ſame Fines and Forfeitures, as for Neglect or Refuſal of their Service on the Roads; which ſhall be recovered and applied in the ſame Manner. *A. D.* 1764. Pen. for Neglect.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by any Order or Sentence of the Juſtice, or Verdict of any Jury appointed to lay out any Road or Roads, it ſhall and may be lawful for ſuch Perſon or Perſons to appeal from the Order or Sentence of ſuch Juſtice, or Verdict of ſuch Jury, in any County, to the next Inferior Court to be held for the ſaid County; who are hereby impowered to hear and determine ſuch Appeals in a ſummary Way. Appeals granted.

XVI. *AND be it Enacted, by the Authority aforeſaid*, That all Overſeers of Roads ſhall cauſe to be ſet up, at the parting of all Roads within their ſeveral Diſtricts, a Poſt or Poſts, with Arms pointing the Way of each and every Road, with Directions to the moſt Public Places to which they lead, with the Number of Miles from that Place, as near as can be computed: And every Overſeer who ſhall neglect or refuſe ſo to do, and keep the ſame in Repair, ſhall forfeit and pay, for every ſuch Neglect, the Sum of Forty Shillings; to be recovered before any Juſtice of the Peace, and applied as other Fines in this Act is directed. Overſeers to ſet up Direction Poſts at the parting of the Roads.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Overſeers of the Roads, within Nine Months next after the paſſing of this Act, ſhall cauſe the Public Roads within their Diſtricts reſpectively, to be exactly meaſured, where the ſame has not already been done; and ſhall, at the End of each Mile, mark, in a legible and durable Manner, the Number of ſuch Miles, beginning, continuing, and making the Numbers in ſuch Manner and Form, as the Inferior Courts of the Counties ſhall ſeverally and reſpectively direct; and every Overſeer ſhall keep up and repair ſuch Marks and Numbers within his Diſtrict: And every Overſeer refuſing or neglecting to mile mark, or to repair the Mile Marks within his Diſtrict, according to the Intent and Meaning of this Act, for the Space of Thirty Days after Notice of their being unmarked or out of Repair, ſhall forfeit and pay the Sum of Twenty Shillings; to be recovered by a Warrant before any Juſtice of the Peace. And to meaſure, and mark them, at every Mile.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That an Act, intituled, *An Act for impowering the ſeveral Commiſſioners herein after named to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they ſhall judge moſt uſeful to the Public*, paſſed at *Newbern* the Twentieth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Forty Five; another Act, intituled, *An Act for eſtabliſhing Public Roads and Ferries, and for the better Regulation of the ſame in ſeveral Counties*, paſſed at *Newbern* the Twelfth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Six; and one other Act, intituled, *An Act for altering the Method of working on the Roads, and appointing Public Ferries, within the Counties of* Duplin, Cumberland, Rowan, *and* Anſon, paſſed at *Newbern* the Eleventh Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Sixty Two; and every Clauſe and Clauſes, Article and Articles of them, and of each and every other Act and Acts, Clauſe or Clauſes thereof, heretofore made, within the Purview of this Act, ſhall be, and are hereby ſeverally from henceforth repealed. Acts repealed.

CHAP. IV.

An Act to ſuppreſs exceſſive and deceitful Gaming. EXP.

A. D. 1764.

CHAP. V.

An Act for encouraging the Culture of Hemp and Flax, and other Purposes. (a)

Preamble.

I. WHEREAS by Experience Hemp and Flax have been found to grow extremely well in this Province, and being valuable Articles of Commerce for Exportation; in Order to encourage the Culture thereof,

Bounty on Hemp and Flax.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That every Person who shall cultivate Hemp or Flax in this Province, and who shall produce a Certificate, upon Oath, of his having so done, and signed by him or her, and attested by any lawful Magistrate in the County where the same was cultivated; and who shall tender the Hemp or Flax that hath been by him or her cultivated to any Inspector to be appointed by Virtue of an Act, intituled, *An Act to regulate the Inspection of the several Commodities therein mentioned*; who on viewing the same, shall find it to have been Water-rotted, bright, clean, merchantable, and fit for Exportation, shall give a Certificate to the Person, mentioning the Person's Name tendering the same, the Time tendered, the Weight and Quality of the Hemp or Flax, and of his having examined, and found the Hemp or Flax mentioned in his Certificate, to have been Water-rotted, bright, clean, merchantable, and fit for Exportation; on producing of which Certificate by the Cultivator of the Hemp or Flax, or his, her, or their Assigns, together with an Indorsement thereon, under the Hands of the Collector and Naval Officer of the Port from whence it may be shipped, certifying, that the Hemp or Flax therein mentioned, had been duly exported, the Time when, and the Vessel's Name in which it was so shipped, to the Provincial Treasurer for the District where the Hemp or Flax hath been inspected, shall be paid to the Cultivator of Hemp or Flax as aforesaid, or their Assigns, the Bounty or Premium hereafter mentioned, in the following Proportion, allowing One Hundred and Twelve Pounds to the Hundred Weight, *viz.* For every Hundred Weight of Hemp, Sixteen Shillings and Eight-Pence. For every Hundred Weight of Flax, Thirteen Shillings and Four-Pence; and so in Proportion for a greater or less Quantity: Which Premium or Bounty shall be paid by the Treasurer as before mentioned, out of the Monies in his Hands, or may be in his Hands for Contingencies, and which shall be allowed him in his Accounts.

Inspector's Fees for weighing Flax and Hemp.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Inspector may take and receive, at the Rate of One Shilling, Proclamation Money, for every Hundred and Twelve Pounds of Hemp or Flax by him inspected and found merchantable, and so in Proportion for a greater or less Quantity, and for which he shall grant a Certificate as before mentioned.

Duty on Hides exported.

IV. *AND be it further Enacted, by the Authority aforesaid*, That no raw or untanned Hides, Pieces of Hides, or Calf Skins, shall, from and after the First Day of *May* next, be exported out of this Province to any Port (*Great-Britain* only excepted) by any Person whatsoever, unless a Duty of One Penny *per* Pound be paid for the same to the Collector of the respective Ports where the same shall be shipped for Exportation; and the several Collectors within this Province are hereby directed not to clear out any Ship or Vessel, having raw and untanned Hides, Pieces of Hides, or Calf Skins, without receiving the said Duty of One Penny *per* Pound; and the said Collectors are hereby authorised and directed to administer the following Oath to the Master or Commander of any Ship or Vessel, *viz.*

I A. B. *do swear, that I have not on Board my Ship or Vessel, any raw or untanned Hides, Pieces of Hides, or Calf Skins, except what is mentioned in my present Clearance; and that I will not carry out any during the Continuance of this present Voyage.*

AND

(a) See Act Nov. 1768, Chap. 8. for further continuing this Act.

And in Caſe any Perſon ſhall preſume to ſhip any raw or untanned Hides, Pieces of Hides or Calf Skins, without paying the ſaid Duty, the ſaid raw and untanned Hides, Pieces of Hides, or Calf Skins, ſhall be forfeited, and applied towards paying the Bounty on Hemp and Flax; and the ſaid Duty of One Penny *per* Pound ſhall be likewiſe applied to the ſaid Uſe and Purpoſes; and paid by the ſeveral Collectors to the Public Treaſurers of this Province, towards reimburſing the ſaid Treaſurers for the Bounties paid by them on Hemp and Flax. *A. D.* 1764. Penalty for Non-Payment of the Duty.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Collector ſhall preſume to clear out any Ship or Veſſel contrary to the true Intent and Meaning of this Act, he ſhall forfeit and pay the Sum of Fifty Pounds; one half to the Perſon who ſhall ſue for the ſame, and the other half to the Treaſurer of the Diſtrict where the Offence ſhall be committed; to be recovered by Action of Debt, in any Court of Record, having Cognizance of the ſame, and applied towards the Bounty on Hemp and Flax. Pen. on Collector clearing out any Veſſel contrary to this Act.

VI. *AND be it Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for the Space of Five Years, and from thence to the End of the next Seſſion of Aſſembly. Continuance of this Act.

CHAP. VI.

An Act to amend an Act, intituled, An Act for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and Meſne-Conveyances proved and regiſtered within the Time heretofore appointed for ſuch Purpoſes; and to prevent Diſputes and Law-Suits, concerning Lands.

I. WHEREAS by an Act paſſed at *Newbern*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, intituled, *An Act for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and Meſne-Conveyances regiſtered and proved within the Time heretofore appointed for ſuch Purpoſes; and to prevent Diſputes and Law Suits concerning Lands*; all Deeds or Meſne-Conveyances for any Lands, Tenements, or Hereditaments within this Province, were to be acknowledged or proved according to the Directions of that Act, and delivered to the Regiſters of the Counties wherein they are reſpectively ſituated, within the Space of Two Years from the reſpective Dates thereof; and many Perſons, through Ignorance of the Purport of the ſaid Law, having neglected to have their Deeds or Meſne-Conveyances proved and regiſtered according to the Directions of the ſaid Act: For Remedy thereof, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Deeds and Meſne-Conveyances of Lands, Tenements and Hereditaments, not already regiſtered, acknowledged, or proved, ſhall and may, within Eighteen Months after the paſſing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attorneies, or proved by one or more of the ſubſcribing Witneſſes to the ſame, and tendered or delivered to the Regiſters of the Counties where ſuch Lands, Tenements, or Hereditaments, are reſpectively ſituated: And all Deeds and Meſne-Conveyances whatſoever, which ſhall be acknowledged or proved according to the Directions of this Act; and alſo, ſuch as have been heretofore recorded by the Clerk, or regiſtered by the Regiſter of any Precinct or County, wherein the Lands or Tenements mentioned in the ſame, lie, or are ſituate, though not within Two Years after the Date of the reſpective Conveyances, ſhall be good and valid in Law, and ſhall enure and take Effect, as fully and effectually, to the Uſe and Behoof of the Grantees, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged, or proved and regiſtered agreeable to the Directions of any Act of Aſſembly heretofore made. Deeds may be Regiſtered within Eighteen Months. Deeds regiſtered, tho' not within Two Years, declared good.

A. D. 1764.

Foreign Proteſtants dying ſeized of Lands, declared to be naturalized; and intitled to the Privilege of natural born Subjects; and all Gifts, &c. by them made, declared good.

III. AND in order to render his Majeſty's Subjects in this Province ſecure in the peaceable and quiet Enjoyment of their ſeveral Eſtates, Rights, and Properties, and to prevent all Doubts, Controverſies, and Diſputes, which may hereafter ariſe concerning the Titles to any Lands, Tenements, or Hereditaments, which are held or claimed by, from, or under any foreign Proteſtant heretofore inhabiting within this Province, by Purchaſe, Diſcent, or otherwiſe: *Be it further Enacted, by the Authority aforeſaid*, That all foreign Proteſtants heretofore inhabiting within this Province, and dying ſeized of any Lands, Tenements, or Hereditaments, ſhall, for ever hereafter, be deemed, taken, and eſteemed to have been naturalized, and intitled to all the Rights, Privileges, and Advantages of natural born Subjects; and all Gifts, Grants, Deviſes, and Meſne-Conveyances, in the Law, heretofore made or done by any of them, or by any ſuch foreign Proteſtants, heretofore inhabiting, and being ſeized of Lands, Tenements, and Hereditaments, in this Province, of any ſuch Lands, Tenements, or Hereditaments, ſhall be deemed and taken to be as valid and effectual, to all Intents and Purpoſes whatſoever, as if they had been made, done, or executed, by any of his Majeſty's natural born Subjects of this Province: And the Heirs, Grantees, Legatees, and Feeoffees of any ſuch foreign Proteſtant, holding, claiming, and enjoying any Lands, Tenements, or Hereditaments, by, from, or under any ſuch foreign Proteſtant, ſhall have, hold, occupy, poſſeſs, and enjoy, and be intituled to the ſame, as fully and rightfully, as if the ſaid Lands, Tenements, or Hereditaments, had deſcended from, or been granted or conveyed by any of his Majeſty's natural born Subjects of this Province: Any Law, Cuſtom, or Uſage to the contrary hereof, in any-wiſe, notwithſtanding.

Not to extend to any Gift, &c. hereafter to be made by any of them.

IV. *PROVIDED always*, That nothing in this Act contained ſhall be deemed or conſtrued to extend to any Gift, Grant, Deviſe, or other Meſne-Conveyance, hereafter to be made or executed by any foreign Proteſtant, now reſiding, or hereafter to reſide within this Province.

CHAP. VII.

Repealed by Proclamation.

An Act for the more effectual ſuppreſſing of Felonies, and Puniſhment of Counterfeiters of the Paper Currency of this Province, and of Virginia.

CHAP. 8. *An Act to continue an Act, intituled*, An Act to make Proviſion for paying the Chief Juſtice and Attorney General's Salaries, and defraying the contingent Charges of Government; *paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty Eight.* EXP.

9 *An Act for deſtroying Vermin in this Province.* EXP.

10. *An Act for appointing Public Treaſurers.* REP.

CHAP. XI.

An Act for erecting in the Town of Halifax *a Public Gaol, and Gaoler's Houſe, for the Diſtrict of* Halifax, *in this Province.*

Preamble.

I. WHEREAS the Gaol formerly erected for the Diſtrict of *Halifax* was lately burnt down, and there being no Place of ſufficient Strength to ſecure the many Felons and other Miſdoers in that Diſtrict, by which Means Numbers of looſe and diſorderly Perſons are daily committing the moſt atrocious Crimes with Impunity: For Remedy whereof,

Truſtees appointed for building a Gaol.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, Mr. *Peter Copeland*, Mr. *James Young*, and Mr. *Nicholas Long*, ſhall be, and they are hereby appointed and conſtituted Truſtees, to deſign, contract for, and cauſe to be built and finiſhed, a ſubſtantial

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ſubſtantial and ſufficient Gaol and Gaoler's Houſe, of ſuch Dimenſions and Materials, and on ſuch Part of the Public Lots in the ſaid Town of *Halifax*, as to them, or the Majority or Survivors of them, ſhall ſeem moſt proper; which Gaol ſo erected, ſhall be and remain the Public Gaol of the ſeveral Counties now conſtituting the Diſtrict of *Halifax*.

Tax laid for building the Gaol.

III. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be levied on each taxable Perſon within the ſeveral Counties in the ſaid Diſtrict, annually, for the Term of Two Years next after the paſſing of this Act, the reſpective Sums following, *to wit*, On each taxable Perſon within the County of *Halifax*, the Sum of One Shilling, Proclamation Money; and on each taxable Perſon within the Counties of *Northampton*, *Granville*, *Bute*, *Orange*, *Johnſton*, and *Edgcomb*, the Sum of Eight Pence, Proclamation Money: Which ſaid reſpective Taxes ſhall, by the Sheriff of each of the ſaid Counties for the Time being, be collected in the ſame Manner, and under the ſame Penalties for the Non-payment thereof, as is directed by Law for the collecting other Public Taxes; and the Monies ariſing therefrom ſhall be paid by the ſaid Sheriffs reſpectively to the Truſtees in this Act named, to be by them, or the Majority or Survivors of them as aforeſaid, applied towards diſcharging the Contracts they ſhall enter into for the Buildings in this Act directed.

Surplus of the Tax laid for building a Wall round Halifax Gaol, applied to the Purpoſes of this Act.

IV. AND whereas by an Act of Aſſembly paſſed at *Newbern*, intituled, *An Act to lay a Tax on the Inhabitants of the ſeveral Counties of the Diſtrict of* Halifax *Superior Court, to repair the Public Priſon thereof, and other Purpoſes*, a Poll-Tax was laid on the ſeveral Counties of *Halifax*, *Northampton*, *Edgcomb*, *Granville*, and *Johnſton*, for the building a Wall round the Priſon of the ſaid Diſtrict, and for other Purpoſes in that Act mentioned; which Act has not been fully carried into Execution: *Be it therefore Enacted, by the Authority aforeſaid*, That the Truſtees in that Act named ſhall account for, and pay unto the aforeſaid *Peter Copeland*, *James Young*, and *Nicholas Long*, or the Survivors of them, the Surplus which now is, or ſhall be in their Hands, of the ſaid Tax, unapplied to the Purpoſes in that Act mentioned, to be applied towards the Buildings in this Act directed; and the Lot or Lots of Ground, together with the Court-Houſe and Priſon at *Enfield*, where the County Court uſed formerly to be held, belonging to the County of *Halifax*, are hereby veſted in the aforeſaid *Peter Copeland*, *James Young*, and *Nicholas Long*, and the Survivors of them, to be by them ſold at Public Vendue, and the Monies ariſing therefrom to be by them alſo applied to the Purpoſes in this Act mentioned: And if the Taxes ariſing in Virtue of this and the before mentioned Act ſhall be more than ſufficient to complete the Buildings herein directed, the Surplus thereof ſhall, by the Truſtees herein named, be paid to the Court of each County firſt above mentioned, in Proportion to the Number of Taxables collected from each of the ſaid Counties, and paid by the Sheriffs to the ſaid Truſtees.

Remedy againſt Sheriffs for Non-Payment of the Taxes by this Act laid.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff who ſhall be chargeable with any of the Taxes by this Act aſſeſſed, ſhall neglect or refuſe to account for, and pay unto the Truſtees in this Act named, the whole Sums he ſhall be chargeable with in Virtue of this Act, after deducting the uſual Commiſſions for collecting, and ſuch Inſolvents as ſhall be allowed by the Court of his County, the ſaid *Peter Copeland*, *James Young*, and *Nicholas Long*, or the Survivors of them, ſhall have the ſame Method of proceeding againſt ſuch Sheriff by Motion, as is by Law given againſt Sheriffs for not accounting for other Public Monies by them received; and ſuch Proceedings ſhall be good and valid in Law, in any Court of Record within this Province, Reſpect being had to the Juriſdiction of ſuch Court.

Truſtees to finiſh the Buildings in 2 Years, and lay an Account of their Proceedings before the Court.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Truſtees in this Act named ſhall immediately proceed to the Diſcharge of the Truſt by this Act repoſed in them, and ſhall cauſe the ſaid Buildings to be finiſhed within Two Years from the paſſing of this Act at fartheſt; and on the Expiration of that Term they

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CHAP. XII.

See Act, 1768, Chap. 21.

An Act for laying a Tax on the Inhabitants of the several Counties of the District of Salisbury *Superior Court, to repair the Public Gaol thereof.*

Preamble.

I. WHEREAS the Public Gaol of *Salisbury* District has, by Experience, been found insufficient for the safe-keeping of Felons and others committed to the same: For Remedy thereof,

Tax laid for repairing the Gaol in Salisbury, &c.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That a Poll-Tax of One Shilling, Proclamation Money, be, and is hereby laid on each taxable Person within the County of *Rowan*, and a Poll-Tax of Eight Pence, Proclamation Money, on each taxable Person within the Counties of *Anson* and *Mecklenburg*, for the ensuing Year; which said Tax shall be paid, collected, and distrained for, by the Sheriffs of each County respectively, in the same Manner, and under the like Rules, Fines, Forfeitures and Penalties, as other Taxes are by Law to be collected and distrained for; and such Tax, so collected by the said Sheriffs, shall be paid into the Hands of Mr. *John Frohock*, Mr. *William Giles*, and Mr. *John Mitchell*, or the Majority of them, on or before the Tenth Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Five; who are hereby impowered and directed, or a Majority of them, to agree with Workmen for repairing the said Gaol in the Town of *Salisbury*, erecting a Wall round the same, and building a Gaoler's House thereto, in such Manner as the said Commissioners, or a Majority of them, shall think most proper; and the Monies so to be collected and paid shall, by the said Commissioners, or a Majority of them, be applied towards paying such Workmen as aforesaid, and the Overplus thereof, if any, shall by them be returned to the Justices of each of the said Counties respectively, in Proportion to the Sums received from them; and to be by them applied towards defraying the Contingencies of each of the said respective Counties.

Applied to building a new Gaol, by Act 1768, Chap. 21.

Proceedings against Sheriffs neglecting to pay the said Tax.

III. *AND be it further Enacted, by the Authority aforesaid*, That if any of either of the said Sheriffs afore-mentioned shall fail or neglect to pay the Money to be collected by Virtue of this Act, into the Hands of the said Commissioners, or the Majority of them, on or before the said Tenth Day of *January*, it shall and may be lawful, and the aforesaid Commissioners, or the Majority of them, are hereby required to proceed against such Sheriff so neglecting, in the Superior Court of *Salisbury* District, or either of the Superior Courts within this Province, in the like Manner as Sheriffs are to be proceeded against in other Cases for Non-payment of Public Monies which they have received.

Criminals to be committed to the said Gaol.

IV. *AND be it further Enacted, by the Authority aforesaid*, That after such Buildings and Repairs shall be made as aforesaid, when any Person or Persons within the District of *Salisbury* Superior Court, shall be apprehended for any criminal Offence, that on Conviction thereof would incur the Loss of Life or Member, it shall and may be lawful for the Inferior Court, or Justice of the Peace, as the Case may be, before whom an Examination of such Criminal shall be had, if such Court or Justice shall think it necessary, to commit such Criminal to the aforesaid Gaol; and the Sheriff of the County wherein such Criminal shall be, is hereby directed and ordered to convey such Criminal to the said Gaol, and deliver him or them to the Sheriff or Keeper thereof, and take a Receipt for such Prisoner or Prisoners from the said Sheriff or Keeper, which shall be his Discharge for such Criminal or Criminals.

V. *AND*

V. *AND be it further Enacted, by the Authority aforesaid*, That after such Buildings and Repairs shall be made as aforesaid, the Sheriff of the County of *Rowan* for the Time being, is hereby required and directed, when any Criminal shall be committed to the said Gaol, to employ some Person of Integrity to be Keeper thereof, who shall constantly reside in the said Gaoler's House during the Time such Criminal shall be in Gaol, and shall also take all lawful Means for preventing such Criminal from escaping. *A. D.* 1764. Keeper of said Gaol to be appointed.

CHAP. XIII.

An Act to continue an Act, intituled, An Act to amend and further continue an Act, intituled, An Act for facilitating the Navigation of Port *Bath*, Port *Roanoke*, and Port *Beaufort*; passed the Thirty First Day of *May*, One Thousand Seven Hundred and Fifty Two, for Five Years. EXP.

CHAP. XIV.

An Act for erecting Part of St. Philip's *Parish, in* New Hanover *County, and the lower Part of* Bladen *County, into a separate County, by the Name of* Brunswick *County; and for dividing the County of* Granville, *and erecting that Part thereof called* St. John's *Parish, into a separate and distinct County, by the Name of* Bute *County.*

I. WHEREAS the great Extent of the respective Counties of *New Hanover* and *Bladen* render the Attendance of the Inhabitants of *St. Philip*'s Parish, in *New Hanover* County, and the Inhabitants of the lower Part of *Bladen* County, to do Public Duties in their respective Counties, extremely difficult and expensive: Private.

II. *BE it Enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That that Part of *Bladen* County which lies to the Westward of the *Northwest* Branch of *Cape Fear* River, be divided from the upper Part of *Bladen* County, by a Line beginning at the upper Corner of a Tract of Land on which the Plantation of *John Grange* is situate, above the Mouth of *Beaver-dam* Creek, which Plantation lately belonged to Mr. *Robert Howe*, running from thence a direct Course to the East Side of the Lake on *Waggamaw* River; and from thence by a West Line to the Bounds of the Province, so as to leave all the Inhabitants on the said Lake in *Bladen* County; and that the said lower Part of *Bladen* County, together with all that Part of *New Hanover* County called *St. Philip*'s Parish, except so much thereof as lieth to the Northwestward of the dividing Line hereby directed to be run to the Lake, and from thence to the Bounds of this Province, be erected into a distinct County, by the Name of *Brunswick* County. Brunswick County erected.

III. *AND be it further Enacted, by the Authority aforesaid*, That all that Part of *St. Philip*'s Parish which lieth to the Northwestward of the said Line, to the East End of the Lake, and from thence to the Bounds of the Province, be annexed to, and it is hereby declared to be Part of *Bladen* County. Part of St. Philip's Parish added to Bladen.

IV. AND for the due Administration of Justice, *Be it Enacted, by the Authority aforesaid*, That from and after the First Day of *March* next, an Inferior Court of Pleas and Quarter Sessions for the said County of *Brunswick* shall be held quarterly, on the Third *Tuesdays* in *March*, *June*, *September*, and *December*, at the Town of *Brunswick*, by Commission to the Justices, in the same Manner as other Inferior Courts of Pleas and Quarter Sessions are held within this Province: And the said Inferior Court shall take Cognizance of all Matters, Suits, and Things, and is hereby vested with the same Powers, Jurisdictions, and Authorities, that any other Inferior Court is, hath, or can have by Virtue of an Act, intituled, *An Act to establish Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.* Brunswick Courts when held.

V. *AND*

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Juſtices to hold Courts.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Juſtices to be appointed for the County of *Brunſwick*, are hereby directed to meet on the Third *Tueſday* in *March* next, at ſome convenient Place in the Town of *Brunſwick*, and take the Oaths by Law appointed for their Qualification; and the Juſtices of the ſaid County of *Brunſwick*, or any Three of them, after being ſo qualified, ſhall hold an Inferior Court of Pleas and Quarter Seſſions, at the Place and Times herein before appointed: And the ſaid Juſtices of the Peace, and every of them, at all Times during their Continuance in Office, as well within their Inferior Courts of Pleas and Quarter Seſſions as without, ſhall have and exerciſe the ſame Powers and Authorities, and be ſubject to the ſame Forfeitures and Penalties, as other Juſtices of the ſeveral Counties within this Province are liable to.

Tax laid for building a Court-Houſe.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſaid County to lay a Poll-Tax on the Inhabitants thereof, not exceeding One Shilling, Proclamation Money, *per Annum*, for the Term of Two Years, for building a Court-Houſe, Priſon, and Stocks, in the ſaid County, at the Town of *Brunſwick*; which ſaid Tax ſhall be collected by the Sheriff of the ſaid County, at ſuch Times, and in the ſame Manner, as other Taxes are collected, and ſhall be paid to the Perſon or Perſons who ſhall be impowered to receive the ſame.

Sheriff to diſtrain for Taxes as before the Diviſion.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *New-Hanover*, or the Sheriff of the ſaid County of *Bladen*, as the ſame Counties reſpectively ſtand undivided, to make Diſtreſs for any Taxes, Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid Counties on the 10th Day of *March*, in the ſame Manner as by the ſaid Sheriffs reſpectively could or might have been done if the ſaid Counties had remained undivided; and the ſaid Taxes, Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

Actions commenced before the Diviſion not to be defeated.

VIII. AND to the End that no Action commenced in *New-Hanover* County or *Bladen* County, be defeated by the Diviſion aforeſaid; *Be it Enacted, by the Aurity aforeſaid*, That where any Action is already commenced in the County of *New-Hanover*, or in the County of *Bladen*, and the Parties or Evidences ſhall be Inhabitants of *Brunſwick* County, all ſubſequent Proceſs againſt ſuch Parties or Evidences ſhall be directed to be executed by the Sheriff of *New-Hanover* County, if ſuch Action was commenced in *New-Hanover* County, or to the Sheriff of *Bladen*, if ſuch Action was commenced in *Bladen* County, to the End and final Determination of the ſaid Cauſes; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Brunſwick Part of the Southern Diſtrict.

Number of Jurors for Brunſwick altered by the Jury Act.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the ſaid County of *Brunſwick* ſhall be, continue, and remain Part of the Diſtrict of the Superior Court of Juſtice to be held at *Wilmington*, for the Counties of *New-Hanover*, *Bladen*, *Onſlow*, *Duplin*, and *Cumberland*; and the Juſtices of the Court of the ſaid County of *Brunſwick*, ſhall, and they are hereby directed, at the Court to be held for the ſaid County next preceding every Superior Court, to nominate Eight Freeholders, to ſerve as Grand and Petit Jurors at ſuch Superior Court; a Liſt of which Jurors ſo nominated ſhall be delivered by the Clerk of ſuch Court to the Sheriff, who ſhall, and is hereby required to ſummon the Perſons ſo nominated to ſerve as Jurymen at the Superior Court of Juſtice held for the Diſtrict of *Wilmington*; which Jurymen ſo nominated, ſhall have and receive the ſame Allowances, and ſhall be under the ſame Rules, Fines, and Reſtrictions, as other Jurymen are in the reſpective Counties of this Province; and the Sheriff of the ſaid County of *Brunſwick* ſhall, from Time to Time, account for and pay to the Public Treaſurer for the *Southern* Diſtrict of this Province for the Time being, all Public Levies by him collected, or wherewith he ſhall ſtand chargeable, in the

ſame

ſame Manner, and under the ſame Pains and Penalties, as other Sheriffs of the ſaid Diſtrict. A. D. 1764.

Jurors for New-Hanover altered by the Jury Act.

X. AND whereas the Jurors appointed by the Jury Act to ſerve at the Superior Court for the Diſtrict of *Wilmington*, were limited to Sixteen for the County of *New-Hanover*; *Be it therefore Enacted, by the Authority aforeſaid*, That the Jurors attending the ſaid Superior Court, after the paſſing of this Act, ſhall be only Eight for the ſaid County of *New-Hanover*; any Thing in the aforeſaid Act for appointing Jurors to the contrary notwithſtanding.

Sheriffs how commiſſioned, and to account with the Southern Treaſurer.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral and reſpective Sheriffs to be commiſſioned for the ſaid County of *Brunſwick*, ſhall be in the ſame Manner as is directed for appointing and Commiſſioning the Sheriffs in the other Counties in this Province; and the ſaid Sheriffs ſo commiſſioned for the ſaid County of *Brunſwick*, ſhall account with and pay to the Treaſurer of the *Southern* Diſtrict all Monies which he ſhall or ought to receive, in the ſame Manner as other Sheriffs; and ſhall have and exerciſe the ſame Powers and Authorities, and be liable to the Fines, Forfeitures, and Penalties, as are directed and inflicted by the ſeveral Acts of Aſſembly of this Province in ſuch Caſes made and provided.

Court-Houſe to be built, and Cauſes adjourned to it.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the County of *Brunſwick* are hereby impowered and directed to employ, or cauſe to be employed, Workmen for building a Court-Houſe, Stocks, Priſon, and Pillory, in the ſaid Town of *Brunſwick*, for the Uſe of the ſaid County of *Brunſwick*; and the ſaid Court, and all Cauſes, Matters, and Things in the ſame depending, after ſuch Court-Houſe ſhall be ſo built, ſhall ſtand adjourned from the Place where the Court ſhall before have been held, to the Court-Houſe.

Commiſſioners appointed for running the dividing Line.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That *William Dry*, *Robert Howe*, *William Bartram*, *Hugh Waddle*, and *Robert Johnſton*, Eſqrs. be appointed Commiſſioners, and they, or any Three of them, are hereby impowered and directed, to run a dividing Line between the County of *Bladen* and *Brunſwick* County, agreeable to the Directions in this Act before-mentioned; which ſaid Commiſſioners ſhall be paid their neceſſary Expences for running the ſaid Lines, by the Court of their ſeveral Counties, out of the County Tax.

Royal Prerogative of Incorporation ſaved.

XIV. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to derogate from the Right and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, of granting Letters of Incorporation to the ſaid County of *Brunſwick*, and directing the Election of a Member or Members to repreſent the ſaid County in General Aſſembly, of granting Markets and Fairs to be kept and held therein; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

Bute County erected.

XV. AND whereas by Reaſon of the large Extent of the County of *Granville*, it is greatly inconvenient for the Inhabitants to attend the Courts of the ſaid County, General Muſters, and other Public Duties by Law required: *Be it Enacted, by the Authority aforeſaid*, That from and after the Tenth Day of *June* next, the ſaid County of *Granville* ſhall be divided into two diſtinct Counties; and that all that Part of the ſaid County which is now called or known by the Name of the Pariſh of *Granville*, from and after the ſaid Tenth Day of *June*, ſhall be a diſtinct County, and remain to be called *Granville* County; and that all that Part of the ſaid County called and known by the Name of St. *John*'s Pariſh, ſhall, after the ſaid Tenth Day of *June*, be another diſtinct County, called by the Name of *Bute* County.

XVI. *AND*

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Courts to be held.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Tenth Day of *June*, a Court for the ſaid County of *Granville* ſhall be Quarterly held by the Juſtices thereof, at the Place in the ſaid County known by the Name of *Oxford*, upon the Days, and on the Times by Law appointed for that Purpoſe; and alſo, that a Court for the ſaid County of *Bute* ſhall be Quarterly held by the Juſtices thereof, on the Land of *Jethro Sumner*, at a Place known by the Name of the *Buffelo* Race-Paths, upon the Third *Tueſdays* in *February*, *May*, *Auguſt*, and *November*, in every Year, as by the Laws of this Province is or ſhall be provided, and as by Commiſſion, ſhall be directed to the Juſtices of the ſaid Counties reſpectively.

Bute Court Days altered, by Act 1768, Chap. 2.

Proceſs continued.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the ſaid Tenth Day of *June* next, all Cauſes, Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, and other Matters and Things in the ſaid County of *Granville* depending, ſhall ſtand adjourned and continue from the preſent Court-Houſe to *Oxford*; and all Appearances and Returns of Proceſs ſhall be made on the Days by Law appointed for holding the ſaid Court at *Oxford*; and all Suitors and Witneſſes bound to appear thereat, in the ſame Manner as if the ſaid Court had not been removed from the preſent Court-Houſe; and all ſubſequent Proceſs which ſhall or may iſſue on any Action which ſhall be commenced before the ſaid Tenth Day of *June* next, and not determined in the ſaid Court of *Granville*, ſhall be directed to, and executed by the Sheriff of the County of *Granville*, to the final Determination of ſuch Cauſes; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Bute Part of the Northern Diſtrict.

Number of Jurors altered by the Jury Act.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Tenth Day of *June*, the ſaid County of *Bute* ſhall be, continue, and remain Part of the Diſtrict of the Superior Court of Juſtice to be held at Halifax, for the Counties of *Northampton*, *Halifax*, *Edgcomb*, *Granville*, *Johnſton*, and *Orange*; and the ſaid Juſtices of the Court of the ſaid County of *Bute* ſhall and they are hereby directed, at the Inferior Court next before every Superior Court of the ſaid Diſtrict, to nominate Four Freeholders to ſerve as Grand and Petit-Jurors at ſuch Superior Court.

Sheriff to diſtrain for Taxes as before the Diviſion.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Granville*, as it now ſtands, to make Diſtreſs for any Levies, Fees, or other Duties, that ſhall be due from the Inhabitants of the ſaid County on the ſaid Tenth Day of *June*, in the ſame Manner as he might or could by Law have done if the ſaid County had ſtill remained undivided; and the ſaid Levies, Fees, and other Duties, ſhall be accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

Jurors for Granville altered by the Jury Act.

XX. AND whereas the Jurors appointed by the Jury Act to ſerve at the Superior Courts for the Diſtrict of *Halifax*, were limited to Eight for the County of *Granville*; *Be it therefore Enacted, by the Authority aforeſaid*, That the Jurors attending the ſaid Superior Court after the paſſing this Act, ſhall be only Four for the ſaid County of *Granville*; any Thing in the aforeſaid Act for appointing Jurors to the contrary notwithſtanding.

Sheriff of Bute to account with the Northern Treaſurer.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the ſaid County of *Bute* for the Time being, after the ſaid Tenth Day of *June*, ſhall account with and pay to the Public Treaſurer of the *Northern* Diſtrict of this Province, all Public Monies by him to be collected, under the ſame Rules and Reſtrictions, Fines, Penalties, Proceſs, and Remedies, as other Sheriffs are by Law ſubject to.

Royal Prerogative of Incorporation ſaved.

XXII. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Right and Royal Prerogative

tive of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid County of *Bute*, and of ordering, appointing, and directing the Election of a Member or Members to repreſent the ſame in General Aſſembly, and of granting Markets and Fairs to be kept and held in the ſaid Counties reſpectively; but that the ſaid Right and Prerogative ſhall be at all Times hereafter exerciſed by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner to all Intents and Purpoſes whatſoever, as if this Act had never been made. *A. D.* 1764.

Commiſſioners for building Crt. Houſe, &c.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That Mr. *Samuel Benton*, Mr. *Robert Harris*, and Mr. *Philip Taylor*, or a Majority of them, be, and are hereby appointed Commiſſioners, and are impowered and directed to agree and contract with Workmen for erecting and building a Court-Houſe, Priſon, Pillory, and Stocks, for the Uſe of the ſaid County of *Granville*; and that Mr. *Solomon Alſton*, Mr. *William Johnſton*, and Mr. *Julius Nichols*, or a Majority of them, be, and are hereby appointed Commiſſioners, and are impowered and directed to agree and contract with Workmen for erecting and building a Court-Houſe, Priſon, Pillory, and Stocks, for the Uſe of the ſaid County of *Bute*.

Tax laid for it;

XXIV. AND for reimburſing the ſaid Commiſſioners the Money they ſhall expend in erecting the ſaid Buildings, *Be it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of Three Shillings, Proclamation Money, *per Annum*, ſhall be levied on each taxable Perſon in the ſaid Counties reſpectively, for Two Years, next after the Firſt Day of *November* next; and that all Perſons in either of the ſaid Counties who ſhall neglect to pay the ſaid Tax after the Firſt Day of *March* in each Year, ſhall thereafter be liable to the ſame Diſtreſs as for Non-payment of Public Taxes; and the Sheriff of each of the ſaid Counties are hereby required and directed, on or before the Tenth Day of *June* in the ſaid Years reſpectively, to account for and pay the ſaid Monies by them to be collected, to the Commiſſioners aforeſaid, after deducting Six *per Cent.* for his Trouble in collecting the ſame, that is to ſay; as much thereof as ſhall be levied on the taxable Perſons of the ſaid County of *Granville*, to the aforeſaid *Samuel Benton*, *Robert Harris*, and *Philip Taylor*, the Survivors or Survivor of them; and ſuch Part of the ſame as ſhall be levied on the taxable Perſons of the County of *Bute*, to the aforeſaid *Solomon Alſton*, *William Johnſton*, and *Julius Nichols*, the Survivors or Survivor of them; and in Caſe of Failure or Neglect therein by the Sheriff, he ſhall be liable to the ſame Penalties, Reſtrictions, and Remedy, for performing the Payment thereof, as by Law may be had againſt Sheriffs who neglect or refuſe to account for and pay Public Taxes.

Surplus appropriated.

XXV. *PROVIDED nevertheleſs*, That if the Money ſo to be collected ſhall be more than ſufficient to anſwer the Purpoſes aforeſaid, the ſaid Commiſſioners reſpectively ſhall account for, and pay the Overplus thereof, to the Juſtices of the Court of the County for which they are hereby appointed Commiſſioners; to be applied towards defraying the contingent Charges of ſuch County.

CHAP. XV.

This Act had its Effect.

An Act to impower the Sheriff of the County of Orange *for the Time being, to collect and apply the Arrears of the Taxes due in the ſaid County for the ſeveral Years therein mentioned.*

CHAP. XVI.

An Act for aſcertaining a proper Place for building thereat a Court-Houſe, Clerk's Office, Priſon, and Stocks, for the County of Edgcomb.

Private.

I. WHEREAS *Redman's* Oldfield, on *Tyoncoca*, the Place heretofore appointed for building thereat a Court-Houſe, Priſon, and Offices, and for holding thereat the Court for the ſaid County, is found to be inconvenient and

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very improper for that Purpoſe; and the Juſtices of their Seſſions for that County having certified the ſame to this Aſſembly, and recommended the Town of *Tarborough* as the moſt proper Place for that Purpoſe, and the Inhabitants of the ſaid County having petitioned for the ſame:

Commiſſioners for building a Court-Houſe, &c.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That Mr. *Aquila Sugg*, Mr. *William Haywood*, Mr. *Joſeph Howell*, Mr. *Sherwood Haywood*, and Mr. *James Hall*, or a Majority of them, ſhall and may, and they are hereby required and directed, to agree and contract with Workmen for the building and erecting a ſuitable and ſufficient Court-Houſe, Clerk's Office, Priſon, and Stocks, for the Uſe of the ſaid County, in the Town of *Tarborough*, on ſuch Parts of the Lots ſet apart by the Commiſſioners or Truſtees for the ſaid Town, as to them ſhall ſeem moſt proper.

Tax laid for it.

III. *AND be it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of Two Shillings, Proclamation Money, be levied on each taxable Perſon within the ſaid County of *Edgcomb*, annually, for Two Years next after the paſſing of this Act, which Tax ſhall be collected by the Sheriff of the ſaid County of *Edgcomb*, in the ſame Manner, and under the ſame Rules, and the ſame Penalties, as other Taxes are by Law to be collected; and the Money ariſing from the Tax aforeſaid, as the ſame is collected by the Sheriff of the ſaid County, ſhall be accounted for and paid to the aforeſaid *Aquila Sugg*, *William Haywood*, *Joſeph Howell*, *Sherwood Haywood*, and *James Hall*, to be applied by them in Diſcharge of their Contracts for the Buildings in this Act mentioned; and the Overplus thereof (if any) ſhall by the ſaid Truſtees be accounted for and paid to the Juſtices of the ſaid County of *Edgcomb*, to be by them applied towards the contingent Charges of the County, in Aid of the County Tax.

Sheriff to collect it, and Pen. for Neglect.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That if the Sheriff of the ſaid County, who ſhall receive the Tax by this Act aſſeſſed, ſhall neglect or refuſe to account for and pay the ſame to the Truſtees in this Act named, after deducting the uſual Commiſſions for collecting, and ſuch Inſolvents as ſhall be allowed him by the Court of the ſaid County, it ſhall and may be lawful for the Superior Court for the Diſtrict of *Halifax*, either before, or at any Time after the Expiration of the Office of ſuch Sheriff, on Motion of the Truſtees in this Act named, or the Survivors of them, to enter up Judgment againſt ſuch Sheriff for all the Monies wherewith he ſhall be chargeable by Virtue of this Act, with Coſts: and thereupon award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Sheriff. *Provided always*, The ſaid Sheriff ſhall have Ten Days previous Notice of ſuch Motion.

Court held in Tarborough.

Court Days altered by Act 1768, Chap. 2.

Proceſs continued.

V. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the Inferior Court of Pleas and Quarter Seſſions for the County of *Edgcomb*, ſhall be conſtantly held by the Juſtices of the ſaid County at ſome convenient Houſe in the Town of *Tarborough*, to be appointed by the ſaid Juſtices, on the Fourth *Tueſdays* in *April*, *July*, *October*, and *January*, yearly, until the Court-Houſe for the ſaid County be built: And all Cauſes, Pleas, Writs, Actions, Suits, Plaints, Proceſs, Precepts, Recognizances, Indictments, Preſentments, and other Matters and Things in the ſaid Court of *Edgcomb* depending, immediately after paſſing of this Act, ſhall ſtand adjourned and continue, and are hereby adjourned and continued, from the Court-Houſe at *Redman*'s Oldfield, on *Tyoncoca* aforeſaid, to the Court to be held for the ſaid County in the Town of *Tarborough*, as in this Act is above directed; and all Appearances and Returns of Proceſs ſhall be made to the Inferior Court of Pleas to be held for the ſaid County at the Town aforeſaid; and all Suitors and Witneſſes ſhall be bound to appear thereat, in the ſame Manner, and under the ſame Penalties, as if the ſaid Court had been continued at the ſaid *Redman*'s Oldfield.

VI. *AND*

VI. *AND be it further Enacted, by the Authority aforesaid,* That so much of one Act of Assembly passed at *Edenton*, intituled, *An Act for dividing* Edgcomb *County*, as comes within the Purview of this Act, shall be henceforth repealed. *A. D.* 1764. Repealing Clause.

CHAP. XVII.

An Act directing the boundary Line between the Counties of Dobbs *and* Pitt, *and appointing Commissioners to see the same run.*

I. WHEREAS the Act of Assembly, intituled, *An Act for erecting the upper Part of* Beaufort *County into a County and Parish, by the Name of* Pitt *County, and* St. Michael's *Parish*; *and for adjourning the Court from the Court-House on the Land of* Thomas Bonner, *to the Court-House in* Bath *Town, and other Purposes therein mentioned*; no Commissioners were appointed by the said Act for running the Boundary Line between the Counties of *Dobbs* and *Pitt*; by Reason whereof the Line has never been run, and the Inhabitants within the disputed Bounds refuse to give in a List of their Taxables, or pay their Taxes in either of the said Counties: For Remedy whereof, Private.

II. *BE it Enacted by the Governor, Council, and Assembly, and by the Authority of the same,* That Mr. *Richard Caswell*, Mr. *John Simpson*, and Mr. *William Wilson*, be appointed Commissioners, and they are hereby impowered and required to run the said dividing Line between the Counties of *Dobbs* and *Pitt*; from *Blount*'s Ford on *Little Cotentney* Creek, to *Luke White*'s, then up the *Middle Swamp* to *William Wilson*'s, and from thence to the nearest Part of *Edgcomb* County; which said Lines, when run by the Commissioners aforesaid, or any Two of them, shall be by them entered on Record in the Court of each of the said Counties of *Dobbs* and *Pitt*, and shall thereafter be deemed and taken to be the dividing Lines between the said Counties. Commissioners for running the dividing Line.

III. AND for defraying the Charge of running the said Line, *Be it further Enacted, by the Authority aforesaid,* That the Inferior Courts of each of the said Counties of *Dobbs* and *Pitt* shall lay a sufficient Poll-Tax on the Inhabitants of their respective Counties (which shall be levied in the same Manner as other Public Taxes) as shall be sufficient to pay and satisfy their respective Commissioners for the Charge and Trouble in running the aforesaid Line. Tax laid for it.

CHAP. XVIII.

An Act for altering the dividing Line between the Counties of Bladen *and* Cumberland.

I. WHEREAS the dividing Line between the Counties of *Bladen* and *Cumberland*, running North East and South West, is found to be inconvenient to the Inhabitants of both the said Counties: Private.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same,* That from and after the passing of this Act, the dividing Line between the said Counties of *Bladen* and *Cumberland*, shall begin at the Mouth of *Rockfish*, and shall run a due East Course to *Black* River, and from the Mouth of *Rockfish* Creek, up the said Creek to *Gravely Hill*, and from thence a due West Course to *Drowning* Creek; and all the Lands to the Northward of the said Line shall from henceforth be deemed and held to be a Part of *Cumberland* County, and all the Lands to the Southward of the said Line shall be deemed and held to be a Part of *Bladen* County; any Law to the contrary notwithstanding. Dividing Line.

III. *AND be it further Enacted, by the Authority aforesaid,* That Mr. *Isaac Jones*, Mr. *Farquhard Campbell*, and Mr. *Walter Gibson*, be, and are hereby appointed and authorized Commissioners for running it.

A. D. 1764. authorized Commiſſioners, and are hereby impowered and directed to run the ſaid Line between the ſaid Counties of *Bladen* and *Cumberland*.

Expence defrayed. IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the Peace of the ſaid County of *Cumberland* are hereby impowered and directed to defray the Expences of running the ſaid dividing Line out of the County Tax.

Sheriff to diſtrain for Taxes as before the Diviſion. V. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriffs of the aforeſaid Counties, as the ſame now ſtand, to make Diſtreſs for any Levies, Fees, or other Dues, that are now due, or that ſhall be due the Tenth Day of *March* next, from the Inhabitants of the ſaid Counties; but that they may make Diſtreſs in the ſame Manner as by the Law the ſaid Sheriffs could or might have done if the ſaid dividing Line had remained without Alteration; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding.

CHAP. XIX.

An Act for annexing Part of Craven *County to* Dobbs *County*.

Private. I. WHEREAS the Inhabitants reſiding in that Part of *Craven* County, lying on the Southermoſt Side of the *Southweſt* Creek, and the upper Branches of *Trent* River, labour under great Hardſhips, Fatigue, and Inconveniences, in attending the Inferior Courts, and other Public Meetings in the ſaid County, at *Newbern*, where the ſame are generally held and called; and as the ſaid Inhabitants are more contiguous to *Dobbs* County, where they can with greater Eaſe and Convenience attend, are deſirous of being annexed thereto:

Commiſſioners for running the Line. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That Mr. *Joſeph Leech*, Mr. *Richard Caſwell*, and Mr. *Francis Mackilwean*, be, and they are hereby appointed Commiſſioners; and they, or a Majority of them, are required and directed, within Three Months after the paſſing of this Act, to run and mark, or cauſe to be run and marked, a Line from the *Southweſt* Bridge near *James Caddell*'s, to *Carnegy*'s Oldfield and *Rattle-Snake* Branch; then a direct Line to *William Randal*'s Mill, on *Trent* River; then to a Place where *Abraham Bailey* lately lived; and from thence South to the Bounds of *Onſlow* County; and that all that Part of *Craven* County lying to the Weſtward of thoſe Lines be annexed to *Dobbs* County; and the Inhabitants thereof ſhall be liable and ſubject to the ſame Duties, Taxes, and Impoſitions, and intitled to the ſame Privileges, Benefits, and Advantages, as the other Inhabitants of the ſaid County of *Dobbs*.

Sheriff to diſtrain for Taxes as before the Diviſion. III. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of *Craven* County from making Diſtreſs for any Levies, Fees, or other Dues, which are or ſhall be due on the Tenth Day of *March* next, from the Inhabitants of that Part of *Craven* County by this Act annexed to *Dobbs* County, in the ſame Manner as by Law the ſaid Sheriff might or could have done if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding.

Repealing Clauſe. IV. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts of Aſſembly of this Province, and each and every Clauſe and Article thereof, ſo far as relates to any Matter or Thing within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made.

CHAP. XX.

An Act for the building a Houſe for a School, and the Reſidence of a School-Maſter, in the Town of Newbern. REP.

ANNO

A. D. 1764.

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

QUINTO.

At an ASSEMBLY, begun and held at *Wilmington*, the Thirtieth Day of *January*, in the Fifth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and from thence continued, by Prorogation, to the Twenty Fifth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Sixty Four: Being the Second Seſſion of this preſent Aſſembly. ARTHUR DOBBS, Eſq; Governor.

CHAP. I.

An Act to amend and continue an Act, intituled, An Act for dividing this Province into Five ſeveral Diſtricts, and for eſtabliſhing a Superior Court of Juſtice in each of the ſaid Diſtricts, and regulating the Proceedings therein. Provided for by the Superior Crt. Act.

CHAP. II.

An Act to amend and continue an Act, intituled, An Act to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province. *(a)*

II. BE *it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Firſt Day of *December* next, the Inferior Courts of Pleas and Quarter Seſſions for the aforeſaid ſeveral Counties, ſhall be held on the Days following, inſtead of the Days heretofore appointed for holding ſuch Courts; *to wit*, *Bertie*, on the Fourth *Tueſday* in *March*, *June*, *September*, and *December*. *Carteret*, on the Third *Tueſday* in *March*, *June*, *September*, and *December*, in every Year. Time of holding ſeveral Inferior Courts.

III. *AND*

(a) The 1ſt, Part of the 2d, and the whole 4th Clauſe of this Act altered, and provided for, by Acts 1768, Chap 2, and Dec. 1770, Chap. 28.

A. D. 1764.

Power of the late Inferior Courts given to the Courts hereby eſtabliſhed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in all Caſes, wherein by any Act of Aſſembly, Action is given, or Recovery directed to be had, in any County Court, or in any of the late Inferior Courts of Pleas and Quarter Seſſions, or where any Power or Authority is given to either of the ſaid Courts, ſuch Action ſhall and may be tried, and ſuch Power and Authority is hereby declared to be veſted in the Juſtices of the reſpective Inferior Courts by the ſaid Act eſtabliſhed. *Provided*, Nothing herein expreſſed, ſhall be conſtrued to impower the ſaid Inferior Courts to take Cognizance of any Matter or Thing by civil Action where the Plaintiff's Demand ſhall exceeed Twenty Pounds, Proclamation Money.

To take Cognizance of 20l.

Actions, &c in the late Courts, continued to the Days and Times appointed by this Act.

V. *AND be it further Enacted, by the Authority aforeſaid*, That all Actions, Suits, Writs, Proceſs, Petitions, Indictments, Informations or Preſentments whatſoever, heretofore commenced in, iſſued from, or returnable to, the reſpective Courts, the Time for holding of which is altered by this Act, ſhall be, and are hereby continued to the particular Days and Times hereby appointed; and all Subpœnas for Witneſſes and Recognizances for the Appearance of Perſons at the ſaid Courts, as effectual as if the particular Day for holding any of the ſaid Courts had been mentioned therein; and the Perſons ſummoned as Witneſſes, and entering into ſuch Recognizances, bound to appear accordingly.

Inferior Court Act continued in Force for Two Years.

VI. AND whereas the aforeſaid Act of Aſſembly will expire on the Firſt Day of *January* next, and the ſame by Experience has been found to be of general Utility to this Province: Therefore, *Be it Enacted, by the Authority aforeſaid*, That the aforeſaid Act ſhall continue and be in Force, from and after the Firſt Day of *January* next, for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer; any Law to the contrary notwithſtanding.

Further continued by Act 1768, Ch. 2.

CHAP. III.

An Act for continuing and amending an Act, intituled, An Act directing the Method of appointing Jurymen in all Cauſes, Criminal and Civil. EXP.

Repealed by Proclamation.

CHAP. 4. *An Act for rendering more effectual the Laws making Lands and other Real Eſtates liable to the Payment of Debts.*

5. *An Act to prevent the Exportation of unmerchantable Commodities.* EXP.

CHAP. VI.

An Act for regulating the Pilotage of Cape-Fear *River, and other Purpoſes.* (a)

Preamble.

I. WHEREAS the great Increaſe of the Trade of *Cape Fear* River, renders the Attendance of the Pilots at the Bar indiſpenſibly neceſſary, for the Safety of Veſſels coming in and going out of the ſaid River:

Commiſſioners of Pilotage appointed, who are to examine Pilots.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That the Honourable *Lewis De Roſſet*, *William Dry*, *Benjamin Heron*, and *Jacob Lobb*, *John Du Bois*, *Caleb Grainger*, *Robert Ellis*, and *John Wilkinſon*, Eſquires, be, and are hereby appointed Commiſſioners of the Pilotage of *Cape-Fear* River; and they, or the Majority of them, are hereby authoriſed and impowered, from Time to Time, to examine ſuch and ſo many Perſons who ſhall offer themſelves to be Pilots for *Cape-Fear* aforeſaid, not exceeding Twelve in Number.

III. *AND*

(a) See Acts Nov. 1766, Chap. 23, Nov. 1771, Chap. 11, for amending this Act.

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And on approving them, to give Certificate thereof to the Governor.

III. *AND be it further Enacted, by the Authority aforesaid*, That the said Commissioners, or the Majority of them, on their approving any Person to be Pilot, shall give to such Person a Certificate, under their Hands, to the Governor or Commander in Chief for the Time being, in order for his Approbation, and to obtain a Branch to act as Pilot for the said River.

Branch Pilots to give Bond, for Performance of their Duty; which may be sued by Persons injured, till the whole Pen. Recovered

IV. *AND be it further Enacted, by the Authority aforesaid*, That every such Person shall, before he obtains a Branch to be Pilot, give Bond, with Two sufficient Securities, to the Governor or Commander in Chief for the Time being, and his Successors, in the Sum of *Five Hundred Pounds, Proclamation Money; with Condition for the due and faithful Discharge of his Office; to be recovered and lodged in the Secretary's Office; which Bond shall be in Trust for such Person or Persons as shall appear to be injured by such Pilot's Negligence or Non-Performance of the Condition of his said Bond; and shall be assigned to any Person or Persons so injured, petitioning for the same; who shall and may maintain an Action thereon: And such Bond shall not be void upon the first Recovery, or if Judgment shall pass for the Defendant, but may be put in Suit from Time to Time, by any Person who shall be injured by a Breach of the Condition thereof, until the whole Penalty of the Bond be recovered.

Commissioners to remove Pilots, on Misbehaviour.

V. *AND be it further Enacted, by the Authority aforesaid*, That upon the Misbehaviour of any Pilot in his Office, the Commissioners aforesaid, or the Majority of them, shall, and they are hereby authorized and impowered, to remove such Pilot from his Office, by a Note in Writing, subscribed by them, or the Majority of them, directed to such Pilot, signifying that he shall no longer act as Pilot; and to appoint another in his Stead, by Warrant under their, or the Majority of their respective Hands and Seals, until the Pleasure of the Governor or Commander in Chief shall be known thereon.

Number of Pilots to attend the Bar.

VI. *AND be it further Enacted, by the Authority aforesaid*, That any Number of Pilots, not exceeding Eight, may be appointed as aforesaid, to attend the Bar of the said River, and to pilot Vessels coming up or going Down from *Brunswick*, and no higher; who may take and receive, in Proclamation Money, the following Rates for such Service, for each Vessel they shall pilot over the Bar to *Brunswick*, and out again to Sea; *to wit*, *(b)*

Fees from Brunswick to Wilmington.

VII. *AND be it further Enacted, by the Authority aforesaid*, That any Number of Pilots, not exceeding Four, may be appointed as aforesaid, to pilot Vessels from *Brunswick* to *Wilmington*; who shall and may receive, in Proclamation Money, the following Rates: If from *Brunswick* to *Wilmington*, and back again to *Brunswick*, one Half of the aforesaid Rates; if to the *Flats*, and back again to *Brunswick*, one Fourth of the aforesaid Rates, according to the Draught of Water such Vessel shall draw.

Pen. on them for taking greater Fees.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That no Pilot shall presume to take any greater Fees than aforesaid, under the Penalty of Ten Pounds, Proclamation Money; to be recovered by Action of Debt, by any Person suing for the same, in any Inferior Court in *New-Hanover*, or *Brunswick* County; one Half to the Informer, the other Half to the Governor or Commander in Chief for the Time being; to be applied towards erecting Beacons and Buoys, and keeping them in Repair.

Vessels coming over the Bar before a Pilot gets on board, subject but to half Fees.

IX. *AND be it further Enacted, by the Authority aforesaid*, That if any Vessel shall come over the Bar before a Pilot gets on board the same, the Master of such Vessel shall not be liable to pay more than one Half of the said Pilotage allowed by this Act, for bringing Vessels from the Bar to *Brunswick*, unless such Pilot shall

* This Sum altered to Two Hundred Pounds, by Act Nov. 1766, Chap. 23.
(b) The Rates of Pilotage altered, by Act Nov. 1765, Chap. 23.

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Maſters of Veſſels detaining Pilots, to pay them 8s. per Day.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Maſter or Commander of any Veſſel, who ſhall ſend for, or take on Board a Pilot to conduct ſuch Veſſel from one Place to another in the ſaid River, and ſhall afterwards delay tranſporting the ſaid Veſſel, Wind and Weather permitting, the Maſter or Commander thereof, ſhall pay unto the Pilot attending, Eight Shillings, Proclamation, *per Diem*, for each and every Day he ſhall be ſo detained.

Commiſſioners to affix a Table of Pilots Fees in the Collector's and Naval Office, and Fort Johnſton.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners aforeſaid, ſhall affix a true Copy or Table of the ſeveral Rates of Fees aforeſaid, to be taken by the Pilots, at the Collector's Office, Naval Office, and Fort *Johnſton*, that the Maſters of Veſſels and others concerned, may have Recourſe thereto.

Peſtilential Diſtempers by Shipping prevented, by the Commander of Fort Johnſton's bringing to all Veſſels; and obliging ſuch as have any Diſtemper, to perform Quarentine.

XIII. AND whereas it is highly expedient to prevent any contagious, peſtilential, or malignant Diſtemper, from being brought into the ſaid River; *Be it Enacted, by the Authority aforeſaid*, That the Commander of Fort *Johnſton* for the Time being, ſhall be, and is hereby authoriſed and impowered, to bring to all Veſſels bound inwards; and to oblige the Maſter of ſuch Veſſel to come on Shore into the ſaid Fort, and take an Oath concerning the Health of all ſuch Perſons as ſhall be on Board his ſaid Veſſel, and whether there was any contagious or infectious Diſtemper at the Place from whence he laſt came; which ſaid Oath the Commander of the ſaid Fort is hereby impowered to adminiſter: And if it ſhall appear in ſuch Oath, that any Perſon on Board the ſame is diſtempered, or that there is Reaſon to ſuſpect that any Perſon on Board is infected with the Small-Pox, or other contagious Diſorder, the Commander of ſuch Fort is hereby impowered and directed to oblige the Maſter of ſuch Veſſel to moor his ſaid Veſſel as near *Battery-Iſland*, oppoſite the ſaid Fort, as the Safety of the ſaid Veſſel will permit; and to prevent any Perſon going to, or coming from ſuch Veſſel (Perſons carrying Proviſions to ſuch Veſſel only excepted) until he hath lain and performed Forty Days Quarentine, or be permitted thereto by Order from the Governor or Commander in Chief, or Three Juſtices of the Peace for the Counties of *New-Hanover* or *Brunſwick*.

Commander of the Fort to give a Bill of Health to Veſſels having no Diſtemper on Board.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe no Perſon ſhall be diſtempered on Board, or that the Commander of the Fort for the Time being, hath no juſt Reaſon to ſuſpect any Perſon in the ſaid Veſſel to be infected with the Small-Pox, or other contagious Diſorders, then the Commander of the ſaid Fort ſhall give a Bill of Health, and Permiſſion to paſs by the ſaid Fort, directed to the Collector or other Chief Officer of the Cuſtoms; and the Commander of the ſaid Fort for the Time being, ſhall and may have and receive from the Maſter of ſuch Veſſel, the Sum of Five Shillings, Proclamation Money, for adminiſtering the ſaid Oath, and ſigning a Bill of Health.

Pen. on Maſters of Veſſels breaking Quarentine.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That if the Maſter of any Veſſel ordered to be moored as aforeſaid, or being moored by Order of the ſaid Commander of the ſaid Fort, ſhall preſume to come on Shore, or ſuffer any Perſon to come on Shore from on Board ſuch Veſſel, except on *Battery-Iſland*, ſuch Maſter ſhall forfeit and pay the Sum of Five Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in any Superior Court of Juſtice within this Province, by the Commiſſioners of the ſaid Fort for the Time being; one Fourth of which to the Uſe of the Informer, the other Three Fourths to the Commiſſioners of the ſaid Fort, for maintaining and keeping the ſame in Repair.

Pen. on Collectors, &c entering Veſſels, without a Bill of Health.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Collector and Naval Officer, and each of them, is, and are hereby forbid to admit any Veſſel to an Entry, until ſuch Bill of Health and Permit, ſigned by the Commander of Fort *Johnſton* for the Time being aforeſaid, be delivered to him or them by the Maſter

(c) The 10th Section, for Pilots Negligence, altered by Act Nov. 1766, Chap. 23.

ter of ſuch Veſſel, or ſome Perſon on his Behalf, under the Penalty of One Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in any Superior Court of Juſtice in this Province, by the Commiſſioners of the ſaid Fort for the Time being, to be applied towards keeping the ſaid Fort in Repair. A. D. 1764.

Veſſels to be waſhed with Vinegar, & ſmoaked with Brimſtone, after performing Quarentine.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That where any Veſſels ſhall have performed Quarentine, the Maſter of ſuch Veſſel ſhall, before he be permitted to enter his ſaid Veſſel, waſh the Hold of the ſaid Veſſel with Vinegar, and ſmoke the ſame with Brimſtone.

Clauſe to be added to Maſters of Veſſels Bond, not to carry off any Servants or Slaves, and to pay their Pilotage.

XVIII. AND whereas ſeveral of the Inhabitants of *Cape-Fear*, River, and Pilots, have been greatly injured by Maſters of Veſſels carrying Negroes and Servants out of this Province, and by departing themſelves without paying their Pilotage: *Be it therefore Enacted, by the Authority aforeſaid*, That all Bonds taken from Maſters of Veſſels, by Virtue of an Act, intituled, *An Act for the Entering of Veſſels, and to prevent the Exportation of Debtors*, ſhall have further Conditions added thereto, to the following Purpoſe, that is to ſay, That the Maſter giving ſuch Bond, ſhall not tranſport or carry off any Negroe Slave or Slaves, Servant or Servants, belonging to any Inhabitant or Inhabitants of this Province, and ſhall not depart the Port without paying Pilotage, according to Law; and in Caſe of a Breach of the Condition, or Part thereof, hereby directed to be inſerted in the ſaid Bond, the Maſter and his Securities, or either of them, ſhall be liable to the Penalties thereof, in the ſame Manner as in Caſe of the Breach of any other Part of the Condition of the ſaid Bond.

This Clauſe expired.

Duty laid for erecting Beacons at the Mouth of the River.

Collector appointed.

XIX. AND whereas the erecting Beacons and Buoys at the Mouth of *Cape-Fear* River, would greatly facilitate the Navigation thereof: *Be it further Enacted*, That a Duty of Six-Pence *per* Ton be, and is hereby laid on all Veſſels coming into the Port of *Brunſwick* to unload Goods, other than ſuch as belong to an Inhabitant of this Province, for and during the Term of Three Years, next after the paſſing this Act; which Duty *John Paine*, Eſq; is hereby impowered to receive, after having given Bond, with ſufficient Securities, to the Governor or Commander in Chief for the Time being, in the Sum of One Thouſand Pounds, Proclamation Money, conditioned, that he will well and truly account with, and pay to the ſaid Commiſſioners, or their Order, when thereto required, all ſuch Sums of Money as he ſhall receive by Virtue of this Act, firſt deducting Five *per Cent.* for receiving the ſame; and in Caſe of a Breach of the Condition of the ſaid Bond, the ſame may be put in Suit, and the Monies recovered thereon ſhall be applied to the Purpoſes for which the above Duty is laid; which Bond ſhall be recorded and lodged in the Secretary's Office; and the ſaid Monies ariſing on the Duty aforeſaid, ſhall, by the ſaid Commiſſioners, be applied to the erecting Beacons and Buoys as aforeſaid.

Precautions for the Safety of Veſſels coming on the Coaſt in thick Weather.

XX. AND whereas it happens that Veſſels bound into the River aforeſaid, often come on the Coaſt in thick Weather, and frequently fire Guns to acquaint the Pilots of their being on the Coaſt: *Be it therefore Enacted*, That the Commander of the ſaid Fort for the Time being, ſhall, and he is hereby required to anſwer ſuch Veſſels, by firing one or more Guns, not exceeding Three; and the Commander of the ſaid Fort ſhall forthwith give Notice to the Pilot or Pilots, of ſuch Veſſel being on the Coaſt; and if ſuch Pilot ſhall not forthwith go out to ſuch Veſſel (Wind and Weather permitting) ſuch Pilot ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money, for every Neglect; to be recovered before any Juriſdiction, having Cognizance thereof, by the Commander of the Fort; one Half to the Informer, the other Half to the Commiſſioners of the ſaid Fort; to be applied to the Uſe of the ſaid Fort.

Succeſſion of Commiſſioners.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe of the Death, Refuſal to Act, or Removal out of the County, or other Diſability of any of the ſaid Commiſſioners, it ſhall and may be lawful for the remaining Commiſſioners, or the Majority of them, and they are hereby directed to elect another in the Room of ſuch Commiſſioner, having due Regard to his Place of Reſidence, ſo as one Half of the Commiſſioners be on the Eaſt Side of the River, and the

A. D. 1764. other Half on the Weſt Side; which Commiſſioner ſo elected ſhall be, and is hereby inveſted with all the Power and Authority of any Commiſſioner herein before named.

Repealing Clauſe. XXII. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of an Act, intituled, *An Act for regulating the Pilotage of* Cape-Fear *River, and to impower the Captain of Fort* Johnſton, *at the Mouth of the ſaid River, to examine all Veſſels entering the ſaid River concerning the Health of their Crews on Board the ſaid Veſſels*, as is within the Purview of this Act, is hereby repealed and made void.

CHAP. VII.

An Act for regulating Proceedings in the Court held for the Borough of Wilmington. EXP.

CHAP. VIII.

An Act to amend an Act therein-mentioned, concerning Servants and Slaves.

Preamble. I. WHEREAS by the Fourth, Fifth, and Sixth Sections of an Act of Aſſembly of this Province, paſſed in the Year of our Lord One Thouſand Seven Hundred and Fifty Eight, intituled, *An additional Act to an Act, intituled*, An Act concerning Servants and Slaves, it is Enacted, That no male Slave ſhall, for the firſt Offence, be condemned to Death, unleſs for Murder or Rape, but for every other capital Crime ſhall, for the firſt Offence ſuffer Caſtration, and that the Court trying ſuch Slave ſhall value the ſame:

Sections of an Act repealed. II. *BE it Enacted by the Governor, Council, and Aſſembly, and it is hereby Enacted, by the Authority of the ſame*, That the ſaid Fourth, Fifth, and Sixth Sections of the aforeſaid Act, be, and are hereby repealed and made void.

Allowance to the Owner of Slaves executed. III. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall not be allowed by the Public to the Owner of any Slave who ſhall hereafter be executed in Virtue of the Judgment of the Court who ſhall try ſuch Slave, any larger Sum than Eighty Pounds, Proclamation Money; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

CHAP. IX.

Repeal'd, and provided for by Act, Dec. 1770, Chap. 19. *An Act to prevent hunting for, and killing Deer, in the Manner therein-mentioned.*

CHAP. X.

An Act for enlarging the Time for ſaving Lots in the Town of Halifax, *and other Purpoſes.*

Private. I. WHEREAS from many unavoidable Hinderances, it hath been impracticable for the Proprietors of Lots in the Town of *Halifax* to complete the Buildings on the ſaid Lots agreeable to Law:

Further Time allowed for ſaving Lots. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Lot in the ſaid Town on which a Houſe ſhall be erected and built, of the Dimenſions mentioned in one Act of Aſſembly, intituled, *An Act for eſtabliſhing a Town on the Land of* James Leſlie, *on* Roanoke *River*; or one other Act, intituled, *An Act for enlarging the Time for ſaving Lots in the Town of* Halifax, *preventing the building of wooden Chimnies therein, and other Purpoſes*; within the Space of Three Years next after the paſſing of this Act; and alſo every Lot therein

therein which ſhall hereafter be ſold or conveyed, on which ſuch Houſe ſhall be erected within the Space of Three Years after the Date of the Conveyance executed for the ſame, ſhall, and is hereby declared to be veſted in the Grantee thereof, and his Heirs and Aſſigns, in Fee-Simple; any Thing contained to the contrary in the ſaid recited Acts, notwithſtanding. *A. D.* 1764.

III. *AND be it further Enacted, by the Authority aforeſaid*, That when any Lot in the ſaid Town ſhall hereafter lapſe, by Reaſon of its not being built on, the Directors and Truſtees of the ſaid Town, or the Majority of them, ſhall and may, and are hereby directed and required, to ſell ſuch Lot at Public Vendue, for the beſt Price that can be got, and to give the Purchaſers a Deed of Bargain and Sale for the Lot by him ſo purchaſed. Lapſed Lots to be ſold.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Directors and Truſtees of the ſaid Town ſhall and may, and are hereby directed and required, to make Sale of all other Lots in the ſaid Town not already diſpoſed of, for the beſt Price that can be got; and to give the Purchaſer of every ſuch Lot a Deed of Bargain and Sale for the ſame. All other Lots to be ſold.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Fee-Simple Eſtate of every Lot in the ſaid Town, heretofore ſold and conveyed in Purſuance of either of the afore-recited Acts, or that ſhall hereafter be ſold and conveyed by Virtue of this preſent Act of Aſſembly, that hath been, or ſhall be built on within the Time or Times limited by the ſaid Acts, or this preſent Act, ſhall be, and is hereby veſted in the Purchaſer of ſuch Lot, his Heirs and Aſſigns, againſt every Perſon claiming, or to claim, any Right or Intereſt therein. Saved Lots veſted in the Purchaſers.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all Monies which the ſaid Directors and Truſtees ſhall, from Time to Time, receive, for any Lot or Lots by them to be ſold or diſpoſed of, ſhall by them be applied to the common Uſe and Benefit of the ſaid Town. Purchaſe Money for Lots appropriated.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall not be lawful for any Perſon whatſoever to erect any wooden Chimney in the ſaid Town; and every Perſon who hath already built any ſuch Chimney therein, ſhall pull down the ſame within the Space of Six Months after the paſſing of this Act: And if any Perſon ſhall preſume to act contrary hereto, in erecting any wooden Chimney in the ſaid Town, or in failing to pull down any ſuch already erected, it ſhall and may be lawful for the ſaid Directors and Truſtees, or the Majority of them, by their Order, to direct the Sheriff of the County of *Halifax* to pull down and deſtroy every ſuch Chimney; which Order the ſaid Sheriff is hereby directed and required to obey, and ſhall be paid for every ſuch Service the Sum of Twenty Shillings, Proclamation Money, by the Party offending: And in Caſe he ſhall fail or neglect to pay the ſame, it ſhall be levied on his Goods and Chattles, by a Warrant of Diſtreſs from the Directors and Truſtees of the ſaid Town, or the Majority of them. Wooden Chimnies not to be erected.

VIII. AND whereas ſome of the Directors and Truſtees of the ſaid Town are dead, and others of them removed out of the Country; *Be it therefore Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the Honourable *Alexander M'Culloch*, Eſq; *Robert Jones*, Jun. *Blake Baker*, *Joſeph Montfort*, *John Eelbank*, *James Young*, and *John Thompſon*, Gentlemen, ſhall be, and they are hereby appointed Directors and Truſtees of the ſaid Town, in the Place and Stead of thoſe appointed by, or elected in Virtue of the afore-recited Acts; and ſhall and may uſe and exerciſe the ſame Powers and Authorities as the Directors or Truſtees of the ſaid Town, appointed by the firſt recited Act, could or might have exerciſed and enjoyed by Virtue of the ſame: And in Caſe of the Death, Refuſal to act, or Removal out of the Country, of any of the ſaid Directors, the ſurviving or other Directors Directors appointed.

A. D. 1764. Directors ſhall, and they are hereby required and impowered, to chooſe another Director, or other Directors, in the Room of ſuch ſo dying, refuſing to act, or removing out of the Country; and ſuch Director or Directors ſhall have the ſame Power and Authority, as if expreſsly named and appointed in and by this Act.

CHAP. XI.

An Act to encourage and impower William Dry *to make a Public Road through the great Iſland oppoſite to the Borough of* Wilmington.

Private. I. WHEREAS a Road through the great Iſland oppoſite to the Borough of *Wilmington* will be very beneficial to Travellers going to and from *South Carolina*, and to others going to the Town of *Brunſwick*, and up the *Northweſt* River of *Cape Fear*, and the ſaid *William Dry* being deſirous to make and finiſh the ſame:

Road to be laid out. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid *William Dry* ſhall, within Six Months after the paſſing of this Act, ſtake and lay off, or cauſe to be ſtaked and laid off, a Road through the ſaid Iſland, beginning at his Land on the ſaid Iſland oppoſite to *Market* Street in the ſaid Borough, and running Weſterly the neareſt and moſt convenient Way acroſs to the *Northweſt* River.

And made within 3 Years. III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *William Dry*, his Heirs, Executors, or Adminiſtrators, ſhall, within Three Years from the paſſing of this Act, make and finiſh a good ſufficient Road through the ſaid Iſland, Sixteen Feet wide, and One Foot above high Water Mark at Spring Tides, the Ditches to be clear from End to End, and the Inſide of the Ditches not to be leſs than Six Feet diſtant from the Outſide of the Cauſeway, and convenient for Carriages to paſs and repaſs; and to make Bridges, good and ſubſtantial, and agreeable to Law, over all the Creeks that the ſaid Road ſhall croſs, under the Penalty of Two Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record, having Cognizance thereof, the one Half to the Perſon ſuing for the ſame, and the other Half to be applied towards leſſening the County Tax.

Ferries inveſted in Wm. Dry, Eſq; IV. AND to encourage the ſaid *William Dry* to make and finiſh the ſaid Road; *Be it further Enacted, by the Authority aforeſaid*, That in Conſideration of the ſaid *William Dry*'s making and finiſhing the Road as aforeſaid, the Ferries to be kept on both Sides of the *North-Weſt* River which the ſaid Road leads to, as alſo the Ferry to be kept on both Sides the *Northeaſt* River oppoſite to *Market-ſtreet* in the Borough of *Wilmington*, and all Perquiſites and Profits ariſing therefrom, are hereby veſted in the ſaid *William Dry*, his Heirs and Aſſigns, for ever; and the ſaid *William Dry*, his Heirs and Aſſigns, ſhall and may hereafter receive for tranſporting Paſſengers, their Horſes and Effects, over each of the ſaid Ferries, the following Rates, *to wit*,

Rates of Ferriage. For every Foot Paſſenger, Four Pence; for every ſingle Man and Horſe, Eight Pence; and when more than one Man and Horſe, for each Man and Horſe, Four Pence; for every Two Wheel Carriage and its Paſſengers, drawn by one or two Horſes, One Shilling and Four Pence; for every four Wheel Carriage and its Paſſengers, drawn by two or four Horſes, Two Shillings and Eight Pence; for every Horſe in the two Wheel Carriage more than two, and in the four Wheel Carriage more than four, Four Pence each.

Slaves exempt from working on Roads. V. AND as a further Encouragement to the ſaid *William Dry*, to cut, make, finiſh, and keep the ſaid Road and Bridges in conſtant Repair; *Be it Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid *William Dry*, his Heirs and Aſſigns, to be exempt from Working Twenty Negroe Men on any other Public Roads in this Province, for and during the Space or Term of Five Years, from and after the paſſing of this Act, and no longer.

VI. *AND*

VI. *AND be it further Enacted, by the Authority aforesaid*, That as soon as the said Road is well and compleatly finished, and Bridges built as aforesaid, the said *William Dry*, his Heirs or Assigns, shall, from Time to Time, for ever thereafter, at his or their own Expence, keep the said Road and Bridges in sufficient and constant Repair; and in Case the said *William Dry*, his Heirs, Executors, Administrators, or Assigns, shall fail or neglect so to do, he or they shall be liable to the same Pains and Penalties for such Failure or Neglect, as the Overseers of any Public Road are liable to by Virtue of any Act or Acts of Assembly of this Province. *A. D.* 1764. Road to be kept in Repair.

VII. *AND be it further Enacted*, That if any Person or Persons shall, for Fee or Reward, contrary to the Intent and Meaning of this Act, transport or carry any Person or Persons, their Horses, Carriages, or Effects, over either of the Branches of *Cape-Fear* River, in Order to his or their passing through or over the said Island, such Person or Persons so offending shall, for every Offence, forfeit and pay the Sum of Twenty Shillings; to be recovered by a Warrant from any Justice of the Peace; one Half to be paid to the Informer, and the other Half to the said *William Dry*, his Heirs or Assigns. Pen. for keeping Ferry over to the Island.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful for the said *William Dry* to make Use of any Timber on either Side of the said Road that may be necessary for making and finishing the same. Timber may be used.

IX. *AND be it further Enacted, by the Authority aforesaid*, That the said *William Dry*, his Heirs, Executors, Administrators, or Assigns, shall, as soon as the said Road is finished, provide good and sufficient Boats, and other proper Craft, for the transporting of all Travellers and their Effects, and for ever hereafter shall keep the same in sufficient and constant Repair, and well and properly attended, under the Penalty of Twenty Pounds, Proclamation Money, for every Neglect; one Half to the Person sueing for the same, and the other Half to be applied for and towards lessening the County Tax; to be recovered in any Court of Record within the Counties of *Brunswick* or *New-Hanover*, wherein the same is cognizable. Good Boats to be provided.

CHAP. XII.

An Act to confirm the Vestry already chosen for the Parish of St. John, *in the County of* Bute; *and to enable the Freeholders of the Parishes within the Counties of* Pasquotank, Anson, *and* Currituck, *to elect Vestries.*

I. WHEREAS it hath been represented that the Manner of carrying on and conducting the Election of the Vestry in the Parish of St. *John* aforesaid, was irregular, and not agreeable strictly to the Words of the Act of Assembly appointing Vestries; by which Means its Existence as a Vestry has been called in Question, so that much Disquiet and many Law-Suits may arise, unless timely prevented: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same, and it is hereby Declared*, That the Vestry already chosen, elected, and sworn, for the said Parish of St. *John*, in the County of *Bute*, be deemed, taken, and esteemed, a true and lawful Vestry, and vested with all Powers of other Vestries duly chosen under an Act, intituled, *An Act concerning Vestries.* Vestry declared lawful.

III. AND whereas the Law concerning Vestries, did not come in Time to the Hands of the Sheriffs of *Pasquotank*, *Anson*, and *Currituck*, to enable them to summons the Freeholders to elect Vestries in each of the Parishes within the said Counties; by which Means Parochial Business remains wholly suspended therein; *Be it therefore further Enacted, by the Authority aforesaid*, That the Sheriffs of *Pasquotank*, *Anson*, and *Currituck*, on *Easter Monday* next, shall proceed, after having given the Freeholders of their several Counties Thirty Days Notice, to elect and choose Twelve Counties to elect Vestries.

A. D. 1764. Twelve Veſtrymen, according to the Rules, Limitations, and Reſtrictions, of an Act, intituled, *An Act concerning Veſtries*; and when the Veſtries ſhall be accordingly choſen and ſworn, they ſhall be deemed, taken, and eſteemed lawful Veſtries, until a Re-election, according to the Directions of the aforeſaid Act.

CHAP. XIII.

An Act to prevent the unreaſonable Deſtruction of Fiſh in the Rivers Meherrin, Peedee, *and* Catawba.

Private. I. WHEREAS many avaricious Perſons, by fiſhing with ſeveral Seins at the ſame Fiſhing-Place, and by keeping Nets extended acroſs the Rivers *Meherrin*, *Peedee*, and *Catawba*, prevent the Fiſh from paſſing up the ſaid Rivers, ſo that the Inhabitants living on the upper Parts of ſaid Rivers are deprived from the Benefit of catching Fiſh therein:

Deſtruction of Fiſh prevented. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That it ſhall not be lawful for any Perſon or Perſons whatſoever, from and after the paſſing of this Act, to draw or fiſh with more than one Sein at any one Fiſhing-Place, or within One Eighth of a Mile of each other, on the ſaid Rivers, at a Time, during the Seaſon for fiſhing, or to keep a Net or Sein extended and fixed acroſs either of them, or to make any Hedges, Stops, or Dams on the ſame, to hinder or prevent the Fiſh from paſſing up the ſaid Rivers; and if any Perſon or Perſons ſhall offend herein, he or they ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by the Informer, in any Court of Record, with Coſts, by Action of Debt.

CHAP. XIV.

An Act for altering the Boundary Line between the Counties of Northampton *and* Hertford.

Private. I. WHEREAS by the Act of Aſſembly for eſtabliſhing the County of *Hertford*, it hath by Experience been found not ſo convenient for ſome of the lower Inhabitants of *Northampton* County as was by the ſaid Act intended: For Remedy whereof,

Dividing Line. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Firſt Day of *March* next, the dividing Line between the ſaid County of *Hertford* and *Northampton* ſhall be altered as followeth, *to wit*, Beginning on *Kirby*'s Creek, where the dividing Line joins the ſaid Creek, running thence up the Creek to the Fork thereof; then up *Turky* Creek to *Maple* Fork; thence by a direct South Courſe till it interſects the preſent dividing Line.

Commiſſioners for running it. III. *AND be it further Enacted, by the Authority aforeſaid*, That *Joſeph Sikes*, *William Murphrey*, and *Benjamin Wynns*, or the Majority of them, are hereby appointed Commiſſioners to run the ſaid Line; which ſhall be done at the proper Coſt and Charges of the County of *Hertford*.

Sheriff to diſtrain as before the Diviſion. IV. *PROVIDED nevertheleſs*, That nothing herein contained ſhall extend to debar or hinder the Sheriff of *Northampton* County from collecting all the Public, County, and Pariſh Taxes, due within that Part of the ſaid *Northampton* County, which is hereby intended to be Part of *Hertford* County, after the ſaid Firſt Day of *March* next; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

CHAP. XV.

This Act had its Effect. *An Act to continue an Act therein-mentioned.*

CHAP.

CHAP. XVI.

A. D. 1764.

An Act for the Relief of Abraham Jones, *Esq; former Sheriff of* Edgcomb *County.*

This Act had its Effect.

CHAP. XVII.

An Act to increase the Salary of the Reverend Thomas Burges, *Minister of* Edgcomb *Parish, in the County of* Halifax.

Private.

I. WHEREAS by the Act of Assembly, for confirming an Agreement made by the Churchwardens and Vestry of *Edgcomb* Parish, in *Halifax* County, with the Reverend *Thomas Burges*, the Vestry of the said Parish are restrained from levying and paying a larger Sum of Money than One Hundred Pounds *per Annum*, to the said *Thomas Burges*, which is much less than the Salary allowed by Law to other Ministers within this Province:

Salary increased.

II. *BE it Enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act the said Vestry of *Edgcomb* Parish shall levy and pay to the said *Thomas Burges* as much Money *per Annum* as other Ministers within this Province shall continue to have, by Virtue of an Act of Assembly, for making Provision for an Orthodox Clergy; any Law, Usage, or Custom, to the contrary, notwithstanding.

SIGNED by

ARTHUR DOBBS, Esq; Governor.
James Murray, President.
John Ashe, Speaker.

Read Three Times, and ratified in open Assembly, the 27th Day of Nov. 1764.

A. D. 1765.

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

QUINTO.

WILLIAM TRYON, Esq; Lieutenant-Governor.

At an ASSEMBLY, begun and held at *Wilmington*, the Third Day of *February*, in the Fourth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thouſand Seven Hundred and Sixty Four; and from thence continued, by ſeveral Prorogations, to the Third Day of *May*, in the Fifth Year of the Reign of our ſaid Sovereign Lord *GEORGE* the Third, *&c.* and in the Year of our Lord One Thouſand Seven Hundred and Sixty-five; to be then held at *Newbern*; being the Third Seſſion of this preſent Aſſembly.

CHAP. I.

An Act for Eſtabliſhing an Orthodox Clergy. (a)

Preamble.

I. WHEREAS making a reaſonable and certain Proviſion for an Orthodox Clergy, may tend to encourage pious and learned Miniſters of the Goſpel to ſettle in the ſeveral Pariſhes in this Province:

Miniſter's Salary.

II. *BE it Enacted by the Lieutenant Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Miniſter now, or hereafter to be preferred to, or received into any Pariſh within this Province, as Incumbent thereof, ſhall have and receive a Salary of One Hundred and Thirty-three Pounds Six Shillings and Eight Pence, Proclamation Money; to be paid by the Churchwardens and Veſtrymen on or before the laſt Day of *June*, Annually: And every Miniſter may take and receive, for the Services herein after mentioned, the following Fees, *to wit.*

FOR

(a) See Act Nov. 1768, Chap. 1, for amending and explaining this Act.

FOR Marrying, if by Licence, Twenty Shillings; if by Banns, Five Shillings. *A. D.* 1765.

FOR publiſhing Banns, and granting a Certificate thereof, One Shilling and Six Pence. His Fees.

FOR preaching a Funeral Sermon, if required, Forty Shillings, Proclamation Money.

And may demand and receive the ſaid Perquiſites, if he ſhall not refuſe or neglect to do the ſaid Services, although ſuch Services ſhall be performed by any other Perſon.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in every Pariſh of this Province, where a Glebe is not already purchaſed and appropriated, a Tract of good Land, to contain Two Hundred Acres at leaſt, ſhall be purchaſed by the Veſtry, as a Glebe for the Uſe of the Incumbent of ſuch Pariſh for the Time being, and his Succeſſors for ever; and until ſuch Glebe ſhall be purchaſed, and Buildings erected thereon, in Manner herein after mentioned, the Miniſter of ſuch Pariſh ſhall have and receive the Sum of Twenty Pounds, Proclamation Money, Annually. And where a Manſion-Houſe and convenient Out-Houſes are not already erected, for the Uſe of the Miniſter, *It is hereby Enacted*, That the Veſtry of every ſuch Pariſh are hereby authorized, impowered, and required, to cauſe to be erected and built on ſuch Glebe, one convenient Manſion-Houſe, of Thirty-eight Feet in Length, and Eighteen Feet in Width, a Kitchen, Barn, Stable, Dairy, and Meat-Houſe, with ſuch other Conveniences as they ſhall think neceſſary.

Glebe to be purchaſed.

Manſion-Houſe to be built.

IV. AND to the End that the Buildings already erected, or hereafter to be erected upon every Glebe, may be kept in good Condition; *It is hereby further Enacted*, That the Miniſter of every Pariſh within this Province, ſhall, during the Time of his being Incumbent of the Pariſh, keep and maintain the Manſion-Houſe, the Out-Houſes, and other Conveniences erected, or to be erected on his Glebe, in tenantable Repair, and ſhall ſo leave the ſame at his Removal from his Pariſh, or Death (Accidents by Fire or Tempeſt only excepted:) And in Caſe any Miniſter ſhall fail ſo to do, ſuch Miniſter, his Executors or Adminiſtrators, ſhall be liable to the Action of the Churchwardens of the Pariſh for the Time being, wherein the Value of ſuch Repair ſhall be recovered, and Damages, with Coſts of Suit; and the Damages ſo recovered, ſhall be applied and laid out in neceſſary Repairs upon the Glebe; and every Veſtry of a vacant Pariſh, is hereby impowered and required to put all the Buildings upon the Glebe of their Pariſh, into ſuch good and ſufficient Repair that they may be fit for the Reception of the ſucceeding Miniſter.

Buildings on Glebes to be kept in Repair.

V. *PROVIDED neverthelefs*, that any Veſtry who ſhall judge that the Miniſter has not wilfully committed any Waſte on his Glebe, ſhall make ſuch neceſſary Repairs, at the Charge of the Pariſh, as they ſhall think proper.

Veſtry may make neceſſary Repairs.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Clergyman, preſented to any Parochial Living within this Province, ſhall be guilty of any groſs Crime or notorious Immorality, it ſhall be lawful for the Governor, or Commander in Chief for the Time being, by and with the Advice of his Majeſty's Council, to ſuſpend the ſaid Clergyman from ſerving the Cure of ſuch Pariſh whereof he was Incumbent; and ſuch Suſpenſion ſhall be deemed good and valid, until ſuch Time as the Biſhop of *London* ſhall either reſtore, or paſs Sentence of Deprivation on him, by notifying the ſame to the Governor, or Commander in Chief for the Time being.

Miniſter guilty of Immorality, may be ſuſpended by the Governor.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That every Pariſh, the Miniſter whereof ſhall be ſuſpended as aforeſaid, ſhall be entirely diſcharged from the Payment of the Salary and Proviſions by this Act allowed and made for the Miniſter thereof, for all ſuch Time as the ſaid Suſpenſion ſhall remain in Force.

Miniſter ſuſpended, Pariſh diſcharged from Payment of the Salary.

A. D. 1765. Repealing Clauſe.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts heretofore paſſed, relative to the making Proviſion for an Orthodox Clergy, and all and every Clauſe and Article contained in any ſuch Act or Acts (except one Act of Aſſembly, intituled, *An Act to confirm an Agreement made by the preſent Churchwardens and Veſtry of* Chriſt-Church *Pariſh, in* Craven *County, with the Reverend* James Reed; and alſo one other Act, intituled, *An Act to confirm an Agreement made by the Churchwardens and Veſtry of* Edgcomb *Pariſh, in* Halifax *County, with the Reverend* Thomas Burges) from henceforth ſhall be repealed and made void.

Sheriff to give Bond to collect the Pariſh Tax, and ſave harmleſs the Veſtry.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That every Sheriff, and other Pariſh Collector, ſhall, on his Appointment to the ſaid Office, enter into Bond, with ſufficient Securities, to the Churchwardens and Veſtrymen of the Pariſh whereof he ſhall be ſo appointed Collector, with Condition, that he will well and truly collect and pay to the ſaid Churchwardens and Veſtrymen the Taxes by them aſſeſſed, for the Uſe of the Pariſh; and alſo ſave harmleſs, and keep indemnified, the ſaid Churchwardens and Veſtry, from all Suits, Coſts, and Damages, which they ſhall ſuſtain, if the ſaid Collector ſhall fail to make ſuch Collection and Payment.

Judgment may be entered againſt him, on failing to account for the Taxes.

X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Pariſh Collector ſhall fail or neglect to collect and pay to the Churchwardens and Veſtry of the Pariſh whereof he is Collector, on or before the Thirtieth Day of *June* aforeſaid, all ſuch Pariſh Taxes as he ſhall or ought to have collected, after deducting the Commiſſions by Law allowed him, and the Sums chargeable to Perſons who have no viſible Eſtate in his Pariſh, it ſhall and may be lawful for the Superior Court of the Diſtrict, on Motion of the Churchwardens and Veſtrymen, to give Judgment againſt ſuch Collector, and his Securities, for all the Money wherewith he is or ſhall ſtand chargeable as aforeſaid, with Coſts, and to award Execution. *Provided*, That ſuch Collector have Ten Days previous Notice of ſuch Motion.

Miniſter's Salary to be paid by the firſt of Auguſt, yearly.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Churchwardens and Veſtry of each Pariſh ſhall pay and ſatisfy to the Miniſter thereof the Salary by this Act allowed him, on or before the Firſt Day of *Auguſt* in every Year; and in Caſe of Neglect or Refuſal, the Miniſter ſhall and may, by Motion in the Superior Court, have the like Remedy, Proceedings, and Relief, againſt ſuch Churchwardens and Veſtry ſo neglecting or refuſing, as is or may, by Virtue of this Act, be had againſt any Pariſh Collector, for Taxes by him to be collected and paid to the Churchwardens and Veſtry.

Miniſt to preach where the Veſtry appoint.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Miniſter of every Pariſh ſhall preach at the Churches and Chapels which now are, or hereafter ſhall be erected, in the Pariſh whereof he is Miniſter, and at ſuch other ſuitable Places as the Veſtry for the Time being ſhall direct.

CHAP. II.

An Act for opening and cutting two Roads from the Ferry on the Northweſt *River, oppoſite* Eagle's *Iſland, in* Brunſwick *County, and other Purpoſes.*

Preamble.

I. WHEREAS by an Act of Aſſembly lately paſſed at *Wilmington*, *William Dry*, Eſquire, is impowered to make a public Road through the great Iſland oppoſite the Borough of *Wilmington*, which ſaid Road is nigh opened; and as it is neceſſary that two Roads ſhould be laid off and made from the Ferry on the *Northweſt* River, leading from the ſaid new Road, one towards *Brunſwick*, the other upwards into the main Road:

II. *BE*

A. D. 1765.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Inferior Court of *Brunſwick* County ſhall, within Three Months after the paſſing this Act, nominate and appoint Twelve Men to lay out the ſaid Roads; and the Perſons ſo appointed, or the Majority of them, ſhall, within Two Months after their Appointment, lay out the ſaid Roads, from that Part of the *Northweſt* River oppoſite the Road through *Eagle*'s Iſland; one Road leading towards *Brunſwick*, the other towards *Bladen* County, each to interſect the main Road the beſt and neareſt Way: And if any Perſon appointed to lay out the ſaid Roads ſhall refuſe or neglect to perform the ſame, he ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered by any Perſon who ſhall ſue for the ſame, by Action of Debt, brought in the Name of the Chairman of the Inferior Court of *Brunſwick* County; which Money, when recovered, ſhall be paid to the Chairman of ſaid Court, and by him be applied towards making the ſaid Roads.

Roads to be laid out.

Pen. for Neglect.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Inferior Court ſhall, within Six Months after the paſſing of this Act, appoint an Overſeer or Overſeers, as they ſhall think requiſite: And in Caſe the Perſons liable to work on the ſaid Roads in the Diſtrict where the ſame is to be made ſhould not be ſufficient to make and finiſh the ſame, the ſaid Court is hereby impowered and directed to order any Number of Hands they ſhall think neceſſary, out of any other Diſtrict or Diſtricts within their County, to aſſiſt in making and finiſhing the ſame, under the Penalty of One Hundred Pounds, Proclamation Money; to be recovered by, and paid to any Perſon ſuing for the ſame; one Half to his own Uſe, and the other Half to be by him applied for and towards making the ſaid Roads; and the Overſeer or Overſeers appointed by the ſaid Court ſhall, and are hereby veſted with the ſame Powers and Authorities, and liable to the ſame Penalty, as any Overſeers of Roads are veſted with, or liable to: And the Overſeer or Overſeers ſo appointed, ſhall, within Eighteen Months after their Appointment, make and finiſh, or cauſe to be made and finiſhed, the ſaid Roads, with all Bridges that may be neceſſary, under the Penalty of Fifty Pounds, Proclamation Money, each, to be recovered by any Perſon ſuing for the ſame; one Half to his own Uſe, and the other Half to be paid to the Chairman of the Inferior Court of *Brunſwick* County, to be by him applied for and towards compleating the ſaid Roads.

Overſeer to be appointed.

Perſons in the Diſtrict unable to make ſaid Roads, Hands of any other Diſtrict may be ordered to aſſiſt.

Overſeer to finiſh the Roads within 18 Months.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That no Perſon whatever reſiding, or to reſide on the ſaid Iſland, ſhall be licenced to keep any Tavern, Ordinary, or Tippling-Houſe thereon, within one Mile of the ſaid Road, other than at the Ferry Houſes.

No Tavern to be kept on the Iſland within one Mile of the Ferries.

V. AND to enable the ſaid *William Dry* to make a good and ſufficient Cauſeway through the ſaid Iſland, oppoſite to *Wilmington*; *Be it Enacted, by the Authority aforeſaid,* That the ſaid *William Dry*, his Servants or Slaves, ſhall and may, at all Times hereafter, make Uſe of any Earth, Dirt, or Sand, neceſſary in making and repairing the Cauſeway aforeſaid, from off any Perſon's Land adjacent thereto, without any Let, Hinderance, or Moleſtation whatever.

Dirt may be taken off adjacent Lands to make the Cauſeway.

CHAP. III.

An Act confirming the Title of William Dry, *Eſq; to certain Lands therein mentioned.*

Repealed by Proclamation.

CHAP. IV.

An Act to impower the Sheriff of Orange *County to collect a Tax of One Shilling and Sixpence, Proclamation Money, laid on the taxable Perſons in the ſaid County, by an Act of Aſſembly of this Province, paſſed in the Fourth Year of the Reign of his preſent Majeſty.*

Had its Effect.

ANNO

A. D. 1766.

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

SEPTIMO.

WILLIAM TRYON, Esq; Governor.

At an ASSEMBLY, begun and held at *Newbern* the Third Day of *November*, in the Seventh Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſix: Being the Firſt Seſſion of this preſent Aſſembly.

CHAP. I.

An Act for appointing a Public Treaſurer in the Room of John Starkey, *Eſq; deceaſed.*

REP.

CHAP. II.

An Act for erecting a convenient Building within the Town of Newbern, *for the Reſidence of the Governor or Commander in Chief for the Time being.*

Preamble.

I. WHEREAS it is neceſſary that a convenient Edifice, for the Reſidence of the Governor or Commander in Chief for the Time being within this Province, be erected;

Governor impowered to purchaſe Lots, and build an Edifice, for him and his Succeſſors.

II. *Be it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That his Excellency *William Tryon*, Eſq; Governor and Commander in Chief in and over this his Majeſty's Province of *North-Carolina*, be, and is hereby authorized and impowered to purchaſe any Number of Lots of Land, not exceeding Twelve, lying within the Limits and Boundaries of the Town of *Newbern*, in any Part of the ſaid Town he ſhall think moſt proper and convenient; and to take and receive one or more Deed or Deeds, ſufficient in Law for the conveying the

the ſame to himſelf and his Succeſſors, Governors and Commanders in Chief of this Province; and upon ſuch Conveyance and Conveyances, his Excellency the Governor is hereby requeſted and impowered, as ſoon as may be, to contract and agree with proper Perſons for deſigning, erecting, and completely finiſhing a good Dwelling-Houſe, with all neceſſary Offices, for the Uſe of himſelf, and his Succeſſors, Governors and Commanders in Chief, in and over this Province; and that the planning, deſigning, building, and finiſhing the ſaid Edifice and Offices, ſhall be under the ſole Direction and Management of his Excellency the Governor, or ſuch Perſon or Perſons as he ſhall appoint, till the ſame is completely built and finiſhed: And the ſaid Lots of Land, with the Houſes, Buildings, and other Edifices thereon to be erected, ſhall, and is hereby directed to be for the Uſe of his Excellency the Governor, and his Succeſſors, Governors and Commanders in Chief in and over this Province, for ever. *A. D.* 1766.

III. *AND be it further Enacted, by the Authority aforeſaid*, That his Excellency the Governor, as often as he ſhall have Occaſion of Money for the Purpoſes aforeſaid, may, and is hereby authorized to iſſue his Warrant to one or both of the Treaſurers of this Province, requiring him or them to pay ſo much Money as he ſhall have Occaſion for, not exceeding the Sum of Five Thouſand Pounds, Proclamation Money; which the ſaid Treaſurers are hereby required to pay to his Excellency the Governor, upon his Warrant, out of the Money appropriated by Act of Aſſembly for erecting of Public Schools, and purchaſing Glebes. Impowered to draw on the Treaſurers for Money, out of the School Fund.

IV. AND for replacing the ſaid Sum of Five Thouſand Pounds into the Hands of the Treaſurers of this Province by the Time appointed for the ſinking of the ſame; *Be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That an Annual Poll-Tax of Eight Pence, Proclamation Money, be levied on each taxable Perſon in this Province, for and during the Term of Two Years, from and after the Firſt Day of *January* next; to be collected by the Sheriff of each reſpective County, on or before the Firſt Day of *March* in each Year: And that all and every Perſon neglecting to pay the ſaid Tax at the ſaid Firſt Day of *March*, ſhall be liable to ſuch Diſtreſs, to be made by the Sheriff, as for Non-Payment of other Taxes; and the Sheriff of each reſpective County ſhall, on or before the Tenth Day of *June*, Yearly, pay into the Hands of the Public Treaſurer of the Diſtrict, all ſuch Sums of Money as each and every one of them ſhall have received in Virtue of this Act, under the ſame Regulations and Directions, and like Fines and Penalties, as are directed and inflicted in other Acts for collecting of Public Taxes. Tax laid for replacing the ſame. How collected, and paid.

V. *AND be it further Enacted, by the Authority aforeſaid*, That an additional Duty of Two Pence, Proclamation Money, be paid for every Gallon of Wine, Rum, and diſtilled Liquors, imported into this Province, either by Land or Water, from any Port or Place whatſoever (*Great-Britain* excepted) after the Firſt Day of *January* next, for and during the Term of Two Years next enſuing; which ſaid additional Duty ſhall be collected by the ſame Officers, and accounted for in the ſame Manner, and under the ſame Regulations, as other Duties on Wine, Rum, and diſtilled Liquors imported into this Province, are directed and paid into the Hands of the Treaſurers, towards raiſing the ſaid Sum of Five Thouſand Pounds, for the Uſes and Purpoſes as in this Act directed. Additional Duty of 2d. laid on Liquors for the ſame Purpoſe. This Clauſe Exp.

CHAP. III.

An Act appointing the Method of diſtributing Inteſtates Eſtates.

I. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all and every Perſon or Perſons to whom Adminiſtration on the Eſtate of any Perſon deceaſed ſhall hereafter be granted, ſhall diſtribute the Surplus of ſuch Eſtate in Manner following; that is to ſay, One Third Part of the ſaid Surplus to the Wife of the Inteſtate, and all the reſt by equal Portions, to and amongſt Inteſtates Eſtates how diſtributed.

A. D. 1766. amongſt the Children of ſuch Perſon dying Inteſtate, and ſuch Perſons as legally repreſent ſuch Children, in Caſe any of the ſaid Children be then dead, other than ſuch Child or Children (not being Heir at Law) who ſhall have any Eſtate by the Settlement of the Inteſtate, or ſhall be advanced by the Inteſtate in his Lifetime, by Portion or Portions, equal to the Share which ſhall by ſuch Diſtribution be allotted to the other Children to whom ſuch Diſtribution is to be made: And in Caſe any Child, other than the Heir at Law, who ſhall have any Eſtate by Settlement from the ſaid Inteſtate, or ſhall be advanced by the ſaid Inteſtate in his Lifetime, by Portions not equal to the Share which ſhall be due to the other Children by ſuch Diſtributions as aforeſaid, then ſo much of the Surplus of the Eſtate of ſuch Inteſtate to be diſtributed to ſuch Child or Children as ſhall have any Land by Settlement from the Inteſtate, or were advanced in the Lifetime of the Inteſtate, as ſhall make the Eſtate of all the ſaid Children to be equal, as near as can be eſtimated; but the Heir at Law, notwithſtanding any Land that he ſhall have by Deſcent, or otherwiſe, from the Inteſtate, is to have an equal Part in the Diſtribution with the reſt of the Children, without any Conſideration of the Value of the Land which he hath by Deſcent, or otherwiſe, from the Inteſtate: And in Caſe there ſhould be no Children, nor any legal Repreſentatives of them, then one Moiety of the ſaid Eſtate to be allotted to the Wife of the Inteſtate; the Reſidue of the ſaid Eſtate to be diſtributed equally to every of the next of Kin of the Inteſtate who are in equal Degree, and to thoſe who legally repreſent them: *Provided*, That there be no Repreſentatives admitted amongſt Collaterals after Brothers and Siſters Children. And in Caſe there be no Wife, then all the ſaid Eſtate to be diſtributed equally to and amongſt the Children; and in Caſe there be no Child, then to the next of Kindred, in equal Degree, of, or unto the Inteſtate, and their legal Repreſentatives as aforeſaid, and in no other Manner whatſoever. And if after the Death of the Father, any of his Children ſhall die Inteſtate, without Wife or Children, in the Lifetime of the Mother, every Brother and Siſter, and the Repreſentative of them, ſhall have an equal Share with the Mother of the Eſtate of the Child or Children ſo dying Inteſtate.

Repealing Clauſe. II. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of an Act of Aſſembly, intituled, *An Act concerning proving Wills, and granting Letters of Adminiſtration, and to prevent Frauds in the Management of Inteſtates Eſtates*, as is within the Purview of this Act, is hereby repealed and made void.

CHAP. IV.

An Act for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and Meſne Conveyances proved and regiſtered within the Time heretofore appointed for ſuch Purpoſes.

Preamble. I. WHEREAS by an Act paſſed at *Newbern*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Four, intituled, *An Act for the Relief of ſuch Perſons as have ſuffered, or may ſuffer, by not having had their Deeds and Meſne Conveyances regiſtered and proved within the Time heretofore appointed for ſuch Purpoſes, and to prevent Diſputes and Lawſuits concerning Lands*, all Deeds or Meſne Conveyances for any Lands, Tenements, or Hereditaments, within this Province, were to be acknowledged or proved according to the Directions of that Act, and delivered to the Regiſter of the Counties wherein they are reſpectively ſituated, within the Space of Two Years from the reſpective Dates thereof; and many Perſons, through Ignorance of the Purport of the ſaid Law, or other Cauſes, have neglected to have their Deeds and Meſne Conveyances proved and regiſtered, according to the Directions of the ſaid Act: For Remedy whereof,

Further Time allowed for proving Deeds. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Deeds and Meſne Conveyances of Lands, Tenements, and Hereditaments, not already regiſtered, acknowledged or proved, ſhall and may, within Eighteen Months after the paſſing this Act, be acknowledged by the Grantor or

or Grantors, his or their Agents or Attornies, or proved by one or more of the ſubſcribing Witneſſes to the ſame, and tendered or delivered to the Regiſters of the Counties whereof ſuch Lands, Tenements, or Hereditaments, are reſpectively ſituated: And all Deeds and Meſne Conveyances whatſoever, which ſhall be acknowledged or proved according to the Directions of this Act, and alſo ſuch as have been heretofore proved or recorded by the Clerk, and regiſtered by the Regiſter of any County wherein the Lands and Tenements mentioned in the ſame lie or are ſituate, though not within Two Years after the Date of the reſpective Conveyance, ſhall be good and valid in Law, and ſhall enure and take Effect as fully and effectually, to the Uſe and Behoof of the Grantees, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged, or proved and regiſtered, agreable to the Direction of any Act of Aſſembly heretofore made.

A. D. 1766.

Deeds proved, tho' not within Two Years, good and valid.

CHAP. V.

An Act for reviving and re-enacting the ſeveral Acts of Aſſembly relating to the Inſpection of Tobacco. EXP.

CHAP. 6. *An Act to amend and continue an Act, intituled,* An Act for appointing a Militia. EXP.

7. *An Act to amend an Act, intituled,* An Act for rendering more effectual the Laws making Lands, and other real Eſtates, liable to the Payment of Debts. EXP.

CHAP. VIII.

An Act for facilitating the Navigation of Port Bath, *Port* Roanoke, *and Port* Beaufort. *(a)*

Preamble.

I. WHEREAS conſiderable Injuries have frequently happened to divers Merchants who have ſent their Ships and Veſſels to *Bath*, *Edenton*, and *Newbern*, by Reaſon of the Badneſs of the Channels leading to the ſaid Places, the Inſufficiency and Negligence of the Pilots, the Want of ſtaking out the ſaid Channels, and making the Navigation more eaſy, whereby the Trade of thoſe Parts of the Province is greatly impaired: For Remedy whereof,

Commiſſioners appointed.

(b) II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Honourable *Robert Palmer*, Eſq; *Thomas Reſpiſs*, *Wyriot Ormond*, and *Peter Blinn*, Eſqrs. be, and are hereby appointed Commiſſioners for Port *Bath*; the Honourable *Henry Euſtace M'Culloch*, Eſq; and *John Campbell*, *Joſeph Blount*, *Edward Vail*, *Joſeph Hewes*, *John Hodgſon*, *William Lowther*, and *Cullen Pollock*, Eſqrs. be, and they are hereby appointed Commiſſioners for Port *Roanoke*; and *Gabriel Cathcart*, *Samuel Cornell*, *Thomas Haſlin*, *Thomas Clifford Howe*, *John Smith*, and *William Wilton*, be, and are hereby appointed Commiſſioners for Port *Beaufort*; to contract with proper Perſons to examine, from Time to Time, the Situation of the Swatch, and to keep the ſame, and all other Channels leading from *Occacock* Bar to *Bath*, *Edenton*, and *Newbern*, well and ſufficiently ſtaked out, and to erect Beacons at *Occacock*, *Beacon Iſland*, *Core Banks*, and all other ſuch Places as the ſaid Commiſſioners ſhall think moſt convenient for the Safety of Veſſels. *(c)*

Commiſſioners to examine Pilots, and grant them Certificate to the Governor, who may grant them a Warrant.

IV. *AND be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, in each reſpective Port, ſhall have full Power and Authority to examine Pilots touching their Qualification, and upon their Approbation,

(a) See Acts 1768, Chap. 12, Dec. 1770, Chap. 26, for amending and further continuing this Act.

(b) Some of the Commiſſioners altered, by Act Dec. 1770, Chap. 26.

(c) The 3d Section, for taxing Veſſels, altered, by Act 1768, Chap. 12.

A. D. 1766. Pen. on them for piloting without a Warrant.

bation, to grant them a Certificate or Certificates, to be produced to the Governor, or Commander in Chief for the Time being, in order to obtain his Warrant to pilot Veſſels in all or any of the reſpective Ports aforeſaid: And in Caſe any Perſon ſhall pretend to pilot or take Charge of any Ship or Veſſel without having paſſed an Examination as aforeſaid, and obtained a Warrant for ſo doing, and alſo given Bond, in Manner as is hereafter directed, ſhall forfeit and pay, for each and every Offence, the Sum of Twenty Pounds, Proclamation Money.

Proviſo, to obtain a Certificate in 4 Months.

V. *PROVIDED neverthelefs*, That no Perſon ſhall be ſubject to the ſaid Penalty, who ſhall obtain a Certificate of his Qualification as aforeſaid, within Four Months from and after the paſſing of this Act.

Pilots to give Bond.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all Pilots already appointed, or that ſhall be hereafter appointed, ſhall give Bond, in the Sum of One Hundred Pounds, with Two good Securities, to the reſpective Commiſſioners of the ſeveral Ports before-mentioned in which they ſhall act as Pilots, conditioned for the true and faithful Diſcharge of their Duty.

Their Fees.

VII. *AND be it Enacted, by the Authority aforeſaid*, That there ſhall be paid and allowed to every Pilot who ſhall take Charge of any Ship or Veſſel, the following Pilotage; that is to ſay,

Over the Bar.

(d) For every Ship or Veſſel from the Outſide of the Bar of *Occacock* into *Beacon Iſland* Road, Two Shillings, Proclamation Money, *per* Foot, for every Veſſel that draws Nine Feet Water, or leſs; and for every Veſſel that draws more than Nine, and under Ten Feet Water, Two Shillings and Six Pence, Proclamation Money, *per* Foot; and for every Veſſel drawing Ten Feet, and upwards, Three Shillings *per* Foot; and that the ſame Sums be allowed to Pilots for Pilotage outwards as inwards.

To Bath.

And for every Veſſel from *Beacon Iſland* Road, that draws Six Feet Water, or leſs, to *Bath* Town, Thirty Shillings, Proclamation Money; and for every Veſſel that draws above Six Feet Water, Six Shillings, Proclamation Money, *per* Foot.

To Edenton.

And for every Veſſel from *Beacon Iſland* Road, that draws Six Feet Water, or leſs, to *Edenton*, Three Pounds, Proclamation Money; and for every Veſſel that draws above Six Feet Water, Ten Shillings, Proclamation Money, *per* Foot.

To Newbern.

And for every Veſſel from *Beacon Iſland* Road, that draws Six Feet Water, or leſs, to *Newbern*, Thirty Six Shillings, Proclamation Money; and for every Veſſel drawing above Six Feet Water, Seven Shillings *per* Foot.

Pilots going over the Bar to bring Veſſels in, intitled to Half Fees.

And when any Veſſel whatſoever ſhall be bound over the Bar of *Occacock* aforeſaid, whether ſuch Veſſel ſhall make a Signal for a Pilot or not, any Pilot who ſhall go over the Bar aforeſaid to pilot ſuch Veſſel into Port, and offer his Service for that Purpoſe, ſhall be intitled, although the Maſter of ſuch Veſſel ſhall refuſe to employ him, to Half the Fees which he would have been intitled to if he had taken Charge of, and piloted ſuch Veſſel over the Bar aforeſaid; and the Maſter ſhall be obliged to pay the ſame accordingly: And any Pilot appointed as is herein before-mentioned, who ſhall demand or exact any larger Sums of Money than is by this Act directed and appointed, ſhall forfeit and pay Ten Pounds; provided that Suit is brought or proſecuted within One Year after ſuch Demand or Exaction made, and not afterwards.

Pen. on them for taking more than lawful Fees.

Collector to give Security, or Com-

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That each of the ſaid Collectors herein appointed for the ſeveral Ports aforeſaid ſhall, before he enters on

(d) The Pilotage for thoſe Pilots that have decked Boats, altered, by Act Dec. 1770, Chap. 26.

on the ſaid Office, give Security, in the Sum of Three Hundred Pounds, to the Commiſſioners herein appointed for each of the ſaid Ports reſpectively, for the due Performance of the Truſt repoſed in him, and for his accounting with, and paying to the ſaid Commiſſioners, as often as required, all ſuch Sum or Sums of Money as ſhall be, from Time to Time, by him received; and if either of the ſaid Collectors ſhall refuſe to give ſuch Security, it is hereby Enacted, That the ſaid Commiſſioners of that Port ſhall and may appoint another Receiver or Receivers in his or their Place and Stead, who ſhall have full Power and Authority to receive the ſaid Tax, giving ſuch Security to the Commiſſioners of the Port where he is ſo appointed. A. D. 1766. Commiſſioners may appoint other Receivers.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That each Receiver ſhall, in his Port, have full Power and Authority to go on Board any Veſſel, in order to meaſure and aſcertain the Burthen of ſuch Veſſel; and ſhall likewiſe have Power and Authority to examine, on Oath, the Maſter of any Veſſel for that Purpoſe. Receivers Power to meaſure Veſſels.

X. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, no Collector of either of the ſaid Ports ſhall clear out any Veſſel till the Maſter ſhall have produced to him a Certificate from the Receiver of the ſaid Tax, of his having paid the ſame, under the Penalty of Twenty Pounds. Collector not to clear Veſſels, till Certificate of the Tax paid.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Expence of ſetting up Beacons at *Occacock*, *Beacon Iſland*, and *Core Banks*, and the ſtaking out the Swatch, ſhall be diſcharged by the Commiſſioners hereby appointed for the ſeveral Ports, in the Proportion following, that is to ſay: The Commiſſioners for Port *Roanoke* ſhall pay Two Fifths of the ſaid Charge and Expence; and the Commiſſioners for the Port of *Bath*, and for the Port of *Beaufort*, ſhall pay the other Three Fifths of the ſaid Charge and Expence out of the Monies by them received, in Proportion to the Sums received in the ſaid Ports of *Bath* and *Beaufort*; and the Expence of ſtaking out the other Channels leading to each of the ſaid Ports, ſhall be ſeverally paid by the Commiſſioners of each reſpective Port to which the ſaid Channels lead. Expence of Beacons and Staking, how paid.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That upon the Death, Removal, or Refuſal of any of the ſaid Commiſſioners or Receivers to act, the remaining Commiſſioners of each reſpective Port, ſhall and may chooſe and appoint another Commiſſioner or Receiver in the ſaid Port, in the Room of ſuch Commiſſioner or Receiver ſo dying, removing, or refuſing to Act. Commiſſioners kept up.

XIII. *AND be it further Enacted*, That no Maſter, or other Perſon, belonging to any Veſſel trading to this Government, ſhall caſt or throw overboard, into any Channel or River within this Province, any Stones, or other Ballaſt whatſoever; or any Oyſters, or Oyſter Shells, under the Penalty of One Hundred Pounds, for every ſuch Offence: And if any Perſon or Perſons ſhall willfully pull down, remove, or deſtroy any Beacon, Stake, or other Mark erected or placed in Virtue of this Act, he or they ſhall, for every ſuch Offence, forfeit and pay Fifty Pounds. Pen. for throwing Ballaſt overboard, or deſtroying Beacons.

XIV. *AND be it further Enacted*, That the ſaid Commiſſioners, as often as they are required, ſhall account with the General Aſſembly for ſuch Money as ſhall be by them, from Time to Time, reſpectively received; and ſhall have ſuch Allowance for their Expences actually diſburſed, as ſhall appear reaſonable. Commiſſioners to account with the Aſſembly, and have their Expences paid.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners hereby appointed for Port *Bath*, and Port *Beaufort*, to demand and receive from the Receiver or Receivers of the Duty on the Tonnage of Veſſels, all ſuch Sum or Sums of Money as ſhall, at the Time of paſſing this Act, be in his or their Hands, ariſing from the ſaid Duty; and for them to apply Commiſſioners to apply the Monies in Hand at paſſing this Act, for amending the Navigation.

A. D. 1766.

ply the ſame towards amending and improving the Navigation of the ſaid Ports, in ſuch Manner as to them ſhall ſeem neceſſary and convenient.

Commiſſioners to demand of the late Commiſſioners what Monies may be in their Hands.

XVI. *AND be it further Enacted*, That the Commiſſioners appointed by this Act for Port *Beaufort*, are hereby authorized and impowered, to demand of the late Commiſſioners, the Survivors or Survivor of them, an Account of the Monies received by them or him, by Virtue of his or their Office; and alſo, of all Monies paid for the Services expreſſed in the before recited Act; and if there ſhould be any Ballance remaining in their or his Hands, to pay the ſame to the Commiſſioners herein appointed; under the Penalty of One Hundred Pounds, Proclamation Money; to be recovered by Action of Debt in the Superior Court of the Diſtrict of *Newbern*, by the Commiſſioners herein named, and applied towards the Purpoſes of this Act; and the Commiſſioners herein appointed are authorized and impowered to ſettle with, and ſhall pay any Ballance that may appear to be due to the former Commiſſioners, or any of them, for any Sums by them advanced.

And to ſettle with and pay them any Ballance that may be due.

Fines how recovered and applied

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Fine impoſed by this Act ſhall be recovered by Action of Debt, in any Court of Record in this Province, having Cognizance thereof; one Half to the Perſon ſuing for the ſame, the other Half to the Commiſſioners where the Offence ſhall be committed; to be by them applied towards the Staking out the Channels as aforeſaid.

Land to be laid off at Occacock for the Uſe of Pilots.

XVIII. AND whereas the Pilots that attend *Occacock* Bar, have petitioned this Aſſembly to have Privilege to build Houſes and haul up their Boats on the Iſland of *Occacock*, and the Land formerly aſſigned for that Purpoſe being waſted away, and Diſputes and Controverſiies concerning the Right of the Pilots to ſettle on ſaid Iſland have ariſen; *Be it therefore Enacted, by the Authority aforeſaid*, That any Three or more Commiſſioners appointed by this Act, ſhall attend at *Occacock* Iſland within Six Months after the paſſing of this Act, and lay off Twenty Acres of Land in the moſt proper Part of that Iſland, and value the ſame on Oath, and pay the Valuation Money to the preſent Owners of *Occacock* Iſland, and take a Deed of Conveyance for the ſaid Twenty Acres of Land, to be veſted in the Commiſſioners for the Navigation, and for the Benefit of the Public, to allot and lay off a Part to every Branch Pilot who may hereafter attend to pilot and conduct Veſſels into *Occacock* Inlet, by a Leaſe for ſuch Lot as is aſſigned him, during the Term of his Reſidence, and no longer: And the Commiſſioners, or the Majority of them, may remove any Pilot, diſqualified, from any Lot or Houſe they erect on the Ground leaſed to ſuch Pilot, and leaſe the ſame to other Pilots. And for defraying the Expence of purchaſing ſaid Lands, and Commiſſioners Expence, the ſeveral Ports of *Roanoke*, *Bath*, and *Beaufort*, ſhall pay their reſpective Quotas, as in other Matters is directed; and the ſaid Twenty Acres of Land ſo laid out by the Commiſſioners, is hereby declared to be inveſted in the Commiſſioners for the Time being, in Fee-Simple, to and for the Uſes, Intents, and Purpoſes, before mentioned.

Expence of purchaſing it, how paid.

No Pilot to keep Stock on ſaid Land.

XIX. *PROVIDED nevertheleſs*, That no Pilot, by Virtue of this Act, ſhall keep running at large any Cattle, or maintain any live Stock, of any Kind, on the ſaid Iſland of *Occacock*, to the Prejudice of the preſent Proprietors; and all ſuch Cattle or other Stock owned by the ſaid Pilots on the ſaid Iſland, are hereby declared to be forfeited to the preſent Proprietors, their Heirs or Aſſigns, for ever.

Commiſſioners for Core Sound, appointed.

XX. AND whereas the Navigation of *Old Topſail* Inlet, and of *Core-Sound*, may be greatly facilitated for the Benefit of the Trade of ſeveral Parts of this Province; *Be it therefore Enacted, by the Authority aforeſaid*, That *William Cole*, *John Eaſon*, and *Robert Read*, of *Carteret* County, be, and are hereby appointed Commiſſioners for the Navigation of *Old-Topſail* Inlet; and from ſaid Inlet through *Core-Sound* to *Harbour-Iſland*; and are hereby authoriſed to contract with proper Perſons to erect one or more Beacon or Beacons, for *Old-Topſail* Inlet; and for ſtaking out the

To contract with Perſons for ſtaking the Channels, &c.

the Channel from ſaid Inlet, through *Core-Sound*, to *Harbour-Iſland*; and from Time to Time, to keep the ſame in Repair, as Need may require. *A. D.* 1766.

XXI. AND for defraying the Expence of erecting one or more Beacon or Beacons, and ſtaking the Channel aforeſaid, and keeping the ſame in Repair; *Be it further Enacted, by the Authority aforeſaid*, That the following Taxes ſhall be paid by the Maſter or Owner of each Veſſel, of the Tonage and Draught of Water hereafter mentioned, coming in at *Old-Topſail* Inlet, or going either Way, through *Core-Sound*, from *Harbour-Iſland* to *Harker's-Iſland*, or further; that is to ſay, Tax laid on Veſſels.

All Veſſels of Thirty, or under Fifty Tons, coming in at *Old-Topſail* Inlet, ſhall pay Ten Shillings, Proclamation Money. Over Old Topſail.

Every Veſſel of Fifty, and under One Hundred Tons Burthen, or upwards, coming in as aforeſaid, ſhall pay Twenty Shillings, like Money.

And every Craft or Veſſel going either Way through *Core-Sound*, to or from *Harbour-Iſland* to *Harker's-Iſland*, or further; and drawing Three, and under Four Feet Water, ſhall pay Four Shillings. Through Core-Sound.

Every Craft or Veſſel drawing Four, and under Five Feet Water, ſhall pay Six Shillings and Eight Pence.

And every Craft or Veſſel drawing Five Feet Water, and upwards, ſhall pay Ten Shillings, Proclamation Money.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or their Succeſſors, ſhall, from Time to Time, as they ſeem meet, appoint Two Receivers of the aforeſaid Taxes; and take ſufficient Bond and Security of them, for the faithful Diſcharge of their Truſt; one Receiver reſiding in or near the Town of *Beaufort*, and the other on ſome convenient Part of *Core-Sound*: And the ſaid Receivers, or Commiſſioners themſelves, are hereby impowered to ſtop or retain any Veſſel or Veſſels coming in at *Old-Topſail* Inlet, or going through *Core-Sound*, until the Maſter or Owner of the ſame ſhall pay the above rated Taxes: And in Caſe the Maſter or Owner of any Veſſel or Craft, ſhall endeavour to eſcape, and evade Payment of the above-mentioned Tax, the Commiſſioners or Receivers may purſue ſuch Veſſels, and put Men on Board of them, and charge the Expence to the Maſter or Owner of ſuch Veſſel; who ſhall be obliged to pay the ſame. Commiſſioners to appoint Receivers. And may ſtop Veſſels going through Core-Sound, or over Old Topſail, till the Tax paid.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Veſſel ſhall eſcape, or go out at the Inlet, or paſs through *Core-Sound*, without paying the aforementioned Tax, that the Maſter or Owner of ſuch Craft or Veſſel ſhall forfeit and pay Twenty Pounds, Proclamation Money; to be recovered at the Suit of the Commiſſioners, with Coſts, in any Court of Record in this Province; the one Third to be paid to the Informer, and the other Two Thirds to be applied, with the Tax, for the Improvement of the Navigation. Pen. on Maſters of Veſſels not paying the Tax.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That this Tax ſhall not effect the Inhabitants of *Core-Sound*, living between *Harbour-Iſland* and *Beaufort*, at the firſt tranſporting of their Naval Stores, or any Produce of their Plantations, to Market. Not to effect the Planters, carrying their Produce to Market.

XXV. *AND be it further Enacted*, That in Caſe of the Death, Refuſal to act, or Removal of any of the above named Commiſſioners out of *Carteret* County, the remaining Commiſſioner or Commiſſioners ſhall, from Time to Time, chooſe another Commiſſioner or Commiſſioners, in the Room and Stead of him or them ſo dying, refuſing to act, or removing; who ſhall be veſted with the ſame Powers and Authorities, as if he had been expreſsly named in and by this Act. Number of Commiſſioners for Carteret County kept up.

XXVI. *AND*

A. D. 1766.

Commiſſioners to give Bond.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That the aforeſaid Commiſſioners ſhall give Bond of Three Hundred Pounds, Proclamation Money, to the Governor or Commander in Chief for the Time being, for the faithful Diſcharge of their Truſt, and proper Application of the ſaid Taxes, according to the Intention of this Act; and the ſaid Bond to be renewed as often as a new Commiſſioner is choſen, and acknowledged in the Inferior Court of *Carteret* County; and to be there lodged in the Clerk's Office.

Powder Money in Core-Sound, applied.

XXVII. AND whereas there is ſome Powder-Money, formerly received of Veſſels that have come in at *Old-Topſail* Inlet, ſtill remaining unapplied, in the Hands of *Robert Read*; *Be it further Enacted*, That the ſaid Commiſſioners for *Old-Topſail* Inlet, and *Core-Sound*, are hereby impowered to ſue for, recover, and receive the ſame; to be applied for facilitating and improving the aforeſaid Navigation.

Fee to the Capt. of Fort Johnſton, for a Bill of Health.

XXVIII. AND whereas the Fee allowed to the Captain of Fort *Johnſton*, from all Maſters of Veſſels coming into the River of *Cape-Fear*, is found, from Experience, not to be adequate to the Services he is obliged to perform; *Be it therefore further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the Captain of the ſaid Fort ſhall and may have and receive, from the Maſter of every Veſſel coming into the ſaid River of *Cape-Fear*, the Sum of Ten Shillings, Proclamation Money, for adminiſtering the Oath preſcribed by Law, and ſigning a Bill of Health; any Law to the contrary notwithſtanding.

Continuance of the Act.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force, for and during the Term of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. IX.

An Act to amend an Act, intituled, An Act concerning Marriages.

Preamble.

I. WHEREAS by an Act, intituled, *An Act concerning Marriages*, it is Enacted, That no Miniſter, or Juſtice of the Peace, ſhall celebrate the Rites of Matrimony between any Perſons, or join them together as Man and Wife, without Licence, or Certificate of Publication, as mentioned in the ſaid Act: And whereas the Preſbyterian, or diſſenting Clergy, conceiving themſelves not included in the Reſtriction of Miniſters mentioned in that Act, have joined many Perſons together in Holy Matrimony, without either Licence or Publication; whereby the Payment of the juſt and legal Fees to the Governor on ſuch Occaſions, has been eluded, and the Validity of Marriages may be endangered:

Marriages by Diſſenting Clergymen, declared valid.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Marriages that have been, or ſhall be ſolemnized, before the Firſt Day of *January* next, by any of the Diſſenting or Preſbyterian Clergy, in their accuſtomed Manner, ſhall be, and are hereby declared to be as valid, legal, and effectual, to all Intents and Purpoſes, as if performed by any Miniſter of the Church of *England*, under a Licence taken and granted according to the Directions of the aforeſaid Act.

Pen. for marrying without publiſhing Banns, or Licence.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *January* next, no Miniſter of the Church of *England*, or any Juſtice of the Peace within this Province, ſhall, under the Penalty of Fifty Pounds, Proclamation Money, for every Violation of this Act, perform, celebrate, or ſolemnize any Marriage, or the Rites of Matrimony, between any Perſons whatſoever, or join them together as Man and Wife, without Certificate of thrice Publication of the Banns, according to the Directions of the ſaid Act; or Licence firſt had and obtained, under the Hand and Seal of the Governor or Commander in Chief for the Time being,

being; who is hereby authorized to grant the ſame, on Certificate from the Clerk of the County Court, of his having taken and filed in his Office, the uſual Bond, in the Penalty of Fifty Pounds, Proclamation Money; with Condition, that there is no lawful Cauſe to obſtruct the Marriage for which ſuch Licence is deſired. *(a)* A. D. 1766.

Fee to the Governor for Licence.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Governor or Commander in Chief for the Time being, for each Licence of Marriage granted as aforeſaid, ſhall be intitled to take and receive Twenty Shillings, Proclamation Money.

Licence to be obtained in the County where the Feme reſides.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Certificate or Certificates to the Governor or Commander in Chief, for obtaining Licence as aforeſaid, and Bonds aforeſaid, ſhall be made and taken by the Clerk of that County in which the Feme reſides; and ſuch Clerk is hereby directed to make ſuch Certificate under the Reſtriction, in Relation to Perſons under Age, as mentioned in the aforeſaid Act; for which ſaid Service of taking the Bonds, and giving ſuch Certificates, ſaid Clerk is hereby authorized to take and receive Five Shillings, Proclamation Money, and no more: And if any Clerk ſhall aſk or demand any larger Sum for filling up the Licence, and other Services by him to be done, by Virtue of this Act as aforeſaid, he ſhall, for every Offence, forfeit and pay the Sum of Forty Shillings, Proclamation Money; to be recovered by a Warrant from a Juſtice of the Peace; to the Uſe of the Party grieved.

Clerk's Fee, and Pen. for taking greater Fees.

Preſbyterian Clergy to celebrate the Rites of Matrimony.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *January* next, it ſhall and may be lawful for any Preſbyterian Miniſter, regularly called to any Congregation in this Province, to celebrate the Rites of Matrimony between Perſons, and join them together as Man and Wife, in their uſual and accuſtomed Manner; under the ſame Regulations and Reſtrictions, as any lawful Magiſtrate in this Province might celebrate and ſolemnize the ſame.

By Licence, as this Act directs.

VIII. *PROVIDED always*, That all ſuch Marriages ſo ſolemnized by any *Preſbyterian* Miniſter as aforeſaid, ſhall be under a Licence, firſt had and obtained from the Governor, or Commander in Chief for the Time being, or by Licence in ſuch Manner as directed by this Act; and that all Marriages ſolemnized as aforeſaid, without ſuch Licence firſt had, ſhall be, and are hereby declared illegal and void.

Pen. for marrying otherwiſe.

IX. *AND be it further Enacted*, That any *Preſbyterian* Miniſter, ſolemnizing the Rites of Matrimony as aforeſaid, without ſuch Licence firſt had, ſhall, for every ſuch Offence, forfeit and pay the Sum of Fifty Pounds.

Miniſter of the Pariſh to have the Fee, if he don't refuſe to perform the Service.

X. *PROVIDED always*, That the Miniſter of the Church of *England*, ſerving the Cure of any Pariſh, ſhall have the Benefit of the Fee for all Marriages in the ſaid Pariſh, if he do not refuſe to do the Service thereof, although any other Perſon performed the Marriage Ceremony.

Method of proceeding againſt Clerks, to compell the Payment of the Governor's Fees on Licences.

XI. AND for compelling the Clerks of the Inferior Courts to account with the Governor, or Commander in Chief for the Time being, for any Fees that may be received by Virtue of this, or any other Act of Aſſembly; *Be it further Enacted, by the Authority aforeſaid*, That when Motion ſhall be hereafter made againſt any Clerk for Fees, which ſuch Clerk ought to be accountable for, to the Governor or Commander in Chief, the Sum ſuppoſed to be due ſhall be ſpecified in the Notice ſerved on ſuch Clerk, at leaſt Ten Days before ſuch Motion; who, on appearing thereto, ſhall render an Account, on Oath, for all ſuch Monies as he hath, or ought to have received, for ſuch Governor or Commander in Chief, and pay the ſame; and on Failure ſo to do, the Court ſhall give Judgment for the whole Sum mentioned in ſuch Notice, and award Execution thereon.

XII. *AND*

(a) The 4th Clauſe repealed, and provided for, by Act Dec. 1770, Chap. 28.

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Fines how recovered, and applied.

XII. *AND be it further Enacted, by the Authority aforesaid*, That the several Fines and Forfeitures by this Act inflicted, for which no Method of Recovery or Application is herein before directed, shall and may be recovered by Action of Debt, with Costs, before any Jurisdiction having Cognizance thereof; one Half to the Use of the Prosecutor, and the other Half to the Parish wherein such Penalty shall be incurred; to be applied by the Churchwardens towards lessening the Parish Tax.

Repealing Clause.

XIII. *AND be it further Enacted, by the Authority aforesaid*, That so much of the before recited Act, as relates to the granting or obtaining a Licence, taking the Bond, or making Certificate, contrary to, or in any other Manner than directed by this Act, shall, from and after the First Day of *January* next, be repealed, and made null and void.

CHAP. X.

An Act for a further Allowance of Commissions to Sheriffs, and Collectors of Taxes, and other Purposes therein-mentioned. (a)

Rules of New-Hanover Prison Bounds ascertained.

V. AND as many Doubts and Disputes have arisen relative to the Limits of the Prison Bounds for the Gaol of *New-Hanover* County, *Be it Enacted, by the Authority aforesaid*, That the Inferior Court for the County of *New-Hanover*, to be held next after the passing of this Act, shall nominate and appoint Two of the Justices of the said Court, who, with the Sheriff of the said County, shall see the Prison Bounds run off agreeable to Law, and make a due Return thereof to the next Inferior Court; and the same shall be recorded in the Minutes of the said Court, and be and stand as the Rules and Limits of the said Gaol; any Law, Usage, or Order, to the contrary, notwithstanding.

CHAP. XI.

An Act to lay a Tax on Pedlars, and other itinerant Traders, coming into this Province. EXP.

CHAP. XII.

Provided for by the Inspection Act, passed Dec. 1770, Chap. 7.

An Act to amend an Act, intituled, An Act to prevent the Exportation of unmerchantable Commodities.

CHAP. XIII.

An Act for appointing a Printer to this Province. (b)

Preamble.

I. WHEREAS it is necessary that a Printer be appointed to print the Laws, Journals, and other Public Business of this Province:

Printer appointed to print and transmit the Laws, &c.

II. *Be it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That *James Davis*, of the Town of *Newbern*, be appointed Printer to this Province, for and during the Term of Three Years from and after the passing of this Act, and from thence to the End of the next Session of Assembly; and that the said *James Davis*, at every Session of Assembly, print the Speeches, Addresses, and Journals thereof, and deliver a Copy of them to his Excellency the Governor, and to each Member of his Majesty's Council, and of the Assembly; also that the said *James Davis*, within Three Months after he shall have received from

(a) This Act, all but the 5th Section, repealed by the Sheriff's Act, 1768, Chap. 6.
(b) This Act further continued, by Act Dec. 1770, Chap. 8.

from the Secretary atteſted Copies of the ſeveral Acts of Aſſembly that may be paſſed at every Seſſion, print and tranſmit one Copy of them to his Excellency the Governor, one Copy to each Member of his Majeſty's Council, one Copy to every Member of Aſſembly, one Copy to the Clerk of each Houſe of Aſſembly, one Copy to the Clerk of each Superior Court, one Copy to each Clerk of the Inferior Courts; and one Copy to each and every Juſtice of the Peace in every County in this Province; and alſo a Copy of the Journals of the Aſſembly to the Clerk of each Houſe. *A. D.* 1766.

Acts to be tranſmitted to the Clerks, who are to deliver them to the Juſtices.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *James Davis*, within the Time aforeſaid, tranſmit the Acts of Aſſembly for the ſeveral Counties to the ſeveral Clerks thereof; and that if the ſaid Clerks, or any of them, ſhall not deliver the ſame when demanded, at his Office, to the Perſons intitled to them, he or they ſo offending, ſhall forfeit and pay the Sum of Ten Pounds; to be recovered before any Court of Record within this Province, having Cognizance of the ſame; one Half to the Informer, and the other Half to the Poor of the Pariſh where the Offence ſhall be committed: And if the ſaid *James Davis* ſhall fail or neglect to tranſmit any of the Acts of Aſſembly as aforeſaid, he ſhall, for each Failure or Neglect, forfeit and pay the Sum of Fifty Pounds; to be recovered and applied as aforeſaid.

Pen. for not tranſmitting them to the Clerks.

Printer's Salary.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *James Davis*, for and in Conſideration of his doing and performing the Services aforeſaid, be allowed and paid the Sum of Two Hundred and Fifty Pounds *per Annum*; to be paid him in Half Yearly Payments, by a Warrant from his Excellency the Governor, directed to either of the Public Treaſurers of this Province.

Tax laid for paying the Salary, and Overplus appropriated.

V. *AND be it further Enacted, by the Authority aforeſaid*, That a Tax of Four Pence be laid on every taxable Perſon within this Province, for and during the Term of Three Years, for paying and ſatisfying the ſaid Salary to the ſaid *James Davis*, and that the Overplus thereof be paid into the Public Treaſury, to be applied to and for the Contingencies of Government; which ſaid Tax ſhall be collected by the ſeveral Sheriffs, and accounted for and paid in the ſame Manner, and under the ſame Pains and Penalties, as other Public Taxes.

CHAP. XIV.

An Act to prevent the Inhabitants of South Carolina *driving their Stocks of Cattle from thence to range and feed in this Province, and other Purpoſes.*

Preamble.

I. WHEREAS of late Years many of the Inhabitants of *South Carolina* have made it a Practice to fix Cowpens, and ſettle People with large Stocks of Cattle (though they are not Owners of any Land) in this Province, which deſtroys the Range, and greatly injures the poor Inhabitants of ſeveral of the Counties bordering on *South Carolina*:

Perſons not Inhabitants of this Province, prevented from ranging Stocks therein.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, it ſhall not be lawful for any Perſon, who is not an Inhabitant of this Province, to fix any Cowpen, or ſettle or range any Stock or Number of Cattle in this Province; nor ſhall any Inhabitant, on any Account whatever, take Charge of, or receive under his or her Care or Cuſtody, in order to range or raiſe Stock, any Number of Cattle belonging to an Inhabitant of any other Province, or wherein a Reſident of any other Province hath any Share or Intereſt, unleſs ſuch Owner or Keeper ſhall be legally poſſeſſed, in his or her own Right, of a ſufficient Quantity of Land for feeding the ſaid Cattle on, allowing One Hundred Acres of Land for every Ten Head of Cattle: And that the Owner or Keeper of ſuch Cattle ſhall record in the Inferior Court of the County where he or ſhe intends to range Cattle, the Number of Acres he or ſhe is

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legally poſſeſſed of, and whether it is by Patent, Will, Deed, or otherwiſe, with the Date of ſuch Patent, Will, Deed, or other Inſtrument; and on any Trial for a Breach of this Law, ſuch Record ſhall be deemed good Evidence againſt the Owner or Keeper of Cattle, as to the Number of Acres ſuch Perſon poſſeſſes: And if any Perſon contrary to this Act ſhall preſume to range, or keep a larger Number of ſuch Cattle than Ten Head to every Hundred Acres of Land he, ſhe, or they, ſhall be legally poſſeſſed of as aforeſaid, and ſo in Proportion; all the Cattle exceeding that Proportion ſhall be forfeited and ſold by the Sheriff of the County wherein the ſaid Cattle were ranged or kept, on legal Proof made to the Inferior Court of the ſame County, by any Freeholder thereof; the ſaid Freeholder giving the Owner or Keeper of the ſaid Cattle Five Days previous Notice, that at the next Inferiour Court to be held for the ſaid County, he intends to lodge a Complaint againſt ſuch Perſon, for ranging or keeping a greater Number of Cattle than he is by Law intitled to range or keep in the ſaid County; and on Proof of Service of the ſaid Notice perſonally, or by having a Copy of the ſame left at the Place of ſuch Perſon's Reſidence, the ſaid Inferior Court ſhall, without Delay, proceed to hear the Complaint in a ſummary Way, without the Solemnity of a Jury, and determine according to Evidence, and the Right of the Matter before them: And if Judgment paſs for the Complainant, the Clerk ſhall forthwith iſſue an Order to the Sheriff for the Sale of all ſuch Cattle, agreeable to the Judgment; which Sheriff ſhall, without Delay, either by himſelf or Deputy, execute the Command of the ſaid Order, and return the Money to the next Court; one Third thereof to be paid to the Complainant, one third Part thereof to be paid to the Churchwardens of the Pariſh, for the Uſe of the Poor (being Pariſhioners) and the remaining third Part to be paid to the former Owner of the Cattle, if called for within Twelve Months, otherwiſe to be applied towards the contingent Charge of the County.

Pen. for Breach of the Act, and Manner of Recovery.

Perſons having the Care of a greater Number of Cattle on any Range, than this Act allows, to remove the Overplus Cattle.

III. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon now having the Care of any Stock or Number of Cattle, the Property of an Inhabitant of any other Province, or wherein an Inhabitant of any other Province hath any Share or Intereſt, exceeding Ten Head of Cattle to every Hundred Acres of Land ſuch Owner or Keeper ſhall be poſſeſſed of as aforeſaid, the Perſon in whoſe Care the ſaid Cattle are, ſhall, within Six Months next after the paſſing of this Act, remove, or cauſe the ſaid Overplus Cattle to be removed out of the ſaid County; under the Penalty of forfeiting the ſame, by Judgment of the Inferior Court of the County; under the ſame Rules and Regulations aforeſaid.

Drivers of Cattle prevented from removing diſtempered Cattle.

IV. AND whereas much Loſs or Damage has often enſued to the Inhabitants of this Province, from diſtempered Cattle being drove through the ſame; For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, no Perſon or Perſons whatever, ſhall drive any Cattle into this Province, or from one County to another, without having with him or them a Certificate or Certificates, under the Hand and Seal of a Juſtice or Juſtices of the Peace of the County where the Cattle were ſeverally and reſpectively purchaſed or brought; ſetting forth, that Oath had been duly made by the reſpective Owners, that ſuch Cattle, at the Time of the Purchaſe or Removal, were ſound, and free from any Diſtemper or Infection; and that no Diſtemper or Infection were known to be among Cattle at that Time within Five Miles from the Place whence they came; and ſhall likewiſe mention the Mark and Brands of the ſaid Cattle.

Pen for driving Cattle without a Certificate as this Act directs.

V. *AND it is further Enacted*, That every Perſon or Perſons who ſhall, after the paſſing of this Act, drive any Cattle into this Province, or from one County to another within the ſame, without ſuch Certificate or Certificates as aforeſaid, ſhall forfeit and pay, for every Steer, Bull, Cow, Calf, or Heifer, reſpectively, for which he ſhall have no Certificate, the Sum of Forty Shillings; to be recovered by a Warrant before any Juſtice of the Peace of the Couty where ſuch Cattle ſhall then be, and be levied on the Body, Goods and Chattels of the Delinquent or Delinquents, for the Uſe of the County: And every Perſon driving Cattle as aforeſaid, is hereby required

required and directed to produce a Certificate or Certificates as aforeſaid, at the Requeſt of any Perſon, a Reſident in the County wherein ſuch Cattle are; and upon his Refuſal ſo to do, on Complaint thereof made to any Juſtice of the Peace in the ſaid County, ſuch Juſtice is hereby impowered and directed, to iſſue a Warrant to bring ſuch Drover or Drovers before him; who, for every ſuch Refuſal, ſhall forfeit and pay the Sum of Twenty Shillings; and till the ſame is paid, the ſaid Juſtice ſhall commit the Offender to the Gaol of the County, or iſſue an Execution againſt his Goods and Chattels, as ſuch Juſtice thinks moſt expedient; which Forfeiture ſhall be applied to the Uſe of the County, and accounted for at the next Inferior Court. *A. D.* 1766. And for not producing it, when required.

VI. *AND it is hereby further Enacted*, That in Caſe any Cattle hereafter ſhall be ſuſpected to have any Diſtemper, any Two Juſtices of the Peace, and one Freeholder, are hereby impowered and directed, to enquire into the ſame; and on due Proof thereof made, ſhall make ſuch Order therein, as may beſt tend to prevent the Infection ſpreading. Diſtemper among Cattle, Order to be taken for preventing its ſpreading.

CHAP. XV.

An Act to amend an Act, intituled, An Act for eſtabliſhing a Town on the Land formerly granted to *William Churton*, Gentleman, lying on the *North* Side of the *Enoe* River, in the County of *Orange*.

I. WHEREAS the erecting and eſtabliſhing a Town in the County of *Orange*, has been found ſerviceable, in promoting inland Trade and Commerce in the *Weſtern* Part of this Province: And whereas the Act of Aſſembly paſſed at *Newbern*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-ſeven, for eſtabliſhing the ſame, is found to ſtand in Need of many Alterations and Amendments: Private.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Four Hundred Acres of Land by ſaid Act conſtituted, erected, and eſtabliſhed a Town, and Town Common, by the Name of *Childſburg*, ſhall, from and after the paſſing of this Act, be known and called by the Name of *Hillſborough*. Hillſborough erected.

III. *AND be it further Enacted, by the Authority aforeſaid*, That forever, after the paſſing of this Act, the Courts of the County of *Orange*, the Election of Repreſentatives, and the Election of Veſtrymen, ſhall be held in the Town of *Hillſborough*; and at no other Place: Any Law, Uſage, or Cuſtom, to the contrary notwithſtanding. Courts, &c. to be held in Town.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That no Suit, Writ, or other Proceſs that is, or ſhall be made returnable to the next Inferior Court of Pleas and Quarter Seſſions, to be held for the County of *Orange*, after the paſſing of this Act, ſhall be abated or vacated; or any Bail Bond, Recognizance, or other Inſtrument of Writing, become void or invalidated; but the ſame ſhall be good, available, and effectual in Law, to every Intent and Purpoſe whatſoever, as if the Alteration of the Name of the ſaid Town, and Town Common, had never been made. No Suit to abate by Alteration of the Name of the Town.

V. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of the before recited Act (except as hereafter excepted) ſhall be, and is hereby declared to be of the ſame Force, Effect, and Validity, in Relation to the ſaid Town and Town Common, as if the ſame had originally been called by the Name of *Hillſborough*. Act of the ſame Force, as before making this Act.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Treaſurer of the ſaid Town, and his Succeſſors in Office, for the Conſideration of Twenty Shillings, Proclamation Money, to make an Entry of any Lots to be granted by the Directors.

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any Lot of Land therein lying vacant or unimproved (except thoſe Lots reſerved by the aforeſaid Act of Aſſembly to *William Churton*, Eſq; and ſuch Spring Lots as the Directors and Truſtees of the ſaid Town, and their Succeſſors, ſhall think fit and convenient to be reſerved and left free to the Inhabitants of the ſaid Town, to be ſupplied with Water; and the Lot No. I. in the Plan of the ſaid Town, which is hereby reſerved for the Uſe of the Public, as a Place for Market-Houſe, Court-Houſe, Priſon, Pillory and Stocks; and alſo, ſuch Lots as ſhall or may be thought neceſſary, to be reſerved by the Directors of ſaid Town, and their Succeſſors, for erecting thereon a Church and School-Houſe, and for a Church-Yard:) And the ſaid Directors and Truſtees, or a Majority of them, ſhall, at the Expiration of Two Years from the Date of making the Entry with the Treaſurer as aforeſaid, make and execute a Deed for granting the ſame, to the Perſon making the Entry, his Heirs and Aſſigns, for ever, at the Coſts and Charges of the Perſon to whom the ſame ſhall be conveyed; he paying, over and above the Entry Money, Eight-Pence, Proclamation Money, annually, for each and every Lot that ſhall be ſo conveyed; which ſhall be applied by the ſaid Commiſſioners, and their Succeſſors, to the Payment of the Quit-Rents due, or hereafter to be due to the Earl of *Granville*, his Heirs and Aſſigns; and if any Overplus be remaining, the ſame ſhall be laid out for the Benefit and Improvement of the ſaid Town; 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.

Time of ſaving them.

VII. *PROVIDED nevertheleſs*, That all and every Perſon who heretofore has, or hereafter may make an Entry of any Lot or Lots in the ſaid Town, ſhall, within Two Years next after the Day of entering, and taking up of the ſame, erect, build, and finiſh, on each Lot ſo entered, one Brick, Stone, or framed Houſe, at leaſt Twenty Feet long, Sixteen Feet wide, and Nine Feet Pitch in the Clear, with a Brick or Stone Chimney, or proportionable to ſuch Dimenſions, if ſuch Perſon ſhall have Two Lots contiguous: And if the Owner or taker up of any Lot, ſhall fail to purſue and comply with the Directions in this Act preſcribed, for building and finiſhing a Houſe thereon, then the Property of ſuch Lot, upon which ſuch Houſe ſhall not be built and finiſhed, ſhall be and continue in the ſaid Directors and Truſtees; or a Majority of them may, and are hereby impowered and authorized, to ſell ſuch Lot, by public Sale, or otherwiſe, for the beſt Price that can be had; and the Purchaſer of any ſuch Lot or Lots complying, in all Things, with the Directions and Regulations before in this Act preſcribed, with Reſpect to building and finiſhing of a Houſe or Houſes on the ſaid Lot or Lots; otherwiſe the ſame may be ſold to any other Perſon or Perſon under the Like Conditions: And in Caſe of the Refuſal or Neglect of any Perſon who ſhall or may take up any Lot, or purchaſe any Ground in ſaid Town, to pay the Sum agreed for, the ſaid Directors, or their Succeſſors, ſhall and may commence and proſecute a Suit in their own Names for the ſame, and recover Judgment therein, with Coſts.

Directors may compell the Payment of Purchaſe Money for Lots.

VIII. AND whereas by the Plan of the ſaid Town, Thirty Three Feet ſquare, or Two ſquare Poles of Ground, are taken from the Front Corner of each Corner Lot at the Croſſing or Interſection of each main Street in the ſaid Town; and as it can be of no public Uſe or Benefit whatſoever, to have that Quantity of Ground taken as aforeſaid from each Corner Lot;

Ground to be ſold by the Directors.

IX. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Directors and Truſtees of the ſaid Town, or the Majority of them, are hereby authorized, impowered, and required, on or before the Fourteenth Day of *January* next after the paſſing this Act, to ſell, to the higheſt Bidder, not exceeding Ten Pounds, Proclamation Money, each and every one of the ſaid Pieces of Ground of the Dimenſions of Two ſquare Poles, which, according to the Plan of the ſaid Town, were taken from the Front Corner of each Corner Lot (Ten Days previous Notice being given of ſuch Sale) and the ſaid Directors and Truſtees, or a Majority of them, are hereby authorized and required, to make and execute

ecute one or more Deed or Deeds, for granting and confirming the ſame to ſuch Purchaſer or Purchaſers, his or their Heirs and Aſſigns for ever, at the Coſt and Charges of the Grantee or Grantees to whom the ſame ſhall be conveyed. *A. D.* 1766.

Privilege of purchaſing certain Pieces of Ground.

X. *PROVIDED always*, That in the Sale of the Two ſquare Poles of Ground adjoining the Lot Number Twenty-ſix, the Preference ſhall be and is hereby allowed to Mr. *William Nunn*, in Caſe he will give as much as any other Bidder, not exceeding Ten Pounds, Proclamation Money; the ſame Privilege is granted to Mr. *James Young*, in the Sale of the Square adjoining the Lot Number Twenty-five; and alſo the like Privilege is granted to Mr. *Edmund Fanning*, in the Sale of the Square adjoining the Lot Number Six in the Plan of the ſaid Town.

Lots reſerved to William Churton, not to be ſold.

XI. *PROVIDED*, That it ſhall not be lawful for the ſaid Directors and Truſtees of the ſaid Town to ſell or diſpoſe of the Front Corner, or any Part of the Lots reſerved to the aforeſaid *William Churton*, or to the Uſe of the Public, by this or the before recited Act, or the Corner of any Lot hereafter to be taken up in ſaid Town; but that the Two ſquare Poles of Ground be deemed Part of the ſaid Lot to which it joins.

Hogs not to run at large.

XII. AND whereas the allowing of Hogs and Geeſe to run at large in the ſaid Town, is found to be a great Nuſance to the Inhabitants; *Be it Enacted, by the Authority aforeſaid*, That none of the Inhabitants of the ſaid Town ſhall, on any Pretence whatſoever, ſuffer any of their Hogs or Geeſe to run or be at large within the Bounds of the ſaid Town; and any Hog or Hogs, Gooſe or Geeſe, running at large in the ſaid Town, ſhall be forfeited to any Perſon who ſhall ſeize or kill the ſame.

Overſeer to be appointed.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the Ratification of this Act, it ſhall and may be lawful for the Juſtices of the County of *Orange*, yearly, to appoint ſome proper Perſon, Inhabitant of the ſaid Town, Overſeer of the ſame; which Overſeer ſo appointed ſhall, as often as there ſhall be Occaſion, ſummons the Male Taxables, Inhabitants of the ſaid Town, to clear and repair the Streets thereof, and remove any Nuſance or Nuſances within the ſame; and if any ſuch Male Taxable (except ſuch as are exempted by Law from working on Public Roads) ſhall fail or refuſe to appear on ſuch Summons, and work in the ſaid Town, at ſuch Times and Places as the Overſeer ſhall direct (Two Days Notice being given before the Day appointed for working) ſuch Perſon ſo neglecting or refuſing, or the Maſter or Miſtreſs of ſuch Perſon, ſhall forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, for every Day he ſhall ſo neglect or refuſe; to be recovered by a Warrant from any Juſtice of the Peace of the ſaid County, and applied to the Uſe of employing Perſons to work and keep the Streets of the ſaid Town clear and in good Order.

Inhabitants exempt from working on Public Roads.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Inhabitants of *Hillſborough* ſhall be, and are for the future exempted from working on any of the Public Roads within this Province.

Public Offices to be kept in Town.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County of *Orange*, the Clerk of the Court of the ſaid County, the Regiſter of the ſaid County, and their Succeſſors, ſhall, during their Continuance in Office, hold and keep their reſpective Offices in the ſaid Town of *Hillſborough*; and that if any of the ſaid Officers ſhall neglect or refuſe ſo to do, each of them ſo neglecting or refuſing ſhall, for every Month he ſhall ſo fail, forfeit and pay the Sum of Twenty Shillings, Proclamation Money, to be recovered before any Juriſdiction having Cognizance thereof; one Half to the Informer, and the other Half to the Directors of the ſaid Town; to be applied to the Uſe and Benefit of the ſaid Town.

XVI. *AND*

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Directors to paſs Orders for Government of the Town.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Directors and Truſtees for the Time being, or a Majority of them, ſhall, and are hereby impowered, to paſs any Order they may judge proper, for preventing Mortar, Clay, or Wooded Chimnies, being built, and pulling down ſuch are already built (if thought to be a Nuſance) for making the People keep their Chimnies clean, and raiſing them to a proper Height, for obliging all Perſons to clean the Streets before their Houſes, and for all other Things for the Good and Safety of the ſaid Town, and the proper Regulation of it, conſiſtently with the Laws of this Province; and to enforce ſuch Orders, by laying a Fine, not exceeding Forty Shillings, Proclamation Money, on all Perſons neglecting or refuſing to comply therewith.

Town Clerk to be appointed.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the Directors and Truſtees of the ſaid Town, or a Majority of them, ſhall, as often as they ſhall think proper, appoint a Town Clerk, and ſhall keep a Town Book; in which ſhall be entered the Time of taking the Entries of Lots, and the Orders they may make, the Account of the Monies they have received, or hereafter may receive, the Manner of applying ſuch Money, and the Sums remaining in Hand, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered by any Perſon who ſhall or may ſue for the ſame, in any Court in this Province having Juriſdiction thereof; one Half to the Proſecutor, the other Half to the Uſe of the ſaid Town.

Monies appropriated.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That all the Monies ariſing by the Sale of any Ground, or taking up of any Lot in the ſaid Town, or any other Way, by Virtue of this or the before recited Act, be appropriated, laid out, and applied to ſuch Uſe or Uſes as the ſaid Directors, or a Majority of them, ſhall think convenient, for the better Encouragement of the ſaid Town.

Repealing Clauſe.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That the Sixth and Seventh Sections, and ſo much of the Second and Third Sections, of the before recited Act, as is repugnant to this Act, be, and is hereby repealed, and made null and void.

CHAP. XVI.

An Act to continue an Act, intituled, An Act to ſuppreſs exceſſive and deceitful Gaming. EXP.

CHAP. XVII.

An Act for further continuing an Act, intituled, An Act for the Reſtraint of Vagrants, and for making Proviſion for the Poor, and other Purpoſes. *(a)*

Preamble.

I. WHEREAS an Act, paſſed at *Newbern* the Twenty Fifth Day of *September*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Five, intituled, *An Act for the Reſtraint of Vagrants, and for making Proviſion for the Poor, and other Purpoſes*, was continued by one other Act, paſſed at *Wilmington*, the Thirteenth Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Sixty, intituled, *An Act for the Reſtraint of Vagrants, for making Proviſion for the Poor, and other Purpoſes*; which ſaid laſt mentioned Act will expire at the End of the preſent Seſſion of Aſſembly; and whereas the before recited Act hath been found uſeful and convenient:

Act continued.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid firſt recited Act ſhall further continue and be in Force for and during the Term of Four Years, from the paſſing of this Act, and from thence to the End of the next Seſſion of Aſſembly.

(a) This Act further continued by Act, Dec. 1770, Chap. 29.

CHAP. XVIII.

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An Act to prevent hunting for, and killing Deer, in the Manner therein mentioned.

Provided for by Act, Dec. 1770, Chap. 10.

CHAP. XIX.

An Act for eſtabliſhing a School-Houſe in the Town of Newbern.

Preamble.

I. WHEREAS a Number of well-diſpoſed Perſons, taking into Conſideration the great Neceſſity of having a proper School or public Seminary of Learning eſtabliſhed, whereby the riſing Generation may be brought up and inſtructed in the Principles of the Chriſtian Religion, and fitted for the ſeveral Offices and Purpoſes of Life, have, at a great Expence, erected and built, in the Town of *Newbern*, a convenient Houſe for the Purpoſes aforeſaid; and being deſirous that the ſame may be eſtabliſhed by Law on a permanent Footing, ſo as to anſwer the good Purpoſes by the ſaid Perſons intended:

Directors of the School elected.

And incorporated.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Perſons, or other Contributors to ſaid School-Houſe, or the Majority of them, are hereby authorized, required, and directed, to meet at the Court-Houſe in *Newbern* on the Firſt *Tueſday* in *April* next, and then and there to elect and chooſe, out of their Number, Eleven of the moſt able and diſcreet Perſons, to be Truſtees or Directors of the ſaid School; and that after the ſaid Election, which is to be made before the Sheriff, and a due Return thereof made to the ſaid Directors, they ſhall be, and are hereby incorporated into a Body Politic and Corporate, by the Name of the *Incorporated Society for promoting and eſtabliſhing the public School in* Newbern; and by that Name to have perpetual Succeſſion, 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, enjoy, poſſeſs, and retain, to them and their Succeſſors, for ever, in Truſt and Confidence for the ſaid School, any Lands, Rents, Tenements, and Hereditaments, of what Kind, Nature, or Quality ſoever; and alſo to ſell, grant, demiſe, alien, or diſpoſe of the ſame; and alſo to receive and take any Charity, Gift, or Donation whatſoever, to the ſaid School; and 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, under their common Seal, to make ſuch Rules, Regulations, and Ordinances, for the Admiſſion or Diſmiſſion of the ſeveral Maſters of the ſaid School, and the better regulating and well ordering the ſame, as to them ſhall ſeem requiſite and neceſſary, and beſt anſwer the Purpoſes intended: Provided the ſaid Rules correſpond, and be as near as may be, agreeable to the Laws of *Great Britain* and this Province.

Their Power to make Bye Laws.

Maſter to be licenced by the Governor.

III. *PROVIDED always*, That no Perſon ſhall be admitted to be Maſter of the ſaid School, but who is of the eſtabliſhed Church of *England*; and who, at the Recommendation of the Truſtees or Directors, or the Majority of them, ſhall be duly licenced by the Governor, or Commander in Chief for the Time being.

Lot of Land veſted in the Truſtees.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That one Lot of Land in the Town of *Newbern*, lately purchaſed from *William Baſtin Whitford*, by the Proprietors of the aforeſaid School-Houſe, and whereon they have erected the ſame, be from henceforth veſted in the Truſtees by this Act incorporated, and their Succeſſors, for ever, in Truſt and Confidence, to and for the Uſes and Purpoſes by the ſaid Society intended.

Truſtees to take the Oaths of Government.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Truſtees, before they be deemed qualified to enter on the Execution of the Truſt repoſed in them by this Act, do, before ſome Magiſtrate, take the ſeveral Oaths of Government, ſubſcribe the Teſt, and alſo take the following Oath, *to wit*,

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And his Oath.

I A. B. *do ſwear that I will duly and faithfully, to the beſt of my Skill and Ability, execute and diſcharge the ſeveral Powers and Authorities given me by an Act of Aſſembly, for eſtabliſhing a School-Houſe in the Town of* Newbern; *and that in all Things for the well ordering and good Government thereof, I will do equal and impartial Juſtice, to the Extent of my Underſtanding.*

SO HELP ME GOD.

To appoint a Treaſurer, who is to give Bond.

His Duty.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Truſtees, or the Majority of them, after their Qualification, ſhall meet at the ſaid School-Houſe, and elect, out of their Number, a fit and proper Perſon to be Treaſurer to the ſaid Society; which Treaſurer ſhall be annually elected on the Firſt *Tueſday* in *April*; into whoſe Hands ſhall be paid all Monies of or belonging to the ſaid School, he firſt giving Bond and Security, in the Sum of Two Thouſand Pounds, Proclamation Money, to the Truſtees, for the faithful Diſcharge of his Office, and the Truſt repoſed in him; and that the ſaid Treaſurer ſhall annually, on the ſaid Firſt *Tueſday* in *April*, ſettle his Accounts with the Truſtees, of all Diſburſements, Donations, Gifts, Bequeſts, or other Charities, that may belong or accrue to the ſaid School the preceeding Year: And upon the ſaid Treaſurer's Neglect or Refuſal to ſettle and pay over to the ſucceeding Treaſurer what Money may be in his Hands belonging to the ſaid Society, the ſame Method of Recovery may be had againſt him, as is provided for the Recovery of Monies from Sheriffs, or other Perſons chargeable with Public Monies.

Succeſſion of the Truſtees.

VII. AND whereas it will be neceſſary that a regular Succeſſion of the ſaid Truſtees ſhould be kept up, *Be it Enacted, by the Authority aforeſaid,* That on the Death, Refuſal to qualify, or Removal out of the Province, of any of the ſaid Truſtees, the remaining Truſtees, or the Majority of them then in Office, ſhall elect and chooſe, out of the Number of Contributors, other Truſtees, in the Room and Stead of thoſe dead, removed, or refuſing to qualify as aforeſaid; who ſhall be inveſted with the ſame Powers and Authorities as the other Truſtees, firſt taking the ſeveral Oaths appointed by this Act for their Qualification.

Act repealed, & Lands veſted in the Truſtees.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That an Act of Aſſembly paſſed at *Wilmington*, in One Thouſand Seven Hundred and Sixty Four, intituled, *An Act for building a Houſe for a School, and the Reſidence of a Schoolmaſter, in the Town of* Newbern, be, and is hereby repealed; and the Piece or Parcel of Ground mentioned in the ſaid Act, being Half of Two Lots known in the Plan of the ſaid Town by the Numbers Fifty Nine and Sixty, beginning at the Corner of *Craven* and *Pollock* Streets, and running along *Pollock* Street Six and a Half Pole; then acroſs ſaid Two Lots Fifty Nine and Sixty, in a parallel Line with *Craven* Street, Thirteen Poles to the North Side of Lot Number Sixty; then along the ſaid Lot, Six and a Half Poles, to *Craven* Street; then along *Craven* Street, Thirteen Poles, to the Beginning: Alſo Two Lots of Land in the ſaid Town of *Newbern*, adjoining the ſaid School-Houſe, known in the Plan of the ſaid Town by the Numbers Three Hundred and Thirteen and Three Hundred and Twenty Seven, which are hereby veſted in the Truſtees by this Act to be appointed, and to their Succeſſors, for ever, in Truſt and Confidence, to and for the Uſe of the ſaid School.

Duty laid on Liquors, for educating poor Children.

IX. AND whereas the aforeſaid Contributors being deſirous that the Benefits ariſing from ſaid School may be as extenſive as poſſible, and that the Poor, who may be unable to educate their Children there, may enjoy the Benefits thereof: *Be it Enacted, by the Authority aforeſaid,* That a Duty of One Penny *per* Gallon on all Rum, or other ſpiritous Liquors imported into the River *Neuſe*, be paid, for and during the Space of Seven Years, from and after the paſſing of this Act, by the Importers thereof, for and towards raiſing a Fund for the Education of Ten poor Children in the ſaid School (to be choſen by the Truſtees) whoſe Parents may be unable to pay for the ſame; and that the ſaid Duty be Part of the common Stock of the ſaid School, and to be appropriated as aforeſaid, and towards giving a Salary of Twenty Pounds *per* Year

Year to the Maſter of the ſaid School, towards enabling him to keep an Aſſiſtant; which ſaid Duty ſhall be collected, accounted for, and paid to the Treaſurer of the ſaid School, in the ſame Manner, and under the ſame Penalties and Reſtrictions, as the Duty of Four Pence *per* Gallon on ſpiritous Liquors is now paid and collected. *A. D.* 1766.

CHAP. XX.

An Act to impower the Juſtices of Beaufort *County to build a Court-Houſe, Priſon, and Stocks, in* Bath *Town, for the Uſe of the ſaid County.*

I. WHEREAS the Court-Houſe and Priſon in the ſaid County are in great Decay, and in ſo ruinous a Condition, that the Courts cannot be held therein, nor Priſoners detained; and the Lot whereon the ſame ſtands is very low, ſunken, and inconvenient: Therefore, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Honourable *Robert Palmer*, Eſq; *John Barrow*, *Thomas Reſpiſs*, *Wyriot Ormond*, and *Thomas Bonner*, Eſqrs. are hereby appointed Commiſſioners; and they, or the Majority of them, ſhall and may, and they are hereby required, within Six Months after the paſſing of this Act, to agree and contract with Workmen for the building and erecting a new Court-Houſe, Priſon, Pillory, and Stocks, in *Bath* Town, for the Uſe of the ſaid County. Commiſſioners appointed for building Court-Houſe, &c.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners, or the Majority of them, are hereby impowered to ſell the old Court-Houſe and Priſon, together with the Lot thereto belonging; and the Money therefrom ariſing, to be expended and laid out towards the erecting the aforeſaid Buildings, for the Uſe of the County as aforeſaid. Commiſſioners impowered to ſell the old Court-Houſe.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That a Poll-Tax of Three Shillings be levied on each taxable Perſon in the ſaid County, for Two Years next enſuing; which Tax ſhall be collected by the Sheriff of the ſaid County, in the ſame Manner, and at the ſame Times, as Public Taxes are by Law directed to be collected, and by him accounted for and paid to the Commiſſioners, or the Majority of them; and ſhall by them be applied to defray and pay for the building and erecting the ſaid Court-Houſe, Priſon, Pillory, and Stocks. Tax laid for building the Court-Houſe.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners, after the Building aforeſaid ſhall be erected, built, and finiſhed, ſhall render an Account of the Monies by them received by Virtue of this Act, together with that of their Diſburſements, to the County Court of *Beaufort*; and the Overplus (if any) to be applied towards leſſening the County Tax. Commiſſioners to account for the Tax.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That ſo ſoon as the ſaid Court-Houſe, Priſon, Pillory, and Stocks, ſhall be erected, built, and finiſhed, the Juſtices of the Court of the ſaid County (by their Order) ſhall, and are hereby directed and required, to adjourn the ſaid Court from the old Court-Houſe where the ſame is now held, to the new Court-Houſe ſo to be erected and built by Virtue of this Act; and all Suits, Actions, Plaints, Pleas, and other Matters and Things, before the ſaid Court then depending and undetermined, ſhall ſtand adjourned and continued accordingly; and all and every Perſon and Perſons having Day in the ſaid Court, and all Witneſſes, bound and obliged to appear at the ſame, according to ſuch Adjournment. Court to be adjourned from the old to the new Court-Houſe.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That all and every Act and Acts, Clauſes, Article and Articles thereof, for any Matter or Thing within the Purview of this Act, ſhall henceforth be repealed and made void. Repealing Clauſe.

A. D. 1766.

CHAP. XXI.

An Act to prevent the unreaſonable Deſtruction of Fiſh in Neuſe *River*, Tar *River*, Fiſhing *Creek*, Rockey *River*, *the South Fork of* Catawba *River*, *the South Fork of the* Yadkin *River*, *and* Cotentney *Creek*. EXP.

CHAP. XXII.

An Act to amend an Act, intituled, An Act for eſtabliſhing the Titles of the Freeholders in *Edenton*, for laying a Tax for finiſhing the Church begun in the ſaid Town, and for the further Improvement and better Regulation thereof.

Preamble.

I. WHEREAS ſince the paſſing of the above mentioned Act, ſome of the Commiſſioners hereby appointed and nominated have removed themſelves, and others are dead; by which Means it becomes neceſſary that others ſhould be appointed, in order that a Succeſſion of them may be continued, to anſwer the Purpoſes of the afore-mentioned Act:

Commiſſioners appointed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, *Joſeph Blount*, *William Lowther*, *Samuel Johnſton*, *Joſeph Hewes*, and *George Blair*, Gentlemen, and every of them, be, and are hereby conſtituted and appointed Commiſſioners for the Town of *Edenton* aforeſaid, who ſhall have, exerciſe, and enjoy, the ſame Powers, Rights and Privileges, as the Commiſſioners by the before recited Act did or might have exerciſed and enjoyed; and that in Caſe of the Death or Removal of the Treaſurer, or any of the Commiſſioners, out of the County of *Chowan*, the eldeſt Commiſſioners ſhall ſucceed to the ſaid Office of Treaſurer, and other Commiſſioner or Commiſſioners ſhall be choſen, in Manner as by the ſaid Act is directed.

Lots to be clear'd.

III. *AND be it further Enacted, by the Authority aforeſaid*, That every Grantee of a Lot or Lots heretofore granted, ſhall, within Four Months after the paſſing of this Act, clear and grub up ſuch Lot or Lots, under the Penalty of Ten Shillings for each and every Lot which by that Time ſhall not be cleared or grubbed up; and that the Grantee of every Lot hereafter to be granted ſhall alſo, within Four Months from the Date of his Deed, alſo clear and grub up his Lot or Lots, under the Penalties aforeſaid; to be recovered and applied in ſuch Manner as Penalties by the afore-mentioned Act are recoverable and applied.

Hogs and Geeſe not to go at large.

IV. AND whereas the ſuffering of Hogs and Geeſe to run at large in the ſaid Town is found to be injurious to the Properties of the Inhabitants thereof, *Be it therefore Enacted, by the Authority aforeſaid*, That none of the Inhabitants of the ſaid Town ſhall, within Two Months after the paſſing of this Act, ſuffer any of their Hogs or Geeſe to run at large within the Bounds of the ſaid Town; and any Hog or Hogs, Gooſe or Geeſe, running at large, ſhall be forfeited to the Commiſſioners; and the ſame, by an Order from one of them, under his Hand, directed to the Conſtable, be by him ſold to the higheſt Bidder, for the Benefit of the ſaid Town.

Chimnies to be ſwept.

V. AND for the Prevention of Fire in the ſaid Town, *Be it Enacted, by the Authority aforeſaid*, That every Houſekeeper ſhall ſweep, or cauſe to be ſwept, the Chimnies of his Dwelling-Houſe, Store, and Kitchen, at leaſt once in every Month, between the Months of *October* and *April*, under the Penalty of Twenty Shillings for every Chimney ſo unſwept within the Time aforeſaid; to be recovered by a Warrant from under the Hand of any one of the Commiſſioners, and applied for the Benefit of the ſaid Town: And in Caſe the Chimney of any Dwelling-Houſe, Store, or Kitchen, ſhall catch on Fire through Neglect in Manner before directed, in the ſaid Town, the Poſſeſſor of ſuch Houſe, Store, or Kitchen, ſhall pay to the Commiſſioners of the ſaid Town the Sum of Five Pounds; to be recovered and applied in Manner as before directed.

VI. AND

VI. AND whereas it frequently happens that Masters of Vessels, not belonging to the Province, bring their Vessels to the Public Wharfs already erected in the said Town, and there vend and retail their Cargoes, and have the Benefit of the said Wharfs; *Be it therefore Enacted, by the Authority aforesaid*, That every Master of a Vessel not belonging to the Province, or directly from *Great Britain*, shall, for each and every Day he shall lie with his said Vessel at any one of the said Wharfs, pay to the Commissioners of the said Town the Sum of Two Shillings *per* Day; and in Failure of Payment thereof, the same shall and may be levied upon the Body, or Goods and Chattels, of the Delinquent, by a Warrant from under the Hand of any one Commissioner, directed to a Constable; and the Money be applied as before directed. *A. D.* 1766. Masters of Vessels to pay Wharfage.

VII. *AND be it further Enacted by the Authority aforesaid*, That within Two Months after the passing of this Act, any Occupier of any Lot or Lots whereon now is, or shall be built, any habitable House, shall have a Ladder, of a proportionable Length to the Height of his House; which said Ladder shall be constantly kept up against his House, that in Case of Fire, Relief may be immediately afforded, under the Penalty of Twenty Shillings; to be recovered and applied as aforesaid. Housekeepers to have Ladders to their Houses.

CHAP. XXIII.

An Act to amend an Act, intituled, An Act for regulating the Pilotage of *Cape Fear* River, and for other Purposes.

I. WHEREAS the Rates allowed for Pilotage by the before recited Act, are inadequate to the Expence of Boats and Hands proper to be employed in so material a Service: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, all Pilots duly authorized by a Branch from the Governor, or Commander in Chief for the Time being, may take and receive the following Rates for each Vessel they shall pilot over the Bar to *Brunswick*, and back again to Sea, *to wit*,

For a Vessel when loaded, drawing Six Feet Water, the Sum of Two Pounds Ten Shillings. Pilots Fees.
For a Vessel when loaded, drawing Seven Feet, Two Pounds Fifteen Shillings.
For a Vessel when loaded, drawing Eight Feet, Three Pounds.
For a Vessel when loaded, drawing Nine Feet, Three Pounds Ten Shillings.
For a Vessel when loaded, drawing Ten Feet, Three Pounds Fifteen Shillings.
For a Vessel when loaded, drawing Eleven Feet, Four Pounds Ten Shillings.
For a Vessel when loaded, drawing Twelve Feet, Five Pounds Ten Shillings.
For a Vessel when loaded, drawing Thirteen Feet, Six Pounds Ten Shillings.
For a Vessel when loaded, drawing Fourteen Feet, Seven Pounds Ten Shillings.
For a Vessel when loaded, drawing Fifteen Feet, Eight Pounds Ten Shillings.
For a Vessel when loaded, drawing Sixteen Feet, Nine Pounds Ten Shillings.
For a Vessel when loaded, drawing Seventeen Feet, Eleven Pounds.
For a Vessel when loaded, drawing Eighteen Feet, Thirteen Pounds.

III. *AND be it further Enacted, by the Authority aforesaid*, That any Pilot appointed to pilot Vessels from *Brunswick* to *Wilmington*, and back, shall and may receive one Half the aforesaid Rates; and if only to the Flats, and back to *Brunswick*, then one Fourth of the said Rates; Respect being had to the particular Draught of Water such Vessel shall draw. Their Fees from Brunswick to Wilmington, and the Flats.

IV. AND whereas by the before recited Act, it is Enacted, that before any Person obtain a Branch to be a Pilot, such Person must give Bond, with Two sufficient Securities, to the Governor or Commander in Chief for the Time being, in

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the Sum of Five Hundred Pounds, Proclamation Money, for the due and faithful Diſcharge of his Office, which by Experience has been found inconvenient for many Pilots to procure; *Be it therefore Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, no larger Sum than Two Hundred Pounds, Proclamation Money, ſhall be required of any Perſons that ſhall be recommended as Pilots.

Pilots to give Bond in 200 l. only.

Pen. on Pilots neglecting to attend Veſſels when called upon.

V. AND whereas ſome of the Pilots of *Cape Fear* River are very negligent in giving due Attendance, when called upon, to carry Veſſels up or down the River; *Be it therefore Enacted, by the Authority aforeſaid*, That when any Pilot ſhall have Notice from the Maſter of any Veſſel to attend in tranſporting ſuch Veſſel, and ſhall fail immediately to go on Board for that Purpoſe, the Pilot having ſuch Notice, ſhall forfeit and pay the Sum of Thirty Shillings, Proclamation Money (unleſs he ſhall actually have Charge of ſome other Veſſel) for each and every Day's Delay of ſuch Veſſel, by Means of ſuch Pilot's Neglect; to be recovered by a Warrant from under the Hand of one of the Commiſſioners, on due Proof thereof to ſuch Commiſſioner; and the Money ſo recovered, to be applied to the Uſe of the Maſter or Owner of the Veſſel for which Complaint is made. *(a)*

Pen. on white Perſons deſtroying Beacons, &c.

Pen. for Slaves.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That if any white Perſon or Perſons ſhall be convicted of cutting down, taking up, removing, or wilfully deſtroying any Beacon, Buoy, Stake, or other Mark heretofore erected, or to be erected or placed within the ſaid River, ſuch Perſon ſhall forfeit and pay Twenty Pounds, Proclamation Money, for each and every Offence; to be recovered and applied as aforeſaid: And in Caſe any Negro ſhall be guilty of the ſame Offence, the Maſter of ſuch Negro ſhall be ſubject to the Penalty of Five Pounds, Proclamation Money; recoverable, and to be applied in the ſame Manner.

Pen. for making faſt Boats, &c. to any Stakes, Beacons, &c.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any white Perſon do, or ſhall hereafter make faſt any Raft, Pettiaugua, or other Boat, to any of the Stakes, Buoys, or Beacons, within the ſaid River, the Perſon ſo offending ſhall forfeit and pay Five Pounds, Proclamation Money; and any Negro guilty of the like Offence, the Maſter or Owner of ſuch Negro to be liable to the like Forfeiture; to be recovered and applied as other Fines by this Act are directed.

CHAP. XXIV.

An Act for erecting a Court-Houſe and Priſon, for the Uſe of the Diſtrict of Edenton.

Preamble.

I. WHEREAS it is neceſſary that a new Court-Houſe and Priſon ſhould be built for the Uſe of the Diſtrict of *Edenton*;

Commiſſioners appointed for building a Court-Houſe, &c.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That Mr. *Cullen Pollock*, Mr. *Joſeph Hewes*, Mr. *Thomas Naſh*, Mr. *Edward Vail*, and Mr. *William Lowther*, be, and are hereby nominated and appointed Truſtees and Directors, for building and erecting a good and convenient Court-Houſe, and ſufficient Priſon, for the Uſe of the Diſtrict aforeſaid; and for that Purpoſe, to contract and agree with proper Perſons for compleating and finiſhing the ſaid Court-Houſe and Priſon, in ſuch Manner as they ſhall think neceſſary and conveinient.

Tax laid for building Court-Houſe, &c.

III. *AND be it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of One Shilling be levied on each taxable Perſon within the County of *Chowan*, and of Four Pence on each taxable Perſon within the Counties of *Currituck*, *Paſquotank*, *Perquimons*, *Bertie*, *Tyrrell*, and *Hertford*; to be collected for the preſent and next ſucceeding Years, by the Sheriffs of the ſaid Counties reſpectively, and accounted for

(a) Section 6, relating to throwing Ballaſt in the River, altered, by Act, Nov. 1771, Chap. 11.

for and paid to the ſaid Truſtees and Directors, at the ſame Time, in the ſame Manner, and under the like Penalties, as by Law is directed for collecting, accounting for, and paying Public Taxes. *A. D. 1766.*

Navigation Money appropriated to building the Court-houſe, &c.

IV. AND whereas by an Act of Aſſembly paſſed at *Newbern*, in the Year of our Lord One Thouſand Seven Hundred and Fifty Eight, for applying certain Monies, to be collected on the Tonnage of Veſſels, to enable the Commiſſioners of Port *Roanoke* to amend the Navigation of the ſaid Port, and for other Purpoſes; and whereas the ſaid Monies never have been, or is there any Probability that the ſame ever will be applied for the Purpoſes aforeſaid, but ſtill remain in the Hands of the Commiſſioners, or the Receiver of the ſaid Duty: *Be it therefore Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, and the ſaid Receiver, ſhall, immediately from and after the paſſing of this Act, pay to the Truſtees and Directors for building the ſaid Court-Houſe and Priſon, all ſuch Sum and Sums of Money as ſhall remain in their Hands not applied agreeable to the Act of Aſſembly aforeſaid; and to be replaced and refunded at ſuch Time, and in ſuch Manner, as the Governor, Council, and Aſſembly, ſhall think proper.

Commiſſioners to ſell the old Court-Houſe.

V. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the ſaid Truſtees and Directors are hereby required and impowered to ſell and diſpoſe of, for the beſt Price that may be had, the old Court-Houſe, Priſon, and other Public Buildings, that are now ſtanding on the Public Lots in the Town of *Edenton*.

Commiſſioners to apply the Monies to building the Court houſe, &c.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Truſtees and Directors ſhall apply all ſuch Monies as ſhall come to their Hands in Virtue of this Act, and ſuch other Sum or Sums of Money as they ſhall obtain by the voluntary Donations of Gentlemen and others, towards building and erecting the ſaid Court-Houſe and Priſon, in ſuch Manner as to the ſaid Truſtees and Directors ſhall ſeem moſt convenient.

Commiſſioners to give Bond.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That before the ſaid Truſtees and 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 Two Thouſand Pounds, payable to his Excellency the Governor, and to his Succeſſors, with Condition for the faithful Diſcharge of the ſeveral Truſts in them repoſed by this Act; and that they will, from Time to Time, and at all Times when they ſhall be called upon, lay a juſt State of their Tranſactions before the Aſſembly, or ſuch Committee as ſhall be appointed to ſettle and adjuſt the Public Accounts; which Bond ſhall be lodged with the Clerk of the Superior Court for the Diſtrict of *Edenton*.

Surpluſſage of the Tax appropriated.

VIII. *AND be it Enacted, by the Authority aforeſaid*, That if the Taxes, or other Monies ariſing in Virtue of this Act, ſhall be more than ſufficient to compleat the Buildings herein directed, the Surplus thereof ſhall, by the Truſtees herein named, be paid to the Court of each County, in Proportion to the Number of Taxables collected from each of the ſaid Counties, and paid by the Sheriff to the Truſtees.

CHAP. XXV.

An Act for joining the Navigation of Old-Topſail *Inlet to* Neuſe *River, by cutting a navigable Canal from the Head of* Harlow's *Creek to* Clubfoot's *Creek.*

Preamble.

I. WHEREAS the Navigation of the River *Neuſe* is not ſufficient for Veſſels of great Burthen, by Reaſon of the ſmall Depth of Water through the Swatch leading from *Occacock* Bar into the Sound; and the Inlet of *Old-Topſail* being very ſafe and navigable for Veſſels of great Burthen, where they may ride within

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within the ſame in a ſafe and commodious Harbour, the Navigation of which may be joined to the River *Neuſe*, by cutting a Canal, a ſmall Diſtance, from the Head of *Harlow*'s Creek to the Head of *Clubfoot*'s Creek:

Commiſſioners appointed for cutting a Canal.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the following Perſons are hereby appointed Commiſſioners, for overſeeing, deſigning, and laying out the ſaid Canal, *to wit, Samuel Cornell, John Smith, Parmenious Horton, John Benners, James Davis, William Cole, Richard Cogdell, John Eaſton, Henry Stanton, Chriſtopher Neale*, and *William Burden*; and that they, or the Majority of them, are hereby conſtituted and appointed Commiſſioners of ſaid Navigation, with full Power and Authority, to lay off, plan, and deſign, a navigable Canal, from the Head of *Harlow*'s Creek to *Clubfoot*'s Creek, in the Manner that to them ſhall beſt ſeem to perfect the Navigation through the ſame, and anſwer the Intention of this Act.

Impowered to take Subſcriptions, and compell the Payment thereof.

III. AND whereas many Public ſpirited Gentlemen, being willing to further a Work of ſuch an intereſting Nature to a commercial Country, have offered to contribute to the ſame, by either paying in Sums of Money, or ſending their Slaves to work in cutting the ſaid Canal; *Be it therefore Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or the Majority of them, are hereby impowered, from Time to Time, to receive Subſcriptions from any Perſon or Perſons who may be willing to contribute to the ſaid Undertaking; and that when any Sum or Sums of Money may be ſubſcribed thereto, and the ſame ſhall not be regularly paid, the ſaid Commiſſioners, or the Majority of them, are hereby directed and required, to commence Actions for the ſame, in any Court of Record of this Province, having Cognizance thereof; and to proſecute the ſame to a full Recovery of all ſuch Sum or Sums.

To employ Hands to work on the Canal, and appoint Overſeers.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That when the ſaid Commiſſioners ſhall have deſigned and laid out the ſaid Canal, and ſhall have received any Subſcriptions of Monies to carry on the ſame, that they immediately employ Hands to work on the ſaid Canal, at the moſt reaſonable Rates that may be got, and appoint ſuch and ſo many Overſeers of the ſaid Work as they ſhall think neceſſary for conducting the ſame: And that the ſaid Commiſſioners, as often as may be neceſſary, are hereby directed to meet at ſome convenient Place, to give neceſſary Orders and Directions towards furthering the ſaid Canal.

Canal may be carried through any Perſons Lands.

V. *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 impowered, to cut the ſaid Canal through any Perſons Land, where it ſhall be neceſſary to continue and carry the ſame; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

CHAP. XXVI.

An Act to impower the Churchwardens and Veſtrymen of St. John's *Pariſh, in the County of* Bute, *to appropriate the Surpluſſage Money levied for erecting the public Buildings in ſaid County, to the Uſe of the ſaid Pariſh of St.* John's.

Private.

I. WHEREAS by an Act of Aſſembly, intituled, *An Act for erecting Part of St.* Philip's *Pariſh, in* New-Hanover *County, and the lower Part of* Bladen *County, into a ſeparate County, by the Name of* Brunſwick *County; and for dividing the County of* Granville, *and erecting that Part thereof, St.* John's *Pariſh, into a ſeparate and diſtinct County, by the Name of* Bute *County*, a Poll Tax of Three Shillings, Proclamation Money, *per Annum*, for Two Years, was levied on each taxable Perſon in the ſaid County of *Bute*, for the Purpoſe of erecting and building a Court-Houſe, Priſon, Pillory and Stocks, for the Uſe of the ſaid County of *Bute*; which ſaid Tax, when collected, was directed to be paid into the Hands of Mr. *Solomon Alſton*, Mr. *William*

William Johnſton, and Mr. *Julius Nichols*, or a Majority of them, Commiſſioners appointed for erecting and building the Court-Houſe, Priſon, Pillory and Stocks; and that the Overplus of the Money ariſing from the ſaid Tax, after finiſhing and compleating the ſaid Buildings, was by the ſaid Act directed to be accounted for by the ſaid Commiſſioners to the Juſtices of the ſaid County of *Bute*, and applyed towards defraying the contingent Charges of the ſaid County: And whereas there is a conſiderable Sum of Money, ariſing from the ſaid Tax, after paying for the ſaid Buildings, ſtill remaining in the Hands of the aforeſaid Commiſſioners, unaccounted for by them to the Juſtices of the ſaid County; and the preſent Gaol of the ſaid County being found inſufficient: *A. D.* 1766.

Surplus Money applied.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That ſuch Surplus Money ſo ariſing and remaining as aforeſaid, ſhall be applied, in the Firſt Place, to the building and erecting of a good, ſtrong, and ſufficient Gaol, for the ſaid County, upon ſuch Plan, and in ſuch Manner, as may be agreed on by a Majority of the Commiſſioners aforeſaid; which Gaol ſhall be contracted for and finiſhed under the like Directions and Regulations, as the other Public Buildings in the ſaid County, by the ſaid before mentioned Act, are directed to be built.

Commiſſioners to account for it.

III. *BE it further Enacted, by the Authority aforeſaid*, That the ſaid *Solomon Alſton*, *William Johnſton*, and *Julius Nichols*, Commiſſioners as aforeſaid, are hereby directed and required, to account for the Money, collected by ſaid Tax, within the Inferior Court of the ſaid County of *Bute*; and to pay over what ever Surplus may be remaining in their Hands (after paying for the Public Buildings already erected in the ſaid County, and the Gaol by this Act directed to be built) into the Hands of the Churchwardens of St. *John*'s Pariſh, in the ſaid County of *Bute*; by them to be applied towards defraying the Pariſh Charges; any Law to the contrary notwithſtanding.

Method of Recovery againſt the Commiſſioners.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe the ſaid Commiſſioners, or any of them, ſhall fail, neglect, or refuſe, to account for and pay, as in and by this Act directed, the Overplus of the ſaid Tax; that then it ſhall and may be lawful for the Superior Court of the Diſtrict of *Halifax*, on Motion of the Churchwardens and Veſtrymen of St. *John*'s Pariſh, to give Judgment againſt the ſaid Commiſſioners, or the Survivor or Survivors of them, for all ſuch Sums of Money as he or they ſhall have in his or their Hands, unaccounted for, with Coſts, and to award Execution thereon: Provided ſuch Commiſſioner or Commiſſioners have Ten Days previous Notice of ſuch Motion.

CHAP. XXVII.

An Act for aſcertaining the Boundary Lines between the Counties of New-Hanover, *and* Duplin.

Private.

I. WHEREAS Diſputes daily ariſe between the Inhabitants of *New-Hanover* and *Duplin*, by Reaſon of the Boundary Line not being ſufficiently aſcertained:

Commiſſioners appointed for running the dividing Line.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Honourable *John Sampſon*, Eſq; *John Aſhe*, *Felix Kennon*, and *Alexander Lillington*, Eſquires, are hereby appointed Commiſſioners for running out the dividing Line between the ſaid Counties of *Duplin* and *New Hanover*; which ſaid Commiſſioners, or any Three of them, ſhall meet on ſome Time within Six Months after the paſſing of this Act, and ſhall run and lay off the Boundaries between the ſaid Counties, in the following Manner, *to wit*, That *Rockfiſh* Creek ſhall be the Boundary, from the Mouth thereof to where *Doctor*'s Creek branches from the ſame; then up *Doctor*'s Creek one Mile above the Houſe of Mr. *George*

A. D. 1766. *George Maires*; thence running a direct Line to the Corner made by *Arthur M'Coy*, on *South* River; and the said Line when run, shall for ever after be deemed the Boundary Line between the said Counties of *New Hanover* and *Duplin*.

County of Duplin to defray the Expence.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Justices of the Peace of the said County of *Duplin*, are hereby impowered and directed, to defray the Expence of running the said dividing Line out of the County Tax.

Not to debar the Sheriff from collecting Taxes, as before the Division.

IV. *AND be it further Enacted, by the Authority aforesaid*, That nothing herein contained shall be construed to debar the Sheriff of *New Hanover* County, as the same now stands, to make Distress for any Levies, Fees, or other Dues, that are due, or that shall be due the Tenth Day of *March* next, from the Inhabitants of the said County of *New Hanover*; but that he may make Distress in the same Manner as by the Law the said Sheriff could or might have done, if the said dividing Lines had remained without Alteration; and the said Levies, Fees, or other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithstanding.

CHAP. XXVIII.

An Act to encourage Benjamin Heron, *Esq*; *to build a Bridge over the North East Branch of* Cape Fear *River, at or near the Place where the Ferry is now kept by* Edward Davis.

Private.

I. WHEREAS a Bridge over the North East Branch of *Cape Fear* River, at or near the Place where the Ferry is now kept by *Edward Davis*, would be much for the Conveniency of all Travellers; and as the Land on both Sides the River belongs to *Benjamin Heron*, Esq; the said *Benjamin Heron* is desirous of building a Bridge there at his own Expence, on Condition that the Benefit thereof be vested in him, his Heirs and Assigns, for ever:

Bridge to be built.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That it shall and may be lawful for the said *Benjamin Heron*, his Heirs, Executors, Administrators, or Assigns, to erect and build a good, strong, and substantial Bridge, over the North East Branch of *Cape Fear* River, as near as he conveniently can to the Place where the Ferry is now kept by *Edward Davis*; which Bridge shall have one wide Arch of Thirty Feet for Rafts and Pettiauguas to pass through, and Six Feet high above high Water Mark, and be made to draw up occasionally, for the Navigation of Vessels of larger Burthen; and after building and erecting the said Bridge as aforesaid, it shall and may be lawful for the said *Benjamin Heron*, his Heirs, Executors, Administrators, or Assigns, to keep a sufficient Gate thereon, and take and receive from all Persons that shall pass over the same the following Rates, that is to say: For every Man and Horse, Six Pence; for every four Wheel Carriage, drawn by Two Horses or Oxen, Two Shillings; and for every two Wheel Carriage, drawn by one or two Horses or Oxen, One Shilling; and for every Horse or Ox more, Four Pence each; and for every Head of neat Cattle, Three Half Pence; and for every Twenty Hogs or Sheep, Eighteen Pence, and so in Proportion for a greater or lesser Number of Hogs or Sheep; and for all Travellers on Foot, Four Pence each.

Rates of Toll.

No Ferry to be kept within six Miles.

III. *AND be it further Enacted, by the Authority aforesaid*, That after the said Bridge is so built and completely erected as aforesaid (provided it shall be compleated within Four Years after the passing this Act) it shall not be lawful for any Person whatsoever to keep any Ferry, build any Bridge, or set any Person or Persons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the said River, for Fee or Reward, within Six Miles of the same, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered by a Warrant by the said *Benjamin Heron*, his Heirs, Executors, Administrators, or Assigns, before any Magistrate

trate of the County of *New Hanover*; to be applied to the Uſe of the Proprietor of the ſaid Bridge, at the Time of the Offence being committed. *A. D.* 1766.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That when the ſaid Bridge ſhall be built and erected as aforeſaid, the ſaid *Benjamin Heron*, his Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall for ever thereafter keep the ſame in good Order, and fit for paſſing over; and in Caſe of any Neglect, ſhall be ſubject to the ſame Pains and Penalties as other Keepers of Public Bridges and Ferries are liable to by the Laws of this Province. Bridge to be kept in Repair.

CHAP. XXIX.

An Act for confirming a Leaſe made by the Tuſcarora *Indians to* Robert Jones, *Jun.* William Williams, *and* Thomas Pugh, *Eſquires.*

I. WHEREAS a Number of the *Tuſcarora* Indians, being deſirous of removing themſelves from their Lands on *Roanoke* River, in *Bertie* County, in this Province, and ſettling and incorporating themſelves with the Nations of *Indians* on the River *Suſquehannah*; and whereas the ſaid *Tuſcarora* Indians, in order to defray the Expence of removing themſelves and their Effects from this Province to the Settlements on the ſaid River *Suſquehannah*, did, on the Twelfth Day of *July*, in the Year One Thouſand Seven Hundred and Sixty Six, for the Conſideration of Fifteen Hundred Pounds, Proclamation Money, before that Time paid and advanced to them the ſaid *Tuſcarora* Indians, by the ſaid *Robert Jones*, *William Williams*, and *Thomas Pugh*, by an Indenture, under the Hands and Seals of *James Allen*, *John Wiggins*, *Billy George*, *Snip Noſe George*, *Billy Cain*, *Charles Cornelius*, *Thomas Blount*, *John Rogers*, *George Blount*, *Wineoak Charles*, *Billy Baſket*, *Billy Owen*, *Lewis Tuffdick*, *Iſaac Miller*, *Harry*, *Samuel Bridgers*, *Thomas Seneca*, *Thomas Howit*, *Billy Sockey*, *Billy Cornelius*, *John Seneca*, *Thomas Baſket*, *John Cain*, *Billy Dennis*, *William Taylor*, *Owens*, *John Walker*, *Billy Mitchell*, *Billy Netop*, *Billy Blount*, *Tom Jack*, *John Lightwood*, *Billy Roberts*, *James Mitchell*, *Captain Joe*, and *William Pugh*, Chieftains and Headmen of the ſaid Nation of *Tuſcarora* Indians, for and on Behalf of themſelves and the Reſt of the Indians of the ſaid *Tuſcarora* Nation, on the one Part, and the ſaid *Robert Jones*, *William Williams*, and *Thomas Pugh*, of the other Part, did demiſe, grant, and to Farm let, a certain Dividend of Land, ſituate and lying on *Roanoke* River, in the County aforeſaid, containing about Eight Thouſand Acres, be the ſame more or leſs, and bounded as follows, *to wit*, Beginning at the Mouth of *Deep* Creek, otherwiſe called *Falling* Run; thence running up the ſaid Creek to the Indian Head Line; thence by the ſaid Line, South Fifty Seven Degrees Eaſt, One Thouſand Two Hundred and Eighty Poles; thence a Courſe parallel with the general Current of the ſaid Creek to *Roanoke* River aforeſaid, and up the River to the Beginning; together with all Trees, Timber Trees, Woods, Underwoods, Ways, Waters, and Appurtenances whatſoever to the ſaid Dividend, Tract or Parcel of Land, belonging, or in any-wiſe appertaining: TO HAVE AND TO HOLD the ſaid Dividend, Tract or Parcel of Land, with all and ſingular the Appurtenances, unto the ſaid *Robert Jones*, *William Williams*, and *Thomas Pugh*, their Executors, Adminiſtrators, or Aſſigns, without Impeachment of Waſte, to be by the ſaid *Robert Jones*, *William Williams*, and *Thomas Pugh*, reſpectively, their Executors, Adminiſtrators, and Aſſigns, held and enjoyed in Severalty; that is to ſay, One Thid Part of the ſaid Dividend, Tract or Parcel of Land, into Three equal Parts to be divided, unto the ſaid *Robert Jones*, his Executors, Adminiſtrators, and Aſſigns; one other Third Part thereof, the ſame into Three equal Parts to be divided, unto the ſaid *William Williams*, his Executors, Adminiſtrators, and Aſſigns; and the remaining Third Part thereof, the ſame into Three equal Parts to be divided, unto the ſaid *Thomas Pugh*, his Executors, Adminiſtrators, and Aſſigns; from the ſaid Twelfth Day of *July*, in the Year aforeſaid, for and during the Term of One Hundred and Fifty Years, from thence next enſuing, and fully to be compleated and ended, the ſaid *Robert Jones*, *William Williams*, and *Thomas Pugh*, their Executors, Private.

A. D. 1766. tors, Adminiſtrators, and Aſſigns, yeilding and paying therefore yearly, and every Year, during the ſaid Term, to the ſaid *Tuſcarora* Indians, and their Aſſigns, one Pepper Corn, if demanded, at or upon the Feaſt of *St. Michael* the Archangel.

II. AND whereas the ſaid Nation of *Tuſcarora* Indians are deſirous that the Indenture of Leaſe made between the ſaid *James Allen*, *John Wiggins*, *Billy George*, *Snip Noſe George*, *Billy Cain*, *Charles Cornelius*, *Thomas Blount*, *John Rogers*, *George Blount*, *Wineoak Charles*, *Billy Baſket*, *Billy Owen*, *Lewis Tuffdick*, *Iſaac Miller*, *Harry*, *Samuel Bridgers*, *Thomas Seneca*, *Thomas Howit*, *Billy Sockey*, *Billy Cornelius*, *John Seneca*, *Thomas Baſket*, *John Cain*, *Billy Dennis*, *William Taylor*, *Owens*, *John Walker*, *Billy Mitchell*, *Billy Netop*, *Billy Blount*, *Tom Jack*, *John Lightwood*, *Billy Roberts*, *James Mitchell*, *Captain Joe*, and *William Pugh*, Chieftains and Headmen of the ſaid Nation of *Tuſcarora* Indians, and the ſaid *Robert Jones*, *William Williams*, and *Thomas Pugh*, ſhould have the Force and Validity of an Act of Aſſembly; and that it ſhall be lawful for the ſaid *Robert Jones*, *William Williams*, and *Thomas Pugh*, their Executors, Adminiſtrators, and Aſſigns, to enter upon, occupy, poſſeſs, and enjoy the ſaid Dividend, Tract or Parcel of Land, demiſed as aforeſaid, without the Let, Hinderance, or Moleſtation of any Perſon or Perſons whatſoever, and without incurring any Penalties whatſoever, by Reaſon of their ſo entering upon, occupying, poſſeſſing and enjoying the ſaid Tract or Parcel of Land, and without Impeachment of Waſte.

III. AND whereas the ſaid *Robert Jones*, ſince the ſaid Twelfth Day of *July*, in the Year aforeſaid, hath departed this Life, having firſt made his laſt Will and Teſtament, and therein and thereby bequeathed his Proportion and Share of ſaid Tract or Parcel of Land, demiſed as aforeſaid, unto his Sons *Allen Jones* and *Willie Jones*, their Executors, Adminiſtrators, and Aſſigns:

Indenture ratified, IV. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame, and it is hereby Enacted*, That the ſaid Indenture of Demiſe is hereby ratified and confirmed; and that it ſhall and may be lawful for the ſaid *Allen Jones* and *Willie Jones*, in Right of the ſaid *Robert Jones*, the ſaid *William Williams*, and *Thomas Pugh*, their Executors, Adminiſtrators, and Aſſigns, to enter upon, occupy, poſſeſs, and enjoy the ſaid Dividend, Tract or Parcel of Land, according to the Form and Effect of the ſaid Indenture of Demiſe; that is to ſay, That it ſhall and may be lawful for the ſaid *Allen Jones* and *Willie Jones*, their Executors, Adminiſtrators, and Aſſigns, to enter upon, occupy, poſſeſs, and enjoy, one Third Part of the ſaid Dividend, Tract or Parcel of Land, the ſame into Three equal Parts to be divided, for and during the Term aforeſaid; the ſaid *William Williams*, his Executors, Adminiſtrators, and Aſſigns, to enter upon, occupy, poſſeſs, and enjoy, one Third Part thereof, the ſame into Three equal Parts to be divided, for and during the Term aforeſaid; and the ſaid *Thomas Pugh*, his Executors, Adminiſtrators, and Aſſigns, to enter upon, occupy, poſſeſs, and enjoy, the remaining Third Part thereof, for and during the Term aforeſaid.

Purchaſers exempt from the Penalties of an Act of Aſſembly. V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *Allen Jones*, *Willie Jones*, *William Williams*, and *Thomas Pugh*, their Executors, Adminiſtrators, and Aſſigns, are hereby exempted from the Penalties of an Act of Aſſembly, paſſed at *Newbern* the Fifteenth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Forty Eight, intituled, *An Act for aſcertaining the Bounds of a certain Tract of Land, formerly laid out by Treaty for the Uſe of the* Tuſcarora *Indians, ſo long as they, or any of them, ſhall occupy or live upon the ſame; and to prevent any Perſon or Perſons taking up Lands, or ſettling within the ſaid Bounds, by Pretence of any Purchaſe or Purchaſes made, or that ſhall be made, from the ſaid* Indians: And that it ſhall and may be lawful for the ſaid *Allen Jones* and *Willie Jones*, *William Williams*, and *Thomas Pugh*, their Executors, Adminiſtrators, and Aſſigns, to occupy, poſſeſs, and enjoy, the ſaid Dividend, Tract or Parcel of Land, demiſed as aforeſaid, during the Term aforeſaid, without Impeachment

ment of Waſte, and without the Let, Moleſtation, or Hinderance, of any Perſon or Perſons whatſoever. *A. D.* 1766.

VI. *PROVIDED always, and be it Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued ſo as to invalidate the Title or Titles of any Perſon or Perſons who have obtained any Grant or Grants for any Tracts or Parcels of Land within the Limits or Boundaries of the Land of the ſaid *Tuſcarora* Indians, before the ſaid Fifteenth Day of *October*, One Thouſand Seven Hundred and Forty Eight. Not to invalidate Titles to Grants made before Oct. 15, 1748.

VII. *PROVIDED alſo, and it is hereby Enacted, by the Authority aforeſaid*, That the ſaid *Allen Jones* and *Willie Jones*, *William Williams*, and *Thomas Pugh*, their Executors, Adminiſtrators, and Aſſigns, ſhall yearly, and each Year, during the Term aforeſaid, on the Twenty Firſt Day of *March*, pay to the Right Honourable Earl *Granville*, his Heirs and Aſſigns, a Quitrent of Four Shillings, Proclamation Money, for every Hundred Acres of Land contained within the Limits or Boundaries of the Lands demiſed as aforeſaid: And in Caſe the ſaid Quitrents ſhall be in Arrear at any Time within the Term aforeſaid, that then it ſhall and may be lawful for the ſaid Earl of *Granville*, his Heirs and Aſſigns, to ſue for and recover all ſuch Arrearages of Rent, of and from the ſaid *Allen Jones*, *Willie Jones*, *William Williams*, and *Thomas Pugh*, their Executors, Adminiſtrators, and Aſſigns, by all lawful Ways and Means whatſoever. Quitrents reſerved.

SIGNED by

WILLIAM TRYON, Eſq; Governor.

James Haſell, Preſident.

John Harvey, Speaker.

Read Three Times, and ratified in open Aſſembly, the 1ſt Day of Dec. 1766.

A. D. 1768.

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

OCTAVO.

WILLIAM TRYON, Esq; Governor.

At an ASSEMBLY, begun and held at *Newbern* the Third Day of *November*, in the Seventh Year of the Reign of our Sovereign, Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſix; and from thence continued, by Prorogation, to the Fifth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſeven: Being the Second Seſſion of this preſent Aſſembly.

CHAP. I.

An Act for dividing this Province into Six ſeveral Diſtricts, and for eſtabliſhing a Superior Court of Juſtice in each of the ſaid Diſtricts, and regulating the Proceedings therein; and for providing adequate Salaries for the Chief Juſtice, and the Aſſociate Juſtices of the ſaid Superior Courts. (a)

Preamble.

I. WHEREAS the eſtabliſhing Superior Courts of Juſtice within this Province, cannot but be productive of Eaſe and Convenience to the Inhabitants thereof, and muſt neceſſarily tend to a due and regular Adminiſtration of private as well as public Juſtice:

Superior Courts eſtabliſhed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, this Province be, and ſtand divided in Six ſeveral Diſtricts; that is to ſay, The *Wilmington*, *Newbern*, *Edenton*, *Halifax*, *Hillſborough*, and *Saliſbury* Diſtricts; in each of which a Court for

(a) See Act Nov. 1768, Chap. 5, for amending and explainig this Act.

for the Tryal of Cauſes, Civil and Criminal, ſhall be eſtabliſhed, by the Name of the Superior Court of Juſtice for that Diſtrict in which the ſame ſhall be held; which Courts ſhall conſiſt of the Chief Juſtice for the Time being, and Two Aſſociate Juſtices, Men of Ability, and learned in the Law, whom the Governor or Commander in Chief for the Time being ſhall conſtitute and appoint, who ſhall have Cognizance and legal Juriſdiction of all Suits and Pleas, real, perſonal, and mixt; and alſo, of all Suits and Matters relative to Legacies, filial Portions, Eſtates of Inteſtates, all Pleas of the Crown, whether for Treaſons, Felonies, Breaches of the Peace, or other Crimes or Tranſgreſſions, of what Nature or Degree ſoever, whether brought before them by original or meſne Proceſs, or by Writ of Error, or Appeal from any Inferior Court, or by any other Means or Proceſs whatſoever; and they are hereby declared to have full Power and Authority to give Judgment therein, and to award Execution, and all neceſſary Proceſs thereupon; and to make Orders for iſſuing Letters Teſtamentary, and Letters of Adminiſtration; and ſhall have, uſe, exerciſe, and enjoy, the ſame Powers and Authorities, Rights, Privileges, and Preheminences, as are had, uſed, exerciſed, and enjoyed, by the Chief Juſtice, or any of his Majeſty's Juſtices of the Courts of *Weſtminſter* in *England:* And in Caſe of the Death or Abſence of the Chief Juſtice, or either of the other Juſtices, it ſhall and may be lawful for any one or more of the ſaid Juſtices, by himſelf or themſelves, to hold any of the ſaid Courts, and to take Cognizance of all Matters in the ſame depending, and give Judgment and award Execution, in the ſame Manner as might have been done in Caſe the Chief Juſtice, and the Two other Juſtices, had been all preſent in Court.

A. D. 1768.

Their Power.

One of the Juſtices to hold Court in the Abſence of the reſt.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the Chief Juſtice, or either of the Aſſociate Juſtices, may, as well within Court as without, take the Probate or Acknowledgment of Deeds, or Letters of Attorney, and the private Examination of Feme Coverts, as hath heretofore been done by the Chief Juſtice in the like Caſes; and ſuch Aſſociate Juſtice is hereby authorized, to take and receive the ſame Fees and Perquiſites, as the Chief Juſtice is intitled to for the like Services; which Proof ſhall be deemed equally good and valid in Law, as if taken in any Court of Record; any Law or Uſage to the contrary notwithſtanding.

Their Power to take Probate of Deeds, &c.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That on the Death or Removal of any of the Aſſociate Juſtices of the Superior Courts, it ſhall and may be lawful for the Governor or Commander in Chief for the Time being, to conſtitute and appoint another or other Juſtices, qualified as aforeſaid, in the Room of ſuch Juſtice or Juſtices ſo dead or removed.

On the Death of Aſſociates, Governor may appoint others.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the Chief Juſtice is hereby impowered to appoint experienced and diſcreet Clerks of the Superior Courts; who ſhall, each of them, give Bond, with good and ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, in the Penalty of Two Thouſand Pounds, for the Safe keeping of the Records, and faithful Diſcharge of his Duty in Office; and alſo, ſhall take the Oaths by Law appointed for the Qualification of public Officers, repeat and ſubſcribe the Teſt, and alſo take an Oath, honeſtly and truly to demean himſelf in Office during his Continuance therein; and likewiſe the following Oath, *to wit,*

Clerks to be appointed. To give Bond, and take the Oaths of Government.

I A. B. *do ſwear, that by myſelf, or any other Perſon, I neither have, nor will give to any Perſon whatſoever, any Gratuity, Gift, Fee, or Reward, in Conſideration of my Appointment to the Office of Clerk of the Superior Court, for the Diſtrict of* ———

And this Oath.

Which ſaid Bond ſhall be lodged in the Secretary's Office; and in Caſe of a Breach of the Condition thereof, may be put in Suit for the Benefit of, and at the proper Coſt and Charges of the Party or Parties injured, and ſhall not become void upon the Firſt Recovery, or if Judgment ſhall be given againſt the King; but may, from Time to Time, be put in Suit by Action of Debt, or *Scire Facias*, until the whole Penalty ſhall be recovered; and when any Judgment ſhall be obtained upon ſuch

Their Bond may be ſued.

A. D. 1768. such Bond, the Damages assessed shall, by Order of the Court, be paid to the Person or Persons injured. *(a)*

Printed Copy of Fees to be kept up in every Clerks Office.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That the respective Clerks of each and every Superior Court of Justice, shall, within Six Months after the passing of this Act, affix, and keep in some public Place in his Office, to which all Persons may have Access, one true and perfect printed Copy of all such Fees as the Chief Justice, and the Clerks of the Superior Courts are, or may be intitled to, under the Act of Assembly in that Case made and provided: And every Clerk failing or neglecting so to do, shall forfeit and pay, to any Person that will sue for the same, the Sum of Twenty Pounds, Proclamation Money, for every Six Months such printed Copy shall be wanting; to be recovered by Action of Debt, in any Court of Justice, wherein the *Onus Probandi* shall be on the Defendant.

Associate Justices Allowance for holding every Court.

IX. *AND be it further Enacted, by the Authority aforesaid*, That each of the Associate Justices of the Superior Courts of Justice, shall, for his Trouble and Expence in travelling to, and holding the said Courts, have and receive for each and every Court he shall attend, out of the public Treasury of this Province, by half yearly Payments, the Sum of Forty-One Pounds Thirteen Shillings and Four Pence, Proclamation Money. *(b)*

Wheel Carriages taxed.

XIII. *AND be it further Enacted, by the Authority aforesaid*, That an annual Duty of Ten Shillings, Proclamation Money, be, and is hereby laid on each Coach, Chariot, Post-chaise, Phæton, Curricle, and Chair Wheel; and also, each Wheel of every other Vehicle used, or intended to be used in the same or a similar Manner to the Use and Intention of either of the above named Carriages, which now is, or hereafter shall be within this Province.

Method of Collection ascertained.

XIV. AND for the more certain Collection of the said Duty, *Be it further Enacted*, That each and every Person in this Government, being possessed of any Coach, Chariot, Post-chaise, Phæton, Curricle or Chair, or any other wheeled Vehicle used, or intended to be used in the same or a similar Manner to the Use and Intention of either of the above-named Carriages, shall, annually, at the Time of giving in a List of the Tythable Persons in his or her Family, also, return on Oath, the Number of Wheels belonging to any of the Vehicles above-mentioned, which such Person or Persons may be possessed of: And if any Person shall fail or neglect so to do, he or she, for each and every Offence, shall forfeit and pay the Sum of Ten Pounds, Proclamation Money.

To be collected and paid by the Sheriffs.

XV. *AND be it further Enacted by the Authority aforesaid*, That the Duty hereby laid on Wheels, by Virtue of this Act, shall be collected, accounted for, and paid into the public Treasury by the Sheriffs of the respective Counties within this Province, in the same Manner, and under the same Rules, Penalties, Restrictions, and Allowances, as other public Taxes are collected, accounted for, and paid.

Courts power to compell the Probate of Wills or Testament.

XVI. *AND be it further Enacted, by the Authority aforesaid*, That the said Superior Courts shall and may, each of them, respectively, by Summons, or other legal Process, upon Application made, compell any Person or Persons whatsoever, having in their Possession or Custody any Will or Testament of any deceased Person, to exhibit the same to the Court, in order to a legal Probation thereof; and also, to receive the Probate of Wills, and order the same to be recorded; and the Clerks shall and may take Two Shillings and Eight Pence, Proclamation Money, for recording each Will.

Clerks Fee altered by Act Dec. 1770, Chap. 19.

XVII. *PROVIDED*

(a) Sections 6th and 7th, relating to Clerks taking exorbitant Fees, repealed and provided for by Act Dec. 1770, Chap. 19.

(b) Sections 10, 11, and 12, relating to taxing Suits, repealed, and provided for by Act Dec. 1770, Chap. 19.

XVII. *PROVIDED always*, That any Perſon who hath a Right to execute a Will, or to adminiſter on the Eſtate of any Inteſtate, who ſhall think himſelf injured by ſuch Order, may enter a Caveat in the Court wherein ſuch Order ſhall be made, againſt the Perſon obtaining the ſame; in which Caſe, the Clerk of ſuch Court ſhall not grant any Certificate of ſuch Order till Twenty Days after paſſing the ſame; and the Secretary and his Deputy ſhall forbear to ſeal and counterſign Letters Teſtamentary, or of Adminiſtration, till the Matter in Controverſy ſhall be re-heard and determined before the Governor or Commander in Chief for the Time being, and Council. *A. D.* 1768. Perſons injured may enter a Caveat.

XVIII. AND for the better preſerving of Wills proved before the ſaid Courts, *Be it Enacted, by the Authority aforeſaid*, That all original Wills ſhall remain in the Clerks Office, amongſt the Records of the reſpective Superior Courts where they ſhall be proved, and be recorded by the Clerk of ſuch Court, in Books to be kept for that Purpoſe; whereunto any Perſon may have Recourſe as to other Records, except for the Time the ſame ſhall or may be removed before any other Court, upon the Determination of any Controverſy; for which Service, the Clerk ſhall receive the ſame Fees as by Law the Secretary was intitled to. Wills to be kept in the Clerks Office.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of every Superior Court aforeſaid, in the Month of *October*, annually, ſhall return to the Secretary's Office, a Liſt of all Certificates for obtaining Probates, or Adminiſtrations, granted by their reſpective Courts, from Time to Time, containing the Names of the Teſtators, or Inteſtates, their Executors or Adminiſtrators, and the Names of the Securities; which Liſt the Secretary is hereby required to cauſe to be recorded in his Office, alphabetically, in the Books for that Purpoſe; and ſhall and may take and receive, Two Shillings and Eight Pence, Proclamation Money, for every ſuch Order therein mentioned. Clerks to tranſmit to the Secretary's Office a Liſt of Probates.

(a) XX. *AND be it further Enacted, by the Authority aforeſaid*, That the Chief Juſtice, for his Trouble and Expence in attending the ſaid Courts, ſhall have and receive the Sum of Twenty-ſix Pounds for each of the Courts he ſhall hold, according to the Directions of this Act; and the Attorney General ſhall likewiſe be allowed and receive the Sum of Sixteen Pounds for each of the ſaid Courts he ſhall give his Attendance at by himſelf, or Deputy; to be paid out of the public Treaſury, by half yearly Payments. Chief Juſtice and Attorney Generals Allowance for every Court.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That the Chief Juſtice, and the other Aſſociate Juſtices of the Superior Courts, ſhall, before they act in either of the ſaid Courts, take the Oaths by Law appointed for the Qualification of public Officers, and repeat and ſubſcribe the Teſt; and alſo take the following Oath, *to wit*, Chief Juſtice and Aſſociates to take the Oaths of Government.

I A. B. *do ſwear, that I will well and truly ſerve our Sovereign Lord the King, and his People, in the Office of Chief Juſtice, or Aſſociate Juſtice (as the Caſe may be) of the Superior Courts of Juſtice of the Province of* North-Carolina; *and I will not counſel nor aſſent to any Thing that may tend to the Hurt or Diſinheriting the King: I will do equal Law and Right to all the King's Subjects, Rich and Poor, without having Regard to any Perſon: I will not, willingly or wittingly, take by myſelf, or any other Perſon, any Gift or Reward whatſoever, for any Matter or Thing by me to be done by Virtue of my Office, except the Fees and Salary by Law appointed: I will not maintain by myſelf, or any other, privately or openly, any Plea or Quarrel hanging in any of the King's Courts: I will not delay any Perſon of common Right for the Letter of the King, or any other Perſon, to me directed, for any Cauſe; and in Caſe any Letters come to me contrary to Law, I will do nothing for ſuch Letters, but will proceed to do the Law, the ſaid Letters notwithſtanding: And finally in all Things belonging to my ſaid Office, during my Continuance therein, I will faithfully* And this Oath:

(a) Chief Juſtice allowed a Salary by Act Dec. 1770, Chap. 20, in Lieu of all Fees or Perquiſites.

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SO HELP ME GOD.

Pen for acting before taking the Oaths.

And if the Chief Juſtice, or either of the Aſſociate Juſtices, ſhall preſume to act in his Office in either of the Superior Courts, without taking the Oaths herein appointed and directed, and ſubſcribing the Teſt, he ſhall forfeit Five Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in either of the Superior Courts of Juſtice; one Half to the Uſe of our Sovereign Lord the King, for defraying the Charges of Government, and the other Half to the Perſon or Perſons who ſhall ſue for the ſame.

Superior Courts when held.

Guilford and Surry added to Saliſbury Diſtrict.

Wake and Chatham added to Hillſborough Diſtrict.

Johnſton Part of Newbern Diſtrict.

XXII. *AND be it further Enacted, by the Authority aforeſaid*, That the Superior Courts of Juſtice ſhall be annually held, for the ſeveral Diſtricts in this Province, at the following Times and Places; That is to ſay, for the Diſtrict of *Saliſbury*, at the Town of *Saliſbury*, for the Counties of *Rowan*, *Mecklenburg*, and *Anſon*, on the Fifth Day of *March* and *September*.——For the Diſtrict of *Hillſborough*, at *Hillſborough*, for the Counties of *Orange* and *Granville*, on the Twenty-ſecond Day of *March* and *September*.——For the Diſtrict of *Halifax*, for the Counties of *Halifax*, *Northampton*, *Edgcomb*, *Bute*, and *Johnſton*, on the Eighth Day of *April* and *October*.——For the Diſtrict of *Edenton*, at *Edenton*, for the Counties of *Chowan*, *Perquimons*, *Paſquotank*, *Currituck*, *Bertie*, *Tyrrell*, and *Hertford*, on the Twenty-fifth Day of *April* and *October*.——For the Diſtrict of *Newbern*, at *Newbern*, for the Counties of *Craven*, *Carteret*, *Beaufort*, *Hyde*, *Dobbs*, and *Pitt*, on the Eleventh Day of *May* and *November*.——For the Diſtrict of *Wilmington*, at *Wilmington*, for the Counties of *New-Hanover*, *Bladen*, *Onſlow*, *Duplin*, *Cumberland*, and *Brunſwick*, on the Twenty-ſeventh Day of *May* and *November*.

Time of Continuance.

And each Term ſhall continue Ten natural Days, excluſive of *Sundays*, by Adjournment *De Die in Diem*, if the Buſineſs ſhall require ſo long a Time, otherwiſe may be ſooner determined.

Proviſo for the Day falling on a Sunday.

XXIII. *PROVIDED always*, That if the Day by this Act appointed for holding any of the ſaid Courts ſhall fall on a *Sunday*, then ſuch Court ſhall be held the next ſucceeding Day; any Thing herein contained to the contrary notwithſtanding.

Actions to be brought to the Diſtrict where the Cauſe of Action aroſe.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That all real Actions, Ejectments, and Actions of Treſpaſs, *Quare Clauſum Fregit*, Suits on Penal Statutes, and Pleas of the Crown, ſhall be commenced in the Superior Court of the Diſtrict wherein the Cauſe of Action ſhall have ariſen, or the Offence have been committed, and not in any other Diſtrict: And all Actions of Debt, other than on penal Statutes, all Actions of Detinue, Replevin, Actions of Account Render, Actions of Treſpaſs for Aſſault and Battery, and for the unlawful taking of Goods; all Actions upon the Caſe, and Suits for Legacies, and for the diſtributive Shares of Inteſtates Eſtates, ſhall be brought to the Superior Court of that Diſtrict wherein the Cauſe of Action aroſe, and not to any other.

Plaintiff and Defendant in the ſame Diſtrict, to bring no Suit for leſs than 20l. nor leſs than 10l. where they live in different Diſtricts.

XXV. *AND be it further Enacted, by the Authority aforeſaid*, That no Suit ſhall be originally commenced or proſecuted in any of the ſaid Superior Courts for any Debt or Demand of leſs Value than Twenty Pounds, Proclamation Money, where the Plaintiff and Defendant ſhall live in the ſame Diſtrict, or leſs than Ten Pounds like Money, where the Plaintiff and Defendant ſhall not live in the ſame Diſtrict; and if any Suit ſhall be commenced in any of the ſaid Superior Courts, contrary to the true Intent and Meaning hereof, or if any Plaintiff ſhall demand a greater Sum on Purpoſe to evade this Act, in either or both of theſe Caſes, the Plaintiff ſhall be Non-ſuited, and pay Coſts.

XXVI. *AND*

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Any of the Juſtices Death or Hinderance, not to diſcontinue the Courts.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Courts ſhall not be diſcontinued, nor any of the Proceedings therein depending, by Reaſon of the Death of the Chief Juſtice, or any of the Aſſociates, or any other Lett or Hinderance, their not attending at any Term; but in ſuch Caſe, all Pleas, Cauſes, Matters, and Things therein depending, ſhall ſtand continued in the ſame Condition in which they then ſhall be, to the next ſucceeding Term.

Proceſs what Teſt to bear, & where returnable.

XXVII. *AND be it Enacted, by the Authority aforeſaid*, That all Writs, as well original Writs as others, and every Summons, and other legal Proceſs, ſhall bear Teſt of the Chief Juſtice, and be ſigned by the Clerk of the Court from whence the ſame ſhall iſſue, and be made returnable to the ſame Court; and the Sheriff ſhall return the ſaid Writ or Proceſs to ſuch Court accordingly.

Till the firſt Term, Proceſs to bear Teſt at iſſuing.

XXVIII. *AND be it further Enacted, by the Authority aforeſaid*, That until the Commencement of the Firſt Term of each of the ſaid Superior Courts, reſpectively, Writs and other Proceſs may bear Teſt at the Time of iſſuing the ſame; and ſuch Writs and Proceſs ſo teſted before ſuch Term, ſhall be valid in Law; any Uſage or Practiſe of Court to the contrary notwithſtanding.

When returnable.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That all ſuch Writs or Proceſs, except Subpœnas for Witneſſes, returnable immediately, ſhall be returned to the Firſt Day of the Term to which the ſame is returnable, and be executed at leaſt Ten Days before the Beginning of ſuch Term: And if any original or meſne Proceſs ſhall be taken out in Term Time, or within Ten Days before the Beginning of any Term, ſuch Proceſs ſhall be made returnable to the Term next ſucceeding, or the Term ſucceeding that which ſhall commence within Ten Days after taking out ſuch Proceſs, and not otherwiſe; and all Proceſs made returnable, or executed at any other Time, or in any other Manner than by this Act directed, ſhall be void.

Proviſo, for criminal Proceſs.

XXX. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to invalidate or vacate any Proceſs, Warrant or Precept, iſſued by the Chief Juſtice, or either of the Aſſociate Juſtices of the ſaid Courts, or any Juſtice of the Peace, or the Clerk of the Crown, on any Criminal Proſecution in his Majeſty's Behalf, but that the ſame may be returnable at any Day in the Term to which the ſame is returnable; and the Proceedings in Criminal Suits and Proſecutions, ſhall be had according to the Laws and Statutes of *Great-Britain*, and of this Province; any Thing herein contained to the contrary notwithſtanding.

How proſecuted.

What Bail the Sheriff to take, on Proceſs iſſuing to him.

XXXI. *AND be it further Enacted, by the Authority aforeſaid*, That when any Writ ſhall iſſue from any of the ſaid Courts, whereby the Sheriff ſhall be commanded to take the Body of any Perſon or Perſons, to anſwer in any Action in either of the ſaid Courts, ſuch Sheriff ſhall take Bond, with Two ſufficient Securities, for double the Sum for which ſuch Perſon or Perſons ſhall be held in Arreſt, except where the Defendants are Executors or Adminiſtrators, or ſued on penal Statutes, and ſhall return ſuch Bond with the Writ: And in Caſe the Sheriff ſhall fail or neglect to take ſuch Bail, or the Bail returned be held inſufficient, on Exception taken, the Sheriff, in either of the ſaid Caſes, ſhall be deemed and ſtand as ſpecial Bail, and the Plaintiff may proceed to Judgment, according to the Rules herein after mentioned.

Proceedings where he returns the Body in Cuſtody.

XXXII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Sheriff ſhall return that he hath taken the Body of any Defendant, and committed him to the Priſon of his County, which is hereby declared to be the proper Priſon for ſuch Commitment, for Want of Bail, the Plaintiff may enter the Defendant's Appearance, and he ſhall be at Liberty to plead, as if ſuch Appearance had been entered by himſelf, and the Plaintiff may proceed to Judgment as in other Caſes in this Act directed; nevertheleſs the Defendant ſhall not be diſcharged out of Cuſtody, but by putting in Bail, or Rule of Court.

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Pen on him for neglecting to make Return.

XXXIII. *AND be it further Enacted, by the Authority aforeſaid,* That if the Sheriff ſhall neglect to return any Writ or Writs iſſuing out of any of the ſaid Courts, which ſhall be delivered to him Twenty Days before the ſitting of the Court to which ſuch Writ or Writs ſhall be returnable, the Sheriff, for every ſuch Neglect, on Motion of the Plaintiff, and Proof of ſuch Delivery, ſhall be ordered and obliged to pay the Party aggrieved the Sum of Five Pounds, Proclamation Money, and be further liable to the Action of the Party injured, unleſs the Sheriff can ſhew ſufficient Cauſe to the Court from whence ſuch Proceſs iſſued, at the next ſucceeding Court after ſuch Order.

This Clauſe provided for by the Act for appointing Sheriffs.

All Bail taken ſpecial, and when liable to Recovery.

XXXIV. *AND be it further Enacted,* That all Bail taken according to the Directions of this Act, ſhall be deemed, held, and taken to be ſpecial Bail, and as ſuch liable to the Recovery of the Plaintiff; but the Plaintiff, after final Judgment, ſhall not take out Execution againſt ſuch Bail, until an Execution be firſt returned, that the Defendant is not to be found; and alſo ſhall take out a *Scire Facias*, returnable to the ſaid Court, which ſhall be made known to the Bail; and that after the Return of ſuch Execution againſt the Principal, and *Scire Facias* aforeſaid againſt the Bail, Execution may iſſue againſt the Principal and Securities, or either of them, or either of their Eſtates, unleſs the Bail ſhall ſurrender the Principal at or before the Return of the firſt *Scire Facias*; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Proviſo, where the Principal is in Gaol, and Proceedings thereupon.

XXXV. *PROVIDED nevertheleſs,* That if any Sheriff ſhall return on a *Scire Facias* to him directed that the Principal is impriſoned in the Priſon of his County, or any other, by Virtue of any Proceſs in any civil Action, the Court to which ſuch *Scire Facias* is returnable ſhall, on Motion of the Plaintiff or Bail, order and direct that ſuch Principal be retained in Gaol where he or ſhe ſhall be a Priſoner, until he or ſhe ſhall have paid the Plaintiff's Judgment and Coſts, or be otherwiſe diſcharged by due Courſe of Law; a Copy of which Order being ſerved on the Gaoler of ſuch Priſon, before ſuch Priſoner's Releaſement, ſhall be a ſufficient Authority for him to retain ſuch Priſoner until ſuch Order ſhall be complied with, and alſo ſhall be deemed a Surrender of ſuch Principal, and as ſuch diſcharge the Bail.

Proceedings where the Sheriff returns the Plaintiff not to be found.

XXXVI. AND for the better aſcertaining what Proceſs ſhall iſſue, when the Sheriff ſhall return that the Defendant is not to be found in his Bailiwick, *Be it Enacted,* That when the Sheriff ſhall make ſuch Return in any civil Action, the Plaintiff or Plaintiffs, at his or their Election, may ſue out an Attachment againſt the Eſtate of ſuch Defendant, or an *Alias*, or *Pluries Capias*, until he be arreſted, returnable as herein before directed for the Return of original Proceſs: And if the Sheriff ſhall return any Goods by him attached, and the Defendant ſhall fail to plead within the Time herein directed, the Plaintiff ſhall be intitled, if in an Action of Debt, to final Judgment, and if in an Action on the Caſe, a Judgment by Default, and a Writ of Enquiry of Damages to be executed at the next Court; and the Goods ſo attached, if not replevied or ſold, according to the Directions herein after mentioned for Goods attached on original Attachments, ſhall remain in the Cuſtody of the Sheriff till ſuch Judgment obtained, and then to be diſpoſed of in the ſame Manner as Goods taken in Execution on a Writ of *Fieri Facias*; and if the Judgment ſhall not be ſatisfied by the Goods attached, the Plaintiff may have Execution for the Reſidue.

Where Attachment may be iſſued.

XXXVII. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall be lawful for the Chief Juſtice, or the Juſtices of the ſaid Superior Courts, or any Juſtice of an Inferior Court, upon Complaint made by any Perſon, his Attorney or Agent, on Oath, that his Debtor has removed, or is removing himſelf out of the County privately, or abſconds or conceals himſelf, ſo that the ordinary Proceſs of Law cannot be ſerved upon him; and alſo further ſwear to the Amount of his or her Debt, to the beſt of his or her Knowledge, ſhall thereupon grant an Attachment againſt the Eſtate of ſuch Debtor, wherever the ſame may be found, or in the Hands of

of any Perſon or Perſons indebted to, or having any of the Effects of the Party abſconding, or ſo much thereof as ſhall be of Value ſufficient to ſatisfy the Debt and Coſts of ſuch Complaint; which Attachment ſhall be returned to the Court where the Debt or Matter is cognizable: And ſuch Attachment ſhall be deemed the leading Proceſs on ſuch Action, and the ſame Proceedings ſhall be had thereon as on an Attachment on a Return of a *Non eſt Inventus* by the Sheriff. A. D. 1768. And Proceedings thereon.

XXXVIII. *PROVIDED always*, That every ſuch Juſtice, before granting ſuch Attachment, ſhall take Bond and Security of the Party for whom the ſame ſhall be iſſued, in double the Sum to be attached for, payable to the Defendant, for ſatisfying and paying all Coſts which ſhall be awarded to the ſaid Defendant, in Caſe the Plaintiff ſuing out ſuch Attachment ſhould be caſt in his Suit, and alſo all Damages which ſhall be recovered againſt the ſaid Plaintiff for ſuing out ſuch Attachment; which Bond ſhall be returned to the Court to which the Attachment is returnable, by the Juſtice who ſhall grant the ſame: And every Attachment iſſuing without ſuch Bond taken, and returned as aforeſaid, and Oath made as aforementioned, is hereby declared void, and ſhall be abated on the Plea of the Defendant. Bond to be given before Attachment granted.

XXXIX. *AND be it further Enacted*, That when any Perſon, Inhabitant of any other Government, ſhall be indebted to, or hath done any Tort or Injury to any Perſon, a Reſident of this Province, and cannot perſonally be ſerved with Proceſs, and hath Effects in this Government, any of the ſaid Juſtices may grant an Attachment againſt the Eſtate of ſuch Perſon indebted, or who hath done any Tort or Injury as aforeſaid, under the Rules, Reſtrictions, and Regulations, afore-mentioned, and the ſame Proceedings may be had thereon. Attachment may iſſue againſt the Lands of Perſons in other Governments.

XL. *AND be it further Enacted, by the Authority aforeſaid*, That when any Goods, or other Eſtate, ſhall be attached by Virtue of an Attachment, whether judicial or original, it ſhall and may be lawful for ſuch Perſon or Perſons, his, her, or their Attorney, to replevy the ſame, by giving Bond, with good Security, to the Sheriff, or other Officer ſerving the ſaid Attachment (which Bond the Sheriff or other Officer is hereby impowered and required to take) to appear to the Court to which ſuch Attachment is returnable, and to abide by, perform, and ſatisfy, the the Order and Judgment of ſuch Court; and when the Eſtate attached ſhall, by Three Juſtices of the County (to be ſummoned by the Sheriff for that Purpoſe) be certified, on Oath, to be periſhable, if the Perſon or Perſons to whom it belongs ſhall not, within Thirty Days after ſerving ſuch Attachment, replevy the ſame, then ſuch Eſtate ſhall be ſold at Public Vendue, by the Sheriff or other Officer ſerving ſuch Attachment, having firſt advertiſed ſuch Sale at the Court-Houſe, and other Public Places in his County, at leaſt Ten Days before the Sale; and the Money ariſing by ſuch Sale ſhall be liable to the Judgment obtained upon ſuch Attachment, or other Order of ſuch Court: And where the Sheriff or other Officer ſhall ſerve an Attachment in the Hands of any Perſon or Perſons indebted to, or having any of the Effects of the Party abſconding, he ſhall, at the ſame Time, ſummons ſuch Garniſhee or Garniſhees to appear at the Court to which the Attachment is returnable, within the firſt Four Days thereof, there to anſwer, upon Oath, what he or ſhe is indebted to ſuch Party, and what Effects of ſuch Party he or ſhe hath in his or her Hands, and had at the Time of ſerving ſuch Attachment: And where any Attachment ſhall be returned ſerved in the Hands of any Garniſhee in Manner aforeſaid, it ſhall be lawful, upon his or her Appearance and Examination, in Manner afore-mentioned, to enter up Judgment, and award Execution againſt every ſuch Garniſhee or Garniſhees, for all Sums of Money due from him, her, or them, to the Perſon abſconding, or in his, her, or their Cuſtody or Poſſeſſion, for the Uſe of the Party obtaining ſuch Attachment, or ſo much thereof as ſhall be of Value ſufficient to ſatisfy the Debt, and Coſts of Complaint; and all Goods and Effects whatſoever, in the Hands of any Garniſhee or Garniſhees, belonging to ſuch abſconding Perſon, ſhall be liable to ſatisfy ſuch Judgment: And where any Garniſhee Proceedings on Attachments.

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niſhee ſhall be returned by the Sheriff or other Officer, ſummoned in Manner aforeſaid, and ſhall fail to appear and diſcover, on Oath, in Manner by this Act directed, it ſhall be lawful, and the Court is hereby authorized, to enter a conditional Judgment againſt ſuch Garniſhee; and if he ſhall fail to appear at the next Court, and diſcover, on Oath, in Manner aforeſaid, the Court ſhall, and are hereby required, to confirm ſuch Judgment, and award Execution for the Plaintiff's whole Debt or Damages, and Coſts.

Attachment may be granted againſt the Lands of Perſons out of the Province; and Proceedings thereon.

XLI. AND whereas divers Perſons poſſeſſed of Lands, Tenements, and Hereditaments, within this Province, have contracted, or who may contract Debts with Merchants and others, or have committed or may commit Torts or Injuries to Perſons therein, and reſide out of the Province, without having Perſonal Eſtate within the ſame to ſatisfy ſuch Debts or Damages: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That any Juſtice ſhall and may grant an Attachment at the Prayer of ſuch Perſon or Perſons, his or their Agent or Factor, to whom ſuch Debtor or Debtors ſhall be indebted, or to whom ſuch Tort or Injury hath, or may be done, directed to the Sheriff of the County where the Lands lie, returnable to the Court wherein the ſame is cognizable: And if the Sheriff return, that the Perſon has no perſonal Eſtate within his Bailiwick, the Court ſhall grant Judgment by Default (which Judgment, in Actions of Debt, ſhall be final) at the next Court; and in other Actions, a Writ of Enquiry ſhall be executed, on the Plaintiff's Motion, and a Writ of *Fieri Facias* ſhall be awarded, returnable to the next Court after ſuch final Judgment; which Writ the Sheriff is hereby impowered and directed to execute and return, in the ſame Manner, and under the ſame Rules and Reſtrictions, as other Writs of *Fieri Facias* within this Colony, are to be executed and returned.

Eſtate repleviable.

XLII. *PROVIDED always*, That it ſhall be lawful for any Perſon, againſt whoſe Eſtate any Attachment has iſſued as aforeſaid, at any Time before ſuch final Judgment entered, or Writ of Enquiry executed, upon giving ſpecial Bail, to replevy the Goods attached, and plead to Iſſue, ſo that the Plaintiff is not thereby delayed of his Tryal.

XLIII. AND for Prevention of Error in iſſuing Attachments, and taking Bonds thereupon; *Be it Enacted, by the Authority aforeſaid*, That the following Form ſhall be obſerved and uſed; that is to ſay, the Attachment as followeth, *viz.*

NORTH-CAROLINA, ——— County, ſſ.

Form of the Attachment.

GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* To the Sheriff of ——— County, Greeting. Whereas *A. B.* hath complained, on Oath, to —— —— Juſtice of the ———Court, ——— that *E. F.* late of your County, ——— is juſtly indebted to him in the Sum of ——— (or hath endamaged him to the amount of ——) and Oath having been alſo made, that the ſaid *E. F.* hath removed himſelf privately out of your ſaid County, or ſo abſconds or conceals himſelf that the ordinary Proceſs of Law cannot be ſerved on him, and hath given Bond and Security, according to the Directions of the Act of Aſſembly in ſuch Caſe made and provided: We therefore Command you, that you attach the Eſtate of the ſaid *E. F.* (if to be found in your Bailiwick) or ſo much thereof, repleviable on Security given, as ſhall be of Value ſufficient to ſatisfy the ſaid Debt, or Damages (according to the Complaint) and Coſts; and ſuch Eſtate ſo attached, in your Hands to ſecure, or ſo to provide that the ſame may be liable to further Proceedings thereupon to be had at our next ——— Court, to be held for the ——— of ——— at ——— on the ——— Day of ——— next, ſo as to compell the ſaid *E. F.* to appear, and anſwer the above Complaint of the ſaid *A. B.* when and where you ſhall make known to our ſaid Court how you ſhall have executed this Writ. Witneſs ——— ——— Eſquire, —— Juſtice of our ſaid —— at —— the —— Day of —— in the —— Year of our Reign, *Anno Dom.* ——

Which

Which Attachment ſhall be ſigned by the Juſtice who ſhall grant the ſame; and the Bond to be given on obtaining ſuch Attachment ſhall be in the following Form, *to wit*, *A. D.* 1768.

KNOW all Men, by theſe Preſents, That we, *A. B. C. D.* and *I. K.* all of the County of ——, are held and firmly bound unto *E. F.* in the Sum of (double the Sum in the Attachment) to be paid to the ſaid *E. F.* his Executors, Adminiſtrators, or Aſſigns: To which Payment well and truly to be made, we bind ourſelves, and each of us, our Heirs, Executors, and Adminiſtrators, jointly and ſeverally, firmly by theſe Preſents. Sealed with our Seals, and dated this —— Day of ------, in the Year of our Lord Form of the Bond.

THE Condition of the above Obligation is ſuch, That whereas the above bounden *A. B.* hath, the Day of the Date of theſe Preſents, prayed an Attachment againſt the Eſtate of the above mentioned *E. F.* for the Sum of -------- and hath obtained the ſame, returnable to the next ------ Court, to be held for the Diſtrict of ------, on the ------ Day of ------ next: Now if the ſaid *A. B.* ſhall proſecute his ſaid Suit with Effect, or in Caſe he be caſt therein, ſhall well and truly pay and ſatisfy to the ſaid *E. F.* all ſuch Coſts and Damages as ſhall be awarded and recovered againſt the ſaid *A. B.* then the above Obligation to be void; otherwiſe to remain in full Force and Virtue. The Condition.

XLIV. *AND be it further Enacted, by the Authority aforeſaid*, That the following Rules and Methods ſhall be obſerved in the ſaid Superior Courts, *to wit*,

That the Plaintiff ſhall file his Declaration in the Clerk's Office, on or before the Second Day of the Term to which his Suit is brought, and ſerve the Defendant with a Copy, at leaſt Five Days before the Commencement of ſuch Term; otherwiſe the Action may be abated on the Plea of the Defendant. Rules of Court.

That the Defendant ſhall appear and plead, or demur, within the firſt Three Days of the Term to which the Writ is returnable, otherwiſe the Plaintiff may have Judgment by Default; in which Caſe Judgment ſhall be final, unleſs where Damages are to be ſuggeſted on the Roll; and in that Caſe, and in all others where the Recovery ſhall be in Damages, a Writ of Enquiry ſhall be executed at the next Term. Provided, that where the Nature of the Action requires ſpecial pleading, the Time for Pleadings may be enlarged by the Court.

That where the Defendant pleads ſpecially, the Plaintiff ſhall reply or demur in Three Days, or a *Non Proſs* may be entered by the Defendant; and if the Plaintiff replies, and in his Replication tenders an Iſſue, the Defendant ſhall join Iſſue or demur in Three Days, or the Plaintiff may have Judgment; and where the Defendant rejoins to the Plaintiff's Replication, he ſhall file his Rejoinder within Three Days, or Judgment ſhall go againſt him, unleſs the Time for pleading ſhall be enlarged as aforeſaid; and the ſame Time ſhall be given, and Rules obſerved, through the whole Courſe of Pleadings.

That when a ſpecial Verdict ſhall be found, Caſe agreed, Demurrer or Bill of Exceptions to the Evidence tendered, Time ſhall be allowed, upon Motion of either Party, to the next Term to argue the ſame.

That for the more entire and better Preſervation of the Records of the Courts, when any Cauſe is finally determined, the Clerk ſhall enter all the Proceedings therein, and other Matters relating thereto, in a Book, well bound, ſo that an entire and perfect Record may be made thereof.

That all Jury Cauſes be firſt tried.

That all Motions in Arreſt of Judgment ſhall be argued within the Three laſt Days of the Term the Iſſue is tried, the Defendant's Attorney firſt ſerving the Plaintiff's Attorney with a Copy of the Reaſons in Arreſt of Judgment, the next Day after ſuch Motion.

That Arguments on Writs of Error, ſpecial Verdicts, Caſes agreed, Demurrers, Petitions for Legacies, and Diſtributions of Inteſtates Eſtates, ſhall be heard within the Four laſt Days of the Term.

That

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Attorney's Fee 50s. by Act Dec. 1770, Chap. 5.

That when final Judgment ſhall be obtained, the Clerk ſhall allow a Lawyer's Fee in the Execution, if the Party employed one; which is hereby declared to be Thirty Shillings, Proclamation Money.

That no Plea in Abatement ſhall be received in any of the ſaid Courts, unleſs the Party offering the ſame ſhall, by Affidavit, or otherwiſe, prove the Truth of ſuch Plea.

That where a Plea in Abatement ſhall be pleaded in any of the ſaid Courts, and upon Argument the ſame ſhall be adjudged inſufficient, the Plaintiff or Plaintiffs ſhall recover againſt the Defendant full Coſts to the Time of over-ruling ſuch Plea, including the Coſts of that Court, a Lawyer's Fee only excepted; and the Plaintiff in Replevin, or Defendant in any other Action, may plead as many ſeveral Matters as may be neceſſary for his Defence, ſo as he be not admitted to plead and demur to the whole.

Statutes of Jeofails inforced.

XLV. *AND be it further Enacted, by the Authority aforeſaid*, That all the Statutes of Jeofails and Amendments, which now are in Force in *England*, are hereby declared to extend to, and be in Force in this Colony; and ſhall be duly obſerved by all Judges and Juſtices of the ſeveral Courts of Record within the ſame, according to the true Intent and Meaning of the ſaid Statutes.

XLVI. *AND be it further Enacted, by the Authority aforeſaid*, That the following Orders, Rules, and Methods, for taking the Teſtimony of Witneſſes, in all Cauſes to be depending in the ſaid Courts, be obſerved and put in Practice, *to wit*,

Rules for Witneſſes.

That in all Cauſes where Witneſſes are to appear at either of the ſaid Courts, a Subpœna ſhall be iſſued by the Clerk, directed to the Sheriff of the County where ſuch Witneſs or Witneſſes reſide, mentioning the Time and Place for their Appearance, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whoſe Inſtance they are ſummoned.

That every Subpœna, returnable immediately, ſhall be perſonally ſerved on the Witneſs or Witneſſes therein named.

That a Copy of every Subpœna iſſued by the Clerk in Vacation Time, and returnable to any Day of the next Term, in Caſe the Witneſſes thereby to be ſummoned are not to be found at home, may be left at the uſual Place of Reſidence of ſuch Witneſs or Witneſſes, and leaving ſuch Copy as aforeſaid ſhall be a good and legal Service; and the Perſon or Perſons thereby ſummoned are bound to appear, under the like Penalties as if perſonally ſummoned.

Pen. for non Attendance.

XLVII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon, ſummoned to attend as aforeſaid, ſhall fail to appear accordingly, every ſuch Perſon ſo failing ſhall forfeit, to the Perſon or Perſons at whoſe Inſtance the Subpœna was iſſued, Twenty Pounds, Proclamation Money, and ſhall be further liable to the Action of the Party endamaged for Want of ſuch Witneſs's Teſtimony; who ſhall recover his full Damages and Coſts.

Proviſo for Incapacity to attend.

XLVIII. *PROVIDED always*, That if ſufficient Cauſe be ſhewn by the Perſon ſo ſummoned, or for whom ſuch Copies ſhall be ſo left, and failing to appear, of his or her Incapacity to attend at the Time he or ſhe ought to have appeared, then no Forfeiture or Penalty ſhall be incurred by ſuch Failure; but if ſufficient Cauſe be not ſhewn at the next ſucceeding Term after ſuch Failure, on Notice given, it ſhall and may be lawful for the Court, on Motion, to grant Judgment for the Forfeiture before mentioned, againſt the Perſon or Perſons ſo ſummoned and failing to appear as aforeſaid.

To attend till diſcharged.

XLIX. *AND be it further Enacted, by the Authority aforeſaid*, That every Witneſs being ſummoned to appear in any of the ſaid Courts in Manner as herein before directed, ſhall appear accordingly, and continue to attend from Court to Court, until

until discharged by the Court, or the Party at whose Instance he was summoned; and in Default thereof, shall be subject to the Pains and Penalties herein before mentioned; any Law, Usage, or Custom, to the contrary, notwithstanding. A. D. 1768.

L. *AND be it further Enacted, by the Authority aforesaid*, That if any Witness by Sickness, Age, in Gaol, or any other Cause, shall be incapable of attending Court to give Evidence, or shall reside out of the Province, on Oath made thereof, or the Truth of the same otherwise sufficiently appearing, the Judge, or Justices of the Court wherein the Suit is depending, shall and may, by Commission, as from Time to Time may be necessary, impower such and so many Persons as they shall think necessary to take and receive the Deposition of such Witness; which, when duly returned, shall be received as legal Evidence. Where Depositions may be taken.

LI. *PROVIDED always*, That the Party praying such Commission as aforesaid, shall give such Notice to the adverse Party, of the Time and Place when and where such Commission is to be executed, as the Court shall think proper; and the adverse Party shall have Leave to cross examine any Witness or Witnesses whose Deposition shall be so taken; and all Depositions otherwise taken than is herein directed, unless by Consent of Parties, shall be void, to all Intents and Purposes. Proviso, for the adverse Party to have Notice.

LII. *AND be it further Enacted, by the Authority aforesaid*, That if any Person or Persons, who may be a Witness or Witnesses in any Cause depending in any of the said Courts, shall be under a Necessity of departing this Colony before the said Cause is to be tried, that upon Oath made thereof before the Chief Justice, or any one of the Justices of the Superior Courts, and the Cause of Excuse approved by him, the said Chief Justice, or other Justice, is hereby impowered to issue a Commission to one or more Persons to take the Deposition of such Witness, Ten Days Notice being previously given to the adverse Party, or his or her Attorney, of the Time and Place when such Commission is to be executed; which Deposition, when returned, shall be received as legal Evidence. Persons leaving the Province, their Depositions may be taken.

LIII. *AND be it further Enacted, by the Authority aforesaid*, That if any Person who shall be summoned as a Witness in any of the Superior Courts, or before any Persons appointed to take Depositions, shall refuse to give Evidence, on Oath, such Person so refusing shall be committed to the common Gaol, there to remain without Bail or Mainprize, until he or she be willing to give Testimony, in such Manner as the Law now doth, or shall hereafter direct. *Provided*, That the People called Quakers shall have the same Liberty of giving their Testimony, by Way of solemn Affirmation, as by Act of Parliament made in the Eighth Year of the Reign of his Majesty King *George* the First, intituled, *An Act for granting the People called Quakers such Terms of Affirmation or Declaration as may remove the Difficulty which many of them lie under*; and that all Negroes, *Indians*, Mulattoes, and all of mixed Blood descended from Negro or *Indian* Ancestors to the Fourth Generation, bond or free, shall be deemed and taken to be incapable in Law to be Witnesses in any Case whatsoever, excepting against each other. Pen for Refusal to give Evidence. Proviso for Quakers. Negroes, &c no Evidence, except against each other.

LIV. *AND be it further Enacted, by the Authority aforesaid*, That during the Attendance of any Person summoned as a Witness to a Superior or Inferior Court, and as such Person is going or returning from the Place of such Attendance, allowing one Day for every Twenty Five Miles such Persons Residence shall be distant from the same, no Sheriff or other Officer shall serve or execute on any Person so attending, going to, or returning from such Court, any Writ, Process, Warrant, Order, Judgment, or Decree, in any Cause; and if any such shall be served or executed, the same shall, and is hereby declared to be null and void. Witnesses Privilege.

LV. *AND be it further Enacted, by the Authority aforesaid*, That for every Mile any Witness shall travel, either going to, or returning from the Court to which such Witness shall be summoned to appear, there shall be paid to him, by the Party at Their Allowance for Attendance.

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at whoſe Inſtance the Subpœna iſſued, Three Half Pence, Proclamation Money, *per* Mile, together with the neceſſary Charges of Ferriage; and Three Shillings like Money for every Day's Attendance, from the Time appointed for the Appearance, until the Time ſuch Perſon ſhall have given Evidence, or ſhall be diſcharged. *Provided*, That in any Bill of Coſts, there ſhall not be allowed the Charge of more than Two Witneſſes to any one particular Matter of Fact.

Writs of Error granted.

LVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Superior Courts ſhall have Power and Authority to grant Writs of Error for correcting the Errors of any Inferior Courts, where the ſame ſhall be neceſſary; and the Party praying ſuch Writ of Error, before the ſame ſhall iſſue, ſhall aſſign Error, and give Bond and Security, to be approved of by the Court, to abide by, perform, and fulfil the Judgment which ſhall be given thereon by ſuch Court: And if upon Argument of any Writ of Error, or Trial of any Appeal from any Inferior Court, the Judgment or Decree of the Inferior Court ſhall be reverſed, the Superior Court ſhall grant Judgment, or make ſuch Decree thereupon as ſhould have been entered or made up in ſuch Inferior Court, and ſhall and may iſſue Execution thereon, without granting a Writ of *Procedendo*; and to prevent the obtaining Writs of Error by Surprize, the Party praying ſuch Writ, in a civil Cauſe, ſhall give Notice to the adverſe Party of his moving for ſuch Writ, at leaſt Ten Days before ſuch Motion; and no ſuch Writ ſhall be granted without an Affidavit of ſuch Notice.

Habeas Corpus may be granted, to remove the Body to the Superior Court.

LVII. AND for preventing long and oppreſſive Impriſonments, *Be it Enacted, by the Authority aforeſaid*, That when any Perſon ſhall be committed, in any civil Action, to the Gaol of any County, by Proceſs iſſuing out of any Inferior Court, for any Matter cognizable in the Superior Court, it ſhall and may be lawful for the Superior Court of the Diſtrict in which ſuch Perſon ſhall be impriſoned, upon Petition, and Cauſe ſhewn by the Perſon ſo impriſoned, to iſſue out a *Habeas Corpus cum Cauſa*, to remove the Body of ſuch Defendant into the Gaol of ſuch Superior Court, and the Cauſe of Commitment into the ſame Court; and the Clerk of ſuch Suporior Court is hereby authorized, directed, and required, by Order of the Court, to iſſue ſuch Writ accordingly; and the Court ſhall and may proceed therein, and bail, diſcharge, or retain ſuch Priſoner, as the Right of the Caſe may require.

Cauſes tranſpoſed to the Superior Court Dockets.

LVIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Cauſes, Actions, Writs, Suits, Plaints, Proceſs, Recognizances, Indictments, and Preſentments whatſoever, that are, or ſhall be depending in any of the late Superior Courts of Juſtice within this Colony, or ſuch as ſhall be returnable to, or had, or ſhall have Day or Days in any of the ſaid late Superior Courts, or other Matters or Things in them depending, and not fully determined, ſhall be transferred and put on the Dockets of the reſpective Superior Courts hereby eſtabliſhed, in the ſame Order they ſhall then ſtand in the Dockets of the ſaid late Superior Courts reſpectively; and ſhall be proceeded in by the ſaid Superior Courts hereby eſtabliſhed, according to the Method by this Act directed, as if the ſame had been originally commenced in any of the ſame, due Regard being had that ſuch Courts take Cognizance of ſuch Suits, Matters and Things, the Cauſe or Cauſes whereof aroſe, or is ſuggeſted to have ariſen, within their reſpective Diſtricts.

Action given in the General or late Superior Courts, Suit may be brought for the ſame in the preſent Courts.

LIX. *AND be it further Enacted, by the Authority aforeſaid*, That in all Caſes wherein by any Act of Aſſembly heretofore made, Action is given, or Recovery directed to be had in the General Court, or any of the Supreme Courts of Juſtice, *Oyer* and *Terminer*, and General Gaol Delivery, or in any of the late Superior Courts within this Colony; in every ſuch Caſe, after the paſſing of this Act, Suit may be brought for the ſame Cauſe of Action, and Recovery had in ſome one of the Superior Courts of Juſtice hereby eſtabliſhed, and Judgment and Execution ſhall be entered as in other Caſes by this Act directed.

LX. *AND*

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Process begun in the late Courts, may be taken Cognizance of in the present Courts.

LX. *AND be it further Enacted, by the Authority aforesaid*, That all Writs and other Process, and all Suits, Appeals, and Proceedings whatsoever, issued, granted, or prosecuted in the late Superior Courts, wherein Judgment hath been entered, or Decree made, shall and may be taken Cognizance of by the Superior Courts of the respective Districts hereby established, wherein the Cause of Action did arise, or was suggested to have arisen; and such Courts may respectively award Execution, or other necessary Proceedings, on such Judgment or Decree, in the same Manner as if such Suit had been originally commenced in such Court; any Law, Usage, or Custom, to the contrary, notwithstanding.

Forfeited Recognizances in the late Courts how levied.

LXI. *AND be it further Enacted, by the Authority aforesaid*, That wherein any of the late Superior Courts, any Recognizance has been forfeited, or Fine imposed, and not hitherto paid, it shall and may be lawful for the Superior Courts hereby established, of the District in which such Recognizance was or shall be forfeited, or Fine imposed, to issue Execution, for levying the same, after the Party shall be served with a Writ of *Scire Facias*, and fails to shew sufficient Cause to the contrary; and in all Recognizances which shall hereafter be forfeited, or Fines which shall be hereafter imposed, in any of the Superior Coutrs, the same Process shall issue, and the Forfeitures be levied in the same Manner, unless sufficient Cause be shewn, on the Return of a *Scire Facias*, why such Forfeiture should be discharged or mitigated by the Court.

Commission of Oyer and Terminer may be issued.

LXII. AND whereas many of the Prisons within this Province are insufficient for the Retention of Persons who may commit capital and other Offences against his Majesty, his Peace and Government; therefore for the speedy Trial of such Offenders, *Be it Enacted, by the Authority aforesaid*, That the Governor, or Commander in Chief for the Time being, so often as he shall find it necessary, is hereby impowered and authorized to issue a Commission of *Oyer* and *Terminer*, and General Gaol Delivery, under the great Seal of the Province, directed to the Chief Justice, and his Associates, or either of them, for the Trial of any such Offenders; and the said Justices so commissioned, or either of them, after Receipt thereof, are hereby impowered to hold a Court, within the Time limited by such Commission, for the Trial of every such Offender; and to hear and determine all Treasons, Murders, Burglaries, Felonies, Trespasses, Crimes, and Misdemeanors, of what Nature or Kind soever, wherewith such Offender or Offenders is or shall stand charged; and give Judgment, and award Execution thereon.

Jurors appointed.

XLIII. *AND be it further Enacted, by the Authority aforesaid*, That the Chief Justice, and other Justice or Justices so commissioned, or either of them, on receiving such Commission, shall order the Clerk of the Court for the District where such Court of *Oyer* and *Terminer* is to be held, to issue Writs of *Venire Facias*, directed to the Sheriff of the respective Counties within such District, to serve as Grand and Petit Jurors at such Court; which Writs the said Clerks is hereby impowered and required to issue, Ten Days at least before the Day of holding every Court of *Oyer* and *Terminer*, to summons Six good and lawful Men as Grand Jurors, and Six other good and lawful Men as Petit Jurors, for every County within such District, being Freeholders, to appear and attend at such Court; which Persons so summoned as Grand Jurors, or so many of them as shall appear (together with other good and lawful Freeholders of the By-standers, if necessary, to add to such to make a sufficient Number of Grand Jurors) shall be a Grand Jury; and it shall be lawful for such Grand Jury to enquire of, and present, all Treasons, Felonies, and other Offences, cognizable in the said Court, which shall have been committed or done within any County or Counties within such District; and the Freeholders so summoned as Petit Jurors, or so many of them as shall appear (not being challenged) together with so many other good and lawful Freeholders of the By-standers, as shall make up the Number of Twelve, shall, and are hereby declared to be a lawful Jury, for the Trial of any Person or Persons indicted of Treason, Felony, or other Crimes or Misdemeanors, before the said Court of *Oyer* and *Terminer*: And if any Person so summoned

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moned to ſerve on the Grand or Petit Juries before ſuch Court, ſhall fail to appear and attend, it ſhall be lawful for the ſaid Court to fine every ſuch Perſon ſo failing Three Pounds, to the Uſe of the County whereof he is Reſident.

Pen for non attendance.

Surplus of Duties appropriated.

LXIV. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of the Money as ſhall ariſe from the Duties hereby impoſed on Law Suits and Carriage Wheels, as ſhall remain after paying the Salaries herein provided for the Chief Juſtice and Aſſociate Juſtices, ſhall, and is hereby applied to the Contingencies of this Government.

Penalties how recovered and applied.

LXV. *AND be it further Enacted, by the Authority aforeſaid*, That all Penalties and Forfeitures ariſing by Virtue of this Act, for which no Mode of Recovery is provided, or of which no Application is herein before made, ſhall be recovered by Action of Debt, in any Court of Record in this Province, Reſpect being had to the Diſtrict and Juriſdiction of ſuch Court; and applied, one Half to the Perſon or Perſons who ſhall ſue for the ſame, and the other Half to the Contingencies of Government.

What Proceſs to iſſu on a *Non eſt* for filial Portions.

LXVI. AND whereas Doubts have ariſen as to what Proceſs ſhall iſſue, when any Sheriff ſhall return that any Defendant or Defendants, in any Suit in a Superior Court for the Recovery of Legacies, filial Portions, or diſtributive Shares of Inteſtates Eſtates, cannot be found; for Remedy whereof, *Be it Enacted*, That in all ſuch Caſes, the Plaintiff ſhall be intitled to an Attachment againſt the Goods and Chattels, Lands and Tenements, of ſuch Defendant or Defendants; and upon the Return of ſuch Attachment executed, if the Defendant ſhall fail to reply, plead, anſwer, or demur the ſame Term, the Plaintiff ſhall be intitled to a conditional Decree or Judgment, purſuant to the Prayer of the ſaid Petition, which ſhall be final at the next Court, unleſs ſuch Defendant or Defendants ſhall then appear and give Security, and plead, anſwer, or demur to ſuch Petition; and the ſame Method ſhall be obſerved as to Garniſhees, as in other Caſes of Attachment.

Continuance of the Act.

LXVII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act, and every Clauſe, Article, and Thing therein contained, ſhall continue and be in Force for the Space of Five Years, from and after the paſſing thereof, and to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. II.

An Act to amend and continue the ſeveral Acts for eſtabliſhing Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province. (a)

Printed Copy of Fees to be ſet up in Clerks Office.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the reſpective Clerks of each and every Inferior Court in this Province ſhall, within Six Months after the paſſing of this Act, affix and keep up in ſome public Place in his Office (to which all Perſons may have Acceſs) a true and perfect printed Copy of all ſuch Fees as the Clerks of the Inferior Courts are, or may be intitled to; and every Clerk failing or neglecting ſo to do, ſhall forfeit and pay, to any Perſon that will ſue for the ſame, Ten Pounds, Proclamation Money, for the firſt Six Months ſuch printed Copy ſhall be wanting, and Five Pounds a Month afterwards for each and every Month ſuch Fee Bill ſhall be neglected to be kept up as aforeſaid; to be recovered by Action of Debt, in the Inferior Court of the County where ſuch Offender reſides.

Pen for Neglect.

Clerks to tranſmit to the Governor a Liſt of Taxables.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of each and every Inferior Court in this Province ſhall, within Six Months next after the

(a) The 1ſt, 2d, 3d, 6th, 7th, 8th, and 9th Clauſes of this Act, provided for by Act Dec. 1770, Chap. 19.

the Court to which the Lists of Taxables are returned, in every Year, transmit to his Excellency the Governor, a true and fair Copy of the Lists of Taxables of the County whereof he is Clerk; and the said Clerks shall respectively transmit to the Governor an exact Account of the Number of Taxables settled for by the Sheriff, with the Inferior Court of the County; and also the Number of Insolvents allowed such Sheriff at such Settlement, and the Names of the Justices settling such Account, within Six Months next after such Settlement. *A. D.* 1768.

X. AND whereas the Days heretofore appointed by Law for holding the Inferior Courts for the Counties of *New Hanover*, *Onslow*, *Duplin*, *Cumberland*, *Bladen*, *Pitt*, *Craven*, *Dobbs*, *Currituck*, *Pasquotank*, *Chowan*, *Tyrrell*, *Hertford*, *Northampton*, *Edgcomb*, *Bute*, *Orange*, *Granville*, *Rowan*, *Mecklenburg*, and *Johnston*, have been found inconvenient for those whose Business it is to attend such Courts: *Be it therefor Enacted, by the Authority aforesaid*, That from and after the passing this Act the Inferior Courts of Pleas and Quarter Sessions for the several Counties aforesaid shall be held on the Days following, instead of the Days heretofore appointed for holding such Courts, *to wit*, County Courts when held.

New Hanover, the First *Tuesday*
Onslow, the Second *Tuesday*
Duplin, the Third *Tuesday*
Cumberland, the Fourth *Tuesday*
} In *January*, *April*, *July*, and *October*.

Bladen, the First *Tuesday* in *February*, *May*, *August*, and *November*.
Pitt, the Fourth *Tuesday* in *January*, *April*, *July*, and *October*.
Craven, the Second *Tuesday* in *March*, *June*, *September*, and *December*.
Dobbs, the First *Tuesday* in *January*, *April*, *July*, and *October*.

Currituck, the First *Tuesday*
Pasquotank, the Second *Tuesday*
Chowan, the Third *Tuesday*
} In *March*, *June*, *September*, and *December*.

Hyde, the First *Tuesday*
Beaufort, the Second *Tuesday*
} In *January*, *April*, *July*, and *October*.

Tyrrell, the Second *Tuesday* in *February*, *May*, *August*, and *November*.
* *Granville* and *Hertford*, the First *Tuesday* in *February*, *May*, *August*, and *November*.

Bute, the second *Tuesday*
* *Halifax*, the Third *Tuesday*
Edgcomb, the Fourth *Tuesday*
} In *February*, *May*, *August*, and *November*.

Mecklenburg, the Second *Tuesday*
* *Rowan*, the Third *Tuesday*
Orange, the Fourth *Tuesday*
} In *January*, *April*, *July*, and *October*.

Northampton, the First *Tuesday* in *March*, *June*, *September*, and *December*.
And *Johnston*, the Fourth *Tuesday* in *February*, *May*, *August*, and *November*, in every Year.

XI. *AND be it further Enacted, by the Authority aforesaid*, That all Actions, Suits, Writs, Process, Petitions, Indictments, Informations, and Presentments whatsoever, heretofore commenced in, issued from, or returnable to the respective Courts, the Time for holding of which is altered by this Act, shall be, and are hereby continued to the particular Days and Times hereby appointed; and all Subpœnas for Witnesses, and Recognizances for the Appearance of Persons at the said Courts, as effectual as if the particular Day for holding any of the said Courts had been mentioned therein; and the Persons summoned as Witnesses, and entering into such Recognizances, bound to appear accordingly. Process began in the late Courts, continued to the present Courts.

XII. *AND be it further Enacted, by the Authority aforesaid*, That so much of an Act of Assembly, intituled, *An Act to establish Inferior Courts of Pleas and Quarter Sessions* Acts continued.

* The Court Days for the Counties of *Granville*, *Hertford*, *Halifax*, *Rowan*, and *Anson*, altered, by Act Nov. 1768, Chap. 20.

A. D. 1768. *Seſſions in the ſeveral Counties in this Province*; and alſo one other Act of Aſſembly, made and paſſed in the Fifth Year of the Reign of his preſent Majeſty, intituled, *An Act to amend and continue an Act, intituled, An Act to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province*; as is not otherwiſe provided for in this Act, and each and every Clauſe and Article in them reſpectively contained, together with this Act, ſhall continue and remain in full Force and Effect for the Space of Five Years, from and after the paſſing hereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer; any Thing in the ſaid recited Acts contained to the contrary, notwithſtanding.

CHAP. III.

An Act directing the Method of appointing Jurymen in all Cauſes criminal and civil.

Preamble. I. WHEREAS a juſt Deciſion of Suits and Controverſies in the ſeveral Courts of Juſtice in this Province greatly depend on the Integrity and Capacity of Jurymen:

Jurors how appointed. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That no Perſon ſhall be a Juryman in either of the Superior Courts of Juſtice within this Province, who ſhall not be nominated, ſummoned, and qualified, as is herein after directed, that is to ſay; the Juſtices of the Inferior Courts within the Diſtrict of each reſpective Superior Court within this Province ſhall, and they are hereby directed, before the Sitting of any Superior Court, to nominate Twenty Four Freeholders to ſerve as Grand Jurymen, and Twenty Four Freeholders to ſerve as Petit Jurors, at ſuch Superior Court.

Not to ſerve two Courts, or when they have Actions depending. III. *PROVIDED always*, That no Inferior Court ſhall, knowingly, nominate any Perſon to ſerve as a Grand or Petit Juror, at Two Courts ſucceſſively; nor any Perſon to ſerve on the Petit Jury, who ſhall have an Action or Suit to be tried in the Superior Court, at the Term to which he ſhall be nominated.

Number of Jurors for the ſeveral Counties to be appointed. IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Number of Freeholders to be nominated for each County to ſerve as Jurors as aforeſaid, ſhall be proportioned as follows, *to wit*, *New Hanover* County, Twelve. *Bladen* County, Eight. *Onſlow* County, Eight. *Duplin* County, Eight. *Cumberland* County, Six. And *Brunſwick* County, Six, for the Diſtrict of *Wilmington*. *Craven* County, Eighteen. *Carteret* County, Four. *Beaufort* County, Six. *Hyde* County, Four. *(a) Dobbs* County, Ten. And *Pitt* County, Six, for the Diſtrict of *Newbern*. *Northampton* County, Twelve. *Halifax* County, Fourteen. *Edgcomb* County, Ten. *(b) Johnſton* County, Six. And *Bute* County, Six, for the Diſtrict of *Halifax*. *Chowan* County, Ten. *Perquimons* County, Six. *Paſquotank* County, Eight. *Currituck* County, Four. *Tyrrell* County, Six. *Bertie* County, Eight. And *Hertford* County, Six, for the Diſtrict of *Edenton*. *(c) Rowan* County, Twenty Two. *(d) Anſon* County, Ten. And *Mecklenburg* County, Fourteen, for the Diſtrict of *Saliſbury*. *(e) Orange* County, Thirty Six. And *Granville* County, Twelve, for the Diſtrict of *Hillſborough*. A Liſt of which Jurors ſo nominated, ſhall be delivered by the Clerk of each Inferior Court of Pleas and Quarter Seſſions to the Sheriff, who ſhall, and is hereby required, to ſummon the Perſons ſo nominated to ſerve as Jurymen at the Superior Court: And if any Juryman ſo ſummoned ſhall fail to appear, he ſhall be fined Five Pounds, Proclamation Money, unleſs he can ſhew ſufficient Cauſe to the next Court to excuſe his Non-Appearance; which Fine ſhall be

Pen. for non-Attendance.

(a) Number of Jurors for *Dobbs* altered to 6, by Act Dec. 1770, Chap. 22.
(b) Number for *Johnſton* altered to 4, by the ſame Act.
(c) Jurors for *Rowan* 12, by Act Dec. 1770, Chap. 42.
(d) Jurors for *Anſon* 6, and for *Mecklenburg* 6, by Act Dec. 1770, Chap. 24.
(e) Jurors for *Orange* 22, by Act Dec. 1770, Chap. 27.

be applied to the Payment of ſuch Jurors as ſhall attend from the ſaid County, and thereby leſſen the County Tax. A. D. 1768.

By-ſtanders to be ſummoned, to be diſcharged daily, and Pen for non-Attendance.

V. *PROVIDED always*, That if any of the ſaid Inferior Courts of Pleas and Quarter Seſſions ſhall fail or neglect to nominate Freeholders to ſerve as Grand and Petit Jurors as aforeſaid, or the Perſons ſo nominated ſhall fail to attend, it ſhall and may be lawful for ſuch Superior Court to order and direct the Sheriff to ſummons other Freeholders of the By-ſtanders to ſerve as Jurymen, for either Grand or Petit Jurors; and the Perſons ſo ſummoned, ſhall be deemed and held as lawful Jurymen. *Provided*, That ſuch By-ſtanders as ſhall be ſummoned to ſerve on the Petit Jury, ſhall and may, every Day, be diſcharged, and the ſucceeding Day, and ſo from Day to Day, during the Continuance of the Court, the Sheriff ſhall ſummons of the By-ſtanders ſo many as ſhall be neceſſary: And every Perſon ſo ſummoned of the By-ſtanders, who ſhall not appear and ſerve as a Juryman, ſhall be fined the Sum of Three Pounds, Proclamation Money, unleſs he can ſhew ſufficient Cauſe, to be admitted by the Court; to be applied as before directed.

Fines how levied.

VI. AND that the Fines may be applied according to the Directions of this Act, *Be it Enacted, by the Authority aforeſaid*, That the Fines herein impoſed ſhall be levied by the Sheriff of each reſpective County wherein each Perſon ſhall reſide, who ſhall be ſummoned as a Juryman as is herein directed, and ſhall fail to appear and ſerve as ſuch; and ſuch Sheriff ſhall be accountable for the ſame to the Interior Court of his County.

Time and Manner of ſummoning Jurors.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of each reſpective County ſhall, and is hereby required, to ſummons the Freeholders in the Liſt to be delivered to him by the Clerk of the Interior Court of his County, at leaſt Ten Days before the Sitting of the Superior Court at which ſuch Freeholders are to attend as Jurors, which he may do perſonally, or by leaving a Note or Summons, in Writing, at the Dwelling-Houſe of ſuch Freeholder ſo to be nominated as aforeſaid.

Manner of drawing Jurors in every Suit.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of each Superior Court ſhall, every Day, during the Continuance of ſuch Court, write the Names of all Petit Jurors appearing, on Scrolls, or Pieces of Paper, which ſhall be put into a Box, and on every Iſſue in every Suit, where it is not otherwiſe agreed by Conſent, a Child, under Ten Years old, in open Court, ſhall draw out of the ſaid Box Twelve of the ſaid Scrolls or Pieces of Paper; and the Perſons whoſe Names ſhall be on the ſaid Scrolls or Pieces of Paper, drawn as aforeſaid, ſhall be the Jurors to try ſuch Iſſue, provided that they all do appear; and in Caſe of Defaulters, other Scrolls ſhall be drawn, till a ſufficient Number ſhall appear to make a compleat Jury.

Proviſo for Challenges.

IX. *PROVIDED always*, That if any of the Jurors, whoſe Names ſhall be drawn as is herein before directed, ſhall be lawfully challenged, other Scrolls ſhall be drawn, in Manner aforeſaid, as Occaſion may require, till a complete Number of Jurors ſhall be made out.

Jurors Allowance for Attendance.

X. AND whereas the attending the Superior Courts will be very expenſive to Jurors; for Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That each and every Juror who ſhall attend either of the Superior Courts to which he ſhall be nominated as aforeſaid, and ſummoned in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance, to the Inferior Court of the County where he reſides, ſhall have and receive Three Shillings, Proclamation Money, for every Day he ſhall travel and attend as aforeſaid; and an Allowance for his Ferriages, if certified as aforeſaid, to be paid out of the County Tax.

XI. *AND*

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Special Juries may be appointed.

XI. *AND be it further Enacted, by the Authority aforeſaid,* That from and after the paſſing this Act, in all Suits depending or proſecuted in any of the Superior Courts of Juſtice within this Province, wherein the Title or Bounds of Lands ſhall come in Queſtion, if it ſhall appear to the Court that it will be neceſſary that the Jurors who are to try the Iſſue joined in any ſuch Suit, ſhould have a View of the Meſſuages, Lands, or Place in Queſtion, in order to their better underſtanding the Evidence that will be given upon the Trial of ſuch Iſſue; in every ſuch Caſe, the Court in which ſuch Suit ſhall be depending, may (on Reaſons being ſhewn, and approved by the Court) order ſpecial Writs of *Venire Facias*, or *Habeas Corpora*, to iſſue, by which the Sheriff, or ſuch other Officer to whom the ſaid Writ ſhall be directed, ſhall be commanded to have the Jurors named in ſuch Writ, or Six of them at leaſt, at the Place in Queſtion, ſome convenient Time before the Trial of ſuch Cauſe, who then and there ſhall have the Matter in Queſtion ſhewn to them by Two Perſons in the ſaid Writ named, and to be appointed by the Court; and the Sheriff, or other Officer, ſhall certify on the ſaid Writ what Proceedings have been had thereon.

Manner of ſtriking them.

XII. *AND be it further Enacted, by the Authority aforeſaid,* That where a View ſhall be ordered as aforeſaid, the Jury appointed for that Purpoſe ſhall be ſtruck in Manner following, *to wit*, The Plaintiff and Defendant, or their Attornies, ſhall deliver to each other a Liſt, containing the Names of Twelve good and lawful Freeholders, inhabiting within the Diſtrict of the Court ordering ſuch View; and each Party having ſtruck out Six of the Names on the ſaid Liſt, the Perſons whoſe Names are remaining thereon ſhall be the Jurors to have ſuch View; and if either Party ſhall refuſe to comply with the Directions of this Act, in ſtriking ſuch Jury, the Court ſhall ſtrike Six Jurors in the Stead of him ſo refuſing.

Number of them to be ſworn.

XIII. *AND be it further Enacted, by the Authority aforeſaid,* That when a ſpecial Jury ſhall be allowed as aforeſaid, Six of the Jurors named in the Pannell, or more, who have had ſuch View and appear, ſhall be firſt ſworn on the Trial of the Iſſue joined in the Cauſe before any others ſhall be ballotted; and ſo many only ſhall be ballotted and added to the Viewers who appear as, after all Defaulters and Challenges allowed, make up the Number of Twelve to be ſworn.

Surveyor to attend the Jury.

XIV. *AND be it further Enacted, by the Authority aforeſaid,* That when any ſuch View ſhall be ordered as aforeſaid, the Court allowing the ſame may, if it ſhall appear neceſſary, order any Surveyor to attend the ſame, and to run out and ſurvey the Lands and Lines in Diſpute, in ſuch Manner as each Party and the Viewers ſhall direct, and to make Three accurate Plans of ſuch Surveys, and return the ſame to ſuch Court; which Order ſuch Surveyor is hereby required to obey.

Time of ſummoning the Jury, and Pen. for non-Attendance.

XV. *AND be it further Enacted, by the Authority aforeſaid,* That the Sheriff, or other Officer to whom ſuch Writ of *Diſtringas* or *Habeas Corpora* ſhall be directed, ſhall ſummons the Jurors therein named to appear at the Place to be viewed, at leaſt Five Days before ſuch View is to be had; and every Juror being ſo ſummoned, and failing to attend and take ſuch View, or to attend the Court to try the Iſſue in the Cauſe, ſhall be fined by the Court for every ſuch Neglect, a Sum not exceeding Five Pounds, Proclamation Money, to be levied as other Fines ſet on Jurymen, and applied to the Uſe of the County wherein the Lands in Diſpute are ſituate; unleſs the Perſon fined ſhall, on Oath, ſhew to the Court ſufficient Reaſon for ſuch Failure or Neglect.

Jurors, Sheriffs, and Surveyor's Allowance.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That the Jurors attending ſuch View, and at the Court in the Trial of ſuch Iſſue, ſhall have the ſame Allowance as other Jurors are intitled to who attend at the Superior Court of Juſtice; and the Sheriff ſhall be allowed Ten Shillings *per Diem* for attending at ſuch View, to remove Force, if any ſhould be offered; and the Surveyor ſhall have and receive Twenty Shillings, Proclamation Money, *per Diem*, for travelling to and

and from, and attending at the Place of ſuch View, and diſcharging his Duty as by this Act required; which ſeveral Allowances ſhall be taxed and allowed in the Bill of Coſts. *A. D.* 1768.

Proviſo, where a View was unneceſſary.

XVII. *PROVIDED always*, That if it ſhall appear upon the Trial of any ſuch Cauſe, that the ſtriking of a ſpecial Jury was altogether unneceſſary, the Party who applied for the ſame ſhall pay all the extraordinary Expences occaſioned by ſtriking ſuch a Jury; and ſhall have no other Allowance of Coſts, than he would be intitled to if the Cauſe had been tried by a common Jury.

Grand and Petit Jurors for the Inferior Courts to be ſummoned.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of each reſpective County of this Province ſhall, Five Days at leaſt before the ſitting of each reſpective Inferior Court to be held after the paſſing of this Act, ſummon Twenty Four Freeholders to ſerve on the Grand Jury, and Twelve Freeholders to ſerve on the Petit Jury, to attend at ſuch Courts reſpectively; which ſaid Jury ſhall appear and give their Attendance accordingly, till diſcharged by the Court: And that there may not be a Default of Jurors, it ſhall and may be lawful during the ſitting of the Inferior Court, for the Sheriff, by Order of the ſaid Court, to ſummon of the By-ſtanders other Jurors, being Freeholders, to ſerve on the Petit Jury from Day to Day, and on any Day of the ſaid Court the Juſtices may diſcharge thoſe who have ſerved the preceeding Day.

Their Attendance inforced.

XIX. AND to enforce the Attendance of Jurymen at the ſaid Inferior Courts, *Be it Enacted, by the Authority aforeſaid*, That every Perſon who ſhall hereafter be ſummoned in Virtue of this Act, to appear either as a Grand or Petit Jurymen at any Inferior Court, and ſhall fail to appear, or to give his Attendance, till diſcharged by Order of the Court, ſuch Perſon, ſo failing to appear or give his Attendance till diſcharged, ſhall be fined Forty Shillings by the Juſtices of the Inferior Court; to be applied towards defraying the Charges of the County, and leſſening the County Tax; unleſs he ſhall ſhew ſufficient Cauſe to the next ſucceeding Court for ſuch Failure.

Jurors Privilege.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That no Sheriff or other Officer ſhall ſerve or execute any Writ or other Proceſs on the Body of any Juror during his Attendance on, or going to, and returning from any of the ſaid Courts; and any ſuch Service ſhall be void, and the Defendant may, on Motion, be diſcharged.

Continuance of the Act.

XXI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Space of Five Years, from and after the paſſing of this Act, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. IV.

An Act for veſting certain Lots in the Town of Newbern *in his Excellency the Governor, and his Succeſſors.*

Preamble.

I. WHEREAS by an Act paſſed at *Newbern* the Firſt Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Sixty Six, intituled, *An Act for erecting a convenient Building within the Town of* Newbern, *for the Reſidence of the Governor or Commander in Chief for the Time being*, his Excellency *William Tryon*, Eſq; then and now Governor and Commander in Chief of this Province, was authorized and impowered to purchaſe any Number of Lots of Lands, not exceeding Twelve, lying and being within the Limits and Boundaries of the Town of *Newbern*, in any Part of the Town he ſhall think moſt proper and convenient; and to take and receve one or more Deed or Deeds, ſufficient in Law for the conveying the ſame to himſelf, and his Succeſſors, Governors or Commanders in Chief of this Province; and upon ſuch Conveyance, to contract and agree with proper

A. D. 1768. proper Perſons for deſigning, erecting, and compleatly finiſhing, a convenient Dwelling-Houſe, with all neceſſary Offices, for the Uſe of himſelf and his Succeſſors, Governors and Commanders in Chief of this Province: And whereas, purſuant to the Power and Authority of the ſaid Act, his Excellency has thought it moſt proper and convenient that a Square in the ſaid Town, containing Twelve Lots, bounded by *Eden* Street, *Pollock* Street, *Metcalf* Street, and *Front* Street, with the Water Fronts belonging thereto, ſhould be purchaſed for the ſaid intended Building, and hath agreed with proper Perſons for deſigning, erecting, and finiſhing the ſaid Houſe and Offices; but the legal Title to ſome of the ſaid Lots being veſted in Perſons out of the Province, or Infants or Truſtees, or Perſons at preſent unknown, his Excellency hath not yet been able to make a Purchaſe, or obtain proper Conveyances for ſome of the ſaid Lots: For effecting therefore a full, complete, and abſolute Title to the Whole of the ſaid Lots and Water Fronts, and veſting the ſame according to the Intention of the ſaid Act of Aſſembly;

Manner of veſting the Lots in the Governor.

II. MAY it pleaſe your Excellency that it may be Enacted, *And be it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That it ſhall and may be lawful to and for the Inferior Court of *Craven* County, and the ſaid Court is hereby impowered, authorized, and required, at the Firſt Court to be held for the ſaid County after the Firſt Day of *March* next, to iſſue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff of *Craven* County aforeſaid, who is hereby authorized, directed, and required, accordingly to ſummon, impannel, and return to the ſaid Court, a competent Number of ſubſtantial diſintereſted Perſons, qualified to ſerve on Juries, and not leſs than Twenty Four; and out of ſuch Perſons ſo to be impannelled, ſummoned, and returned, a Jury of Twelve Perſons ſhall be drawn by ſome Perſon by the ſaid Inferior Court to be appointed, in ſuch Manner as Juries for the Trial of Cauſes in the Superior Court, by the Act of Aſſembly now in Force, are directed to be drawn; which Perſons ſo to be impannelled, ſummoned, and returned as aforeſaid, are hereby required to come and appear before the ſaid Court, at ſuch Time and Place as in ſuch Warrant or Warrants, Precept or Precepts, ſhall be directed and appointed; and to attend there, from Day to Day, until diſcharged by the ſaid Court; and all Perſons concerned ſhall have their lawful Challenges (but not challenge the Array of the Pannell) againſt any of the ſaid Jurymen when they come to be ſworn: And the ſaid Court is hereby authorized and impowered, by Precept or Order, from Time to Time, to require the Attendance of all and every Perſon or Perſons whatever who ſhall be thought neceſſary to be examined as Witneſſes before them, and to examine them on their Oath or Oaths touching and concerning the Premiſes: And the ſaid Court may likewiſe, if the Juſtices preſent ſhall think fit, authorize the ſaid Jury to view the ſeveral Lots contained in the ſaid Square and Water Fronts, in ſuch Manner as they ſhall direct; and ſuch Jury, Witneſſes, and Parties, ſhall attend until all ſuch Matters for which they were ſummoned ſhall be concluded: And ſaid Jury, upon their Oaths, ſhall enquire of the Value of ſuch Lots of Land, with the Appurtenances, which is heretofore mentioned as neceſſary to be purchaſed, and of the reſpective Eſtate and Intereſt of every Perſon ſeized, poſſeſſed of, or intereſted therein, or in any Part thereof; and ſuch Jury ſhall aſſeſs the Sum or Sums to be paid to every ſuch Perſon or Perſons, for the Purchaſe of ſuch their Eſtate and Intereſt which ſhall be neceſſary to be purchaſed: And the ſaid Court ſhall record the Verdict of the Jury, for ſuch Sum or Sums of Money ſo to be aſſeſſed; which ſaid Verdict or Verdicts, and the Judgment, Decree, and Determination thereon, ſhall be binding and concluſive, to all Intents and Purpoſes whatſoever, as well againſt the King's Majeſty, his Heirs and Succeſſors, and all and every other Perſon and Perſons, Bodies politick and corporate, claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt, in, to, or out of the ſaid Lots of Land, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, as well Infants as Iſſue unborn, Lunatick, Idiot, and Feme Covert, and Perſons under any other legal Incapacity or Diſability; and all other *Ceſtui que* Truſts, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, as againſt all other Perſons whomſoever; and the ſaid Verdict, Judgment, and Decree, and

and all other Proceedings of the ſaid Court and Jury ſo to be made, given, and pronounced as aforeſaid, ſhall be fairly written on Paper, and ſigned and ſealed by the Clerk of the Court for the Time being: And ſuch Judgment, Verdict, and Decree, and other Proceedings as relate to the ſaid Lots of Land, or the Value of them, as appraiſed, ſhall be entered, filed, and kept amongſt the Records of the ſaid Inferior Court, and ſhall be deemed and taken to be Records, to all Intents and Purpoſes whatſoever; and the ſame, or ſome Copy thereof, ſhall be deemed and taken to be good and effectual Evidence and Proof, in any Court of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame *gratis*, and take Copies thereof, paying for every Copy, as in Caſe of Copies of any other Record of the ſaid Court. *A. D.* 1768.

III. *AND be it further Enacted, by the Authority aforeſaid*, That ſuch Sum or Sums of Money ſo to be aſſeſſed and decreed as aforeſaid, ſhall be paid into the Hands of *Samuel Cornell*, Eſq; who is hereby authorized and impowered to receive the ſame, and to give a Receipt or Receipts, mentioning and ſpecifying for what Premiſes, and for what Uſe the ſaid Money is received; which Receipt or Receipts ſhall be entered on Record, and regiſtered in the Office of the Clerk of the ſaid Inferior Court of the County of *Craven*, with the Verdict, Judgment, and Proceedings to be had as aforeſaid; which ſaid Sum and Sums of Money ſhall be to the Uſe and Benefit of ſuch Perſon or Perſons as may appear by ſuch Verdict to have any Right, Title, Intereſt, or Claim, in, to, or upon the ſaid Lots of Land, or any Part thereof, according to their reſpective Eſtates and Intereſt therein; and ſhall by the ſaid *Samuel Cornell*, Eſq; be paid to ſuch Perſon or Perſons mentioned in ſuch Verdict: But if the ſaid Jury ſhall return a Verdict, that any Part of the ſaid Lots or Water Fronts belong to Perſons unknown, or that the Title is in Diſpute, then, and in ſuch Caſe, the ſaid Sum or Sums of Money aſſeſſed as the Value of ſuch Lands, whereof the Owner is unknown, or the Title in Diſpute, ſhall, at any Time, by Order of the ſaid Inferior Court of *Craven*, be paid to ſuch Perſon or Perſons as ſhall appear to the ſaid Court to be intitled thereto, according to their reſpective Claims and Intereſt in the ſaid Premiſes: And the ſaid Inferior Court of *Craven* is hereby authorized and impowered, by Petition, in a ſummary Way, to hear and determine all Diſputes and Claims of any Perſons intereſted in any Part of ſuch Money; and immediately after ſuch Receipt and Regiſtry as aforeſaid, and the whole abſolute Fee-Simple Inheritance and Poſſeſſion of ſuch Lots of Land, and Water Fronts, ſo to be valued as aforeſaid, ſhall, and is hereby declared to veſt in his ſaid Excellency the Governor, and his Succeſſors, to the Uſe of himſelf and his Succeſſors, Governors or Commanders in Chief of this Province, for the Purpoſes mentioned in the ſaid recited Act, as fully and effectually, to all Intents and Purpoſes, as if every Perſon, having any Eſtate in the Premiſes, had actually conveyed the ſame by Leaſe and Releaſe, Bargain and Sale, inrolled Feoffments, with Livery and Seiſin, Fine and Recovery, or any other legal Conveyance whatſoever: And ſuch Valuation, Proceedings, and Payment as aforeſaid, ſhall not only bar all Right, Title, Claim, or Demand, of the Perſon or Perſons having any Eſtate in the Premiſes, but ſhall alſo extend to, and be deemed and conſtrued to bar the Dower of the Wife or Wives of ſuch Perſons; and all Eſtates Tail, or Reverſions or Remainders, as effectually as a Fine or Recovery would do, or would have done, if levied or ſuffered by the proper Parties according to Law.

Value of Lots to be paid, to the Uſe of the Claimants.

Diſputes of Claims to be heard, and Lots veſted in the Governor.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Inferior Court of *Craven* County, from Time to Time, to impoſe any reaſonable Fine, not exceeding Three Pounds, Proclamation Money, on the Sheriff, or his Deputy or Deputies, who ſhall make Default in the Premiſes, and on any Perſon, who, on being ſummoned and returned on any ſuch Jury as aforeſaid, ſhall fail to appear; and alſo on any Witneſs or Witneſſes who ſhall not attend, or who ſhould refuſe to be ſworn, or being ſworn, ſhall refuſe to give his or their Verdict, or in any other Manner willfully neglect his or their Duty, contrary to the

Fine on Officers &c. neglecting their Duty.

A. D. 1768.

true Intent and Meaning of this Act; and from Time to Time, to levy such Fines as other Fines are by Law directed to be levied in the said Court.

Fronts vested in the Governor.

V. AND whereas according to the Plan of the said Town of *Newbern*, the Water Fronts of the Lots herein before mentioned are divided from the said Lots by a Street called *Front* Street; which, if it continues a Public Street, would be inconvenient to the Improvements intended on the said Lots, for the Accommodation and Residence of the Governor and Commander in Chief: And whereas for the Advantage, Prospect, and Situation, the Foundation of the said Edifice is laid so near to *Eden* Street, that it will be necessary to extend the Line of the said Lots, so as to include Part of the said Street; *Be it therefore Enacted, by the Authority aforesaid*, That all that Part of *Front* Street, lying between the Lots herein before mentioned, and the Water Fronts, extending along the said Street, as far as the Lots and Fronts aforesaid run; and all that Part of *Eden* Street, beginning at the back Corner of the said Square, in the Angle of *Eden* Street and *Pollock* Street, running across *Eden* Street Thirty Feet, and from thence down the Middle of the said Street to the River, including the Intersection of *Front* Street, shall be, and are hereby vested in his Excellency *William Tryon*, Esq; Governor and Commander in Chief of this Province, and his Successors, for the Use of himself and his Successors, Governors or Commanders in Chief of this Province, as fully and amply, to all Intents and Purposes, as any of the above-mentioned Lots of Land are by the said Act directed and intended to be vested, purchased, or settled, for the Purposes therein mentioned; and from henceforth all those Parts of the said Streets, within the Limits above-mentioned, shall cease to be public Streets, and may be inclosed, built upon, improved, or made Use of, as if the same had originally been Part of any of the said Lots; any Act heretofore made to the contrary notwithstanding.

Purchase of Lots by the Governor confirmed.

VI. *AND be it further Enacted, by the Authority aforesaid*, That the Purchase of the Lots herein before mentioned to have been made by his said Excellency, as Part of the Twelve Lots mentioned in the said Act, is hereby ratified and confirmed; and the Possession, and absolute Fee-Simple and Inheritance of and in the said Twelve Lots, Streets, and Water Fronts, are hereby declared to be fully vested in his Excellency *William Tryon*, Esq; and his Successors, for the Purposes and Uses in the said Act mentioned, against the Claim of all Persons whatsoever.

CHAP. V.

See Act Nov. 1766, Chap 2.

An additional Act to an Act, for erecting a convenient Building within the Town of Newbern, *for the Residence of the Governor, or Commander in Chief for the Time being.*

Preamble.

I. WHEREAS the Provision made in the said Act hath been found to be insufficient for compleating and finishing the said Building and Offices; and whereas the Fund out of which the Money granted for building the same hath proved insufficient:

Grant for finishing the Governor's House and Offices.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That the further Sum of Ten Thousand Pounds, Proclamation Money, shall, and is hereby granted to his Excellency the Governor, for and towards finishing the said Edifice and Offices; for raising and levying whereof, an annual Poll-Tax of Two Shillings and Six Pence, Proclamation Money, shall be levied on each taxable Person in this Province, for and during the Term of Three Years, to be collected by the Sheriff of each respective County, on or before the First Day of *March* in each Year; the first Collection thereof to be made in the Year One Thousand Seven Hundred and Sixty Nine; and that all and every Person neglecting to pay the said Tax, on or before said First Day of *March*, shall be liable to such Distress as for non-Payment of other Taxes; and the Sheriff of each respective County shall, on or before the Tenth Day of *June* yearly, pay into the Hands

Hands of the Public Treaſurer of the Diſtrict, all ſuch Sums of Money as each and every of them ſhall receive in Virtue of this Act, under the ſame Regulations and Directions, and like Fines and Forfeitures, as are directed and inflicted by other Acts for the collecting of Public Taxes. A. D. 1768.

III. *AND be it further Enacted, by the Authority aforeſaid*, That as ſoon as the ſaid Tax ſhall be collected, or any Part thereof, the Treaſurers, or either of them, ſhall pay to his Excellency the Governor, for the Purpoſes aforeſaid, the ſaid Sum of Ten Thouſand Pounds, Proclamation Money; and in Caſe of any Surpluſage, the ſame ſhall be applied for and towards defraying the contingent Charges of Government. To be paid to the Governor, and Surpluſage applied.

IV. AND whereas there may be Occaſion for Money for carrying on and compleating the ſaid Edifice before the ſaid Tax can be collected, *Be it further Enacted, by the Authority aforeſaid*, That in ſuch Caſe, it ſhall and may be lawful for his Excellency the Governor, and he is hereby requeſted, to borrow as much Money as he ſhall think neceſſary (not exceeding the ſaid Sum of Ten Thouſand Pounds, Proclamation Money) and to give one or more Receipt or Receipts under his Hand, in Sterling Money for the ſame, ſpecifying the Uſe for which ſuch Money ſhall be received; which ſaid Receipts ſhall bear Intereſt, at the Rate of Eight *per Cent. per Annum*, and ſhall be paid by the Public Treaſurers, or either of them, in Sterling Money, or in Proclamation Money at the current Exchange, as ſoon as ſufficient of the ſaid Tax ſhall be received for that Purpoſe. Governor impowered to borrow Money.

V. *PROVIDED always*, That no Perſons poſſeſſed of ſuch Receipts ſhall receive Intereſt thereon for more than Three Years from the Date hereof, unleſs it ſhall appear that ſuch Perſon or Perſons applied to the Public Treaſurers for his principal Money, and Intereſt, at the Expiration of the ſaid Three Years, and that the Treaſurers neglected or refuſed to pay the ſame; in which Caſe, Intereſt ſhall be paid on the ſaid Receipts, till they are fully diſcharged. No Intereſt allowed for more than 3 Years.

VI. AND whereas the Public Treaſurers of this Province were by the aforementioned Act directed to pay, out of the Fund appropriated for erecting Public Schools and purchaſing Glebes, to his Excellency the Governor, the Sum of Five Thouſand Pounds, Proclamation Money, for the Purpoſes in that Act mentioned; and whereas the Money belonging to ſaid Fund, in the Hands of the Public Treaſurers, has been found to fall Fifteen Hundred Pounds ſhort of the aforeſaid Sum of Five Thouſand; *Be it therefore further Enacted, by the Authority aforeſaid*, That his Excellency the Governor may, and is hereby authorized, to iſſue his Warrant to one or both of the Public Treaſurers of this Province, requiring each or either of them to pay the ſaid Deficiency of Fifteen Hundred Pounds, out of the Money ariſing from the Tax and Duties laid by the aforeſaid Act, for replacing the ſaid Sum of Five Thouſand Pounds in the Public Treaſury: And in Caſe the ſaid Treaſurers, or either of them, ſhould not have to the Amount of the ſaid Sum of Fifteen Hundred Pounds in his or their Hands, ariſing from the Tax and Duty aforeſaid, for replacing in the Treaſury the ſaid Five Thouſand Pounds at the Time the ſame may be drawn for; that then, and in ſuch Caſe, it ſhall and may be lawful for the ſaid Treaſurers, or either of them, to borrow the ſaid Sum of Fifteen Hundred Pounds, and allow for the ſame Intereſt, at the Rate of Eight *per Cent. per Annum*, till ſuch Time as the Treaſurers ſhall be enabled, from the Money ariſing from the Duty and Tax impoſed by the aforeſaid Act, to diſcharge the Sum by him ſo borrowed. Deficiency of School Fund made up, and to be paid to the Governor.

A. D. 1768.

CHAP. VI.

An Act for appointing Sheriffs, and directing their Duty in Office. (a)

Preamble.

I. WHEREAS the Laws now in Force for appointing Sheriffs, and directing their Duty in Office, have been found greatly defective; and there is at preſent no Law whereby thoſe who have been inveſted with the Power of applying Public Money, or Collectors of the ſame, can be compelled to a ſpeedy Execution of the ſaid Truſts; by Occaſion whereof the Public hath been greatly defrauded, and the Faith thereof much depreciated: For Remedy whereof,

Manner of appointing Sheriffs.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Inferior Court of this Government ſhall, annually, between the Firſt Day of *March* and the Firſt Day of *June*, recommend to the Governor, or Commander in Chief of this Province, Three ſuch Perſons as they ſhall think moſt fit, being Freeholders of ſufficient Circumſtances, to execute the Office of Sheriff; one of which Perſons ſo recommended, ſhall thereupon be commiſſioned by the Governor, or Commander in Chief, to execute the Office of Sheriff for that County, for the then next enſuing Year: But if at any Time any Inferior Court ſhall neglect or refuſe to make ſuch Recommendation, or if the Perſons ſo recommended ſhall refuſe or neglect to produce a Certificate thereof to the Governor, and apply for a Commiſſion thereon, within Six Weeks after ſuch Recommendation ſhall be made, or cannot find ſufficient Security, in either of thoſe Caſes, it ſhall and may be lawful for the Governor, or Commander in Chief, and he is hereby authorized and required to appoint, and by his Commiſſion conſtitute any Freeholder of ſuch County, having Circumſtances of Ability as aforeſaid, to be Sheriff thereof; or if no Perſon of ſufficient Abilities within the ſaid County ſhall apply for ſuch Commiſſion before the next ſucceeding Inferior Court after that in which ſuch Recommendation ſhall be made as aforeſaid, that then it ſhall and may be lawful for the Governor, or Commander in Chief, and he is hereby authorized and impowered, to conſtitute and appoint any Perſon, of ſufficient Abilities and Circumſtances, to be Sheriff of ſuch County, although ſuch Perſon may not be a Reſident therein: And if any Sheriff appointed, upon Recommendation as aforeſaid, ſhall happen to die in the Time of his Sheriffalty, the Governor or Commander in Chief may, and is hereby impowered, to appoint one of the Survivors, recommended with the Perſon deceaſed, to be Sheriff in his Room; and when any Sheriff appointed, upon Neglect of Recommendation, happens to die in Office, any Freeholder, of ſufficient Circumſtances, may, and ſhall be commiſſioned in his Stead.

No Sheriff to ſerve more than two Years, unleſs he accounts. Pen. on Juſtices for recommending any ſuch.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, no Inferior Court ſhall recommend to the Governor, any Perſon for his Appointment to the Office of Sheriff, who ſhall have ſerved Two Years ſucceſſively in the ſaid Office, unleſs ſuch Perſon ſhall produce a Certificate, from the Treaſurer of the Diſtrict, of his having fully accounted for, and paid all the Public Taxes which he hath, or ought to have received by Virtue of his ſaid Office: And if any Inferior Court ſhall recommend any ſuch Perſon contrary to the true Intent and Meaning of this Act, each and every Judge or Juſtice thereof, who ſhall join in ſuch Recommendation, ſhall forfeit and pay Fifty Pounds, Proclamation Money, to any Perſon who ſhall ſue for the ſame; to be recovered by Action of Debt, in any Court having Juriſdiction thereof.

Sheriff not compelled to ſerve more than one Year.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall be compellable to ſerve as Sheriff longer than One Year, and until the next ſucceeding Court after Expiration thereof, and no longer: And every Perſon accepting a Sheriff's Commiſſion ſhall, before his entering into, or executing his Office, publicly, before his County Court, take the Oaths appointed, or which ſhall be appointed

(a) See Acts Nov. 1768, Chap. 7, Dec. 1770, Chap. 6, for amending this Act.

appointed by Act of Parliament, for the Qualification of Public Officers, repeat and ſubſcribe the Teſt; and alſo take the following Oath, *to wit*, A. D. 1768.

I A. B. *do ſolemnly ſwear, That I will truly and faithfully execute the Office of Sheriff of the County of to the beſt of my Knowledge and Ability, agreeable to Law; and that I will not take, accept, or receive, directly or indirectly, any Bribe, Gift, Fee, or Reward, whatſoever, for returning any Man to ſerve as a Juror on any Jury, or for making any falſe Return of Proceſs to me directed, during my Continuance in my ſaid Office.* SO HELP ME GOD. His Oath.

And alſo ſhall enter into one Bond, before the Juſtices of his Inferior Court, with Two or more good and ſufficient Securities, in the Penalty of One Thouſand Pounds Sterling; with Condition in Form following, *to wit*, To give Bond.

THE Condition of the above Obligation is ſuch, That whereas the above named *A. B.* is conſtituted and appointed Sheriff of the County of during Pleaſure, by a Commiſſion from the Governor, under the Seal of this Province, dated the Day of laſt paſt: If therefore the ſaid *A. B.* ſhall well and truly execute, and due Return make, of all Proceſs and Precepts to him directed; and pay and ſatisfy all Fees and Sums of Money by him received, or levied by Virtue of any ſuch Proceſs, into the proper Office by which the ſame, by the Tenor thereof, ought to be paid, or to the Perſon or Perſons to whom the ſame are due, his or their Executors, Adminiſtrators, Attornies, or Agents; and in all other Things well, truly, and faithfully execute the ſaid Office of Sheriff, during his Continuance therein; then the above Obligation to be void, otherwiſe to remain in full Force and Virtue. The Condition.

And alſo ſhall enter into one other Bond before ſuch Court, and with the like Security, in the Sum of One Thouſand Pounds Sterling; with a Condition in the following Form, *to wit*, Alſo another Bond.

THE Condition of the above Obligation is ſuch, That whereas the above bound *A. B.* is conſtituted and appointed Sheriff of the County of by Commiſſion from the Governor, under the Seal of the Province, dated the Day of laſt paſt: If therefore the ſaid *A. B.* ſhall well and truly collect and receive all ſuch Public Taxes and Dues as are, or which ſhall be appointed by Act of Aſſembly, to be paid by the taxable Perſons within his Bailiwick, during his continuing Sheriff thereof; and duly account for and pay the ſame to ſuch Perſon or Perſons, and at ſuch Times, as by Law are or ſhall be limited and directed; then the above Obligation to be void and of no Effect, otherwiſe to remain in full Force and Virtue. The Condition.

Which ſaid Bonds and Securities every Inferior Court reſpectively is hereby impowered and required to demand and take, and cauſe to be acknowledged before them in open Court, and recorded; the firſt of which ſaid Bonds ſhall be made payable to his Majeſty, his Heirs and Succeſſors, and that in the Name of his Majeſty and his Succeſſors, any Perſon or Perſons injured may and ſhall, at his, her, or their proper Coſts and Charges, commence and proſecute a Suit or Suits on the ſaid firſt mentioned Bond, againſt the Parties therein bound, their Executors or Adminiſtrators, and ſhall and may recover all Damages which he, ſhe, or they, may have ſuſtained, by Reaſon of the Breach of the Condition of ſuch Bond: And the ſaid laſt mentioned Bond ſhall be made payable to the Governor, or Commander in Chief for the Time being, and his Succeſſors; and that in the Name of the Governor, or Commander in Chief, and his Succeſſors, the Treaſurer of the Diſtrict may and ſhall commence and proſecute a Suit on ſuch laſt mentioned Bond, againſt the Parties therein bound, their Executors or Adminiſtrators, and ſhall and may recover, for the Uſe of the Public, ſuch Damages as the Public ſhall or may have ſuſtained by Means of a Breach of the Condition of ſuch Bond. And ſuch Bonds ſhall not become Court to take the Bonds, which on Breach of the Condition, may be ſued.

A. D. 1768.

become void upon the firſt Recovery, or if Judgment ſhall be given againſt the Plaintiff or Plaintiffs who ſhall ſue on ſuch Bonds reſpectively, but may be put in Suit, and proſecuted from Time to Time, for the Benefit of the Public in the one Caſe, and for the Benefit, and at the proper Coſts and Charges, of any Party injured in the other, until the whole Penalty of the Bond ſued ſhall be recovered.

Verdict for the Sheriff, Plaintiff to pay Coſts.

V. *PROVIDED always*, That if any Verdict or Judgment ſhall paſs for ſuch Sheriff, or his Securities, the Perſon at whoſe Inſtance ſuch Suit ſhall be commenced, ſhall pay ſuch Sheriff, or his Securities, their Coſts; and the Court before which ſuch Suit ſhall be brought, ſhall and may award Execution for the ſame.

Sheriff in Office on the Firſt of March, to give Bond.

VI. *AND be it further Enacted*, That every Sheriff who ſhall be in Office on the Firſt Day of *March* next after the paſſing of this Act, ſhall at the Firſt Court to be held for his County thereafter, enter into ſuch Bonds, with Securities, as by this Act is directed to be given by a Perſon accepting the Office of Sheriff, upon Recommendation of the County Court, or otherwiſe; and if any Perſon who ſhall hereafter be appointed Sheriff purſuant to this Act, ſhall refuſe to accept and execute ſuch Commiſſion to him directed, he ſhall forfeit and pay the Sum of Ten Pounds, Proclamation Money, to the Uſe of the Public; to be recovered in the Name of the Governor or Commander in Chief, with Coſts, by the Treaſurer of the Diſtrict wherein the Perſon ſo refuſing ſhall reſide, by Action of Debt, Bill, Plaint, or Information; and every Sheriff who ſhall be in Office on the aforeſaid Firſt Day of *March*, that ſhall neglect or refuſe to give Bond, with Security, as herein before directed, ſhall incur the like Penalty, to be recovered in the ſame Manner, and to the ſame Uſe as aforeſaid.

Pen. on Perſons appointed Sheriff, refuſing to act.

And on thoſe in Office refuſing to give Bond.

Proviſo, where they cannot get Security.

VII. *PROVIDED nevertheleſs*, That if any Perſon hereafter appointed to execute the Office of Sheriff of any County in this Province, ſhall be willing to execute the ſame, but cannot give ſufficient Security as by this Act is required, and ſhall make Oath in the Court of the County for which he ſhall be appointed Sheriff, that he hath uſed his beſt Endeavours, without Fraud or Colluſion, to get ſuch Security, that then ſuch Perſon ſhall not incur the Penalty aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Alſo for thoſe in Office.

VIII. *PROVIDED alſo*, That any Sheriff who ſhall be in Office on the aforeſaid Firſt Day of *March*, and ſhall be willing to give ſuch Security as aforeſaid, and cannot procure the ſame, and ſhall make Oath thereof in Manner herein before mentioned, that then ſuch Sheriff ſhall not be ſubject to the ſaid Penalty; any Thing herein contained to the contrary notwithſtanding.

Memb. of Council exempt from ſerving as Sheriff.

IX. *PROVIDED likewiſe*, That no Member of his Majeſty's Council ſhall be obliged to execute the Office of Sheriff; any Thing in this Act contained to the contrary notwithſtanding.

Method of Recovery of Public Taxes againſt Sheriffs.

X. *AND be it further Enacted*, That if any Sheriff hath neglected or refuſed, or ſhall hereafter neglect or refuſe, to account for and pay the ſeveral Public Taxes that have been, or hereafter ſhall be impoſed on the taxable Perſons of the County of ſuch Sheriff, and wherewith he ſhall be chargeable according to the Directions of the Act of Aſſembly impoſing the ſame, after deducting the Commiſſions allowed him by Law, and the ſeveral Sums chargeable to Perſons who have no viſible Eſtate in his County, it ſhall and may be lawful for the Superior Court of the Diſtrict wherein ſuch Sheriff ſhall live, upon Motion of the Treaſurer of the Diſtrict, to give Judgment againſt ſuch Sheriff for all the Money whereof he is or ſhall be chargeable, by Virtue of any Act or Acts of Aſſembly as aforeſaid, with Coſts; and thereupon to award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Sheriff. *Provided*, That ſuch Sheriff have Ten Days previous Notice of ſuch Motion.

XI. *AND*

A. D. 1768.

In Suits againſt Sheriffs, Treaſurer may give in Evidence the Liſt of Taxables.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That upon the Trial of any Cauſe on the ſaid laſt mentioned Bond, wherein Iſſue ſhall be joined upon Performance of the Condition thereof, or where a Writ of Enquiry of Damages ſhall be executed upon any Breach of the ſame aſſigned, or where a Motion ſhall be made againſt the Sheriff as aforeſaid, it ſhall be ſufficient, to aſcertain the Sum wherewith the Sheriff ſtands chargeable, for the Treaſurer to give in Evidence an atteſted Copy of the Liſt of Taxables in the County of the Sheriff ſo ſued or moved againſt; and ſhall recover the whole Taxables contained in ſuch Liſt, deducting only the Commiſſions by Law allowed him, and for ſuch Perſons who have no viſible Eſtate in his County; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Proviſo, where they have ſettled with the Court, to give ſuch Settlement in Evidence.

XII. *PROVIDED always*, That if ſuch Sheriffs ſhall before the Commencement of ſuch Suit, or hearing ſuch Motion, have ſettled with the Court of his County for the County Tax, and obtained an Allowance for ſuch Perſons who have no viſible Eſtate therein, certified by Five Juſtices at leaſt, an atteſted Copy of ſuch Settlement may alſo be given in Evidence by the Defendant.

Inferior Court Clerks to give the Treaſurer a Liſt of Taxables.

XIII. *AND be it further Enacted*, That the Clerk of each Inferior Court ſhall, on or before the Firſt Day of *March*, annually, tranſmit to the Treaſurer of the Diſtrict wherein ſuch Clerk ſhall live, a true Copy of the Liſt of Taxables of the ſaid County, filed with him, alphabetically digeſted; for which Service he ſhall be paid by the ſaid Treaſurer the uſual Fee, which ſhall be by him charged to the Public in his Account: And every Clerk failing or neglecting to perform his Duty herein, ſhall, for each Offence, forfeit and pay Twenty Pounds, Proclamation Money; one Half to the Informer, and the other Half to the Governor or Commander in Chief, for the Uſe of the Public; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record, with Coſts; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Pen. for Neglect.

Pen on Sheriff neglecting to execute Proceſs, or making falſe Return.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That every Sheriff himſelf, or by his lawful Officers or Deputies, ſhall, from Time to Time, execute all Writs and other Proceſs to him legally iſſued and directed within his County, or upon any Bay, River, or Creek adjoining thereto, and make due Return thereof, under the Penalty of forfeiting Fifty Pounds, Proclamation Money, for each Neglect, where ſuch Proceſs ſhall be delivered to him Twenty Days before the ſitting of the Court to which the ſame is returnable; to be paid to the Party grieved, by Order of ſuch Court, upon Motion and Proof of ſuch Delivery, unleſs ſuch Sheriff can ſhew ſufficient Cauſe to the Court at the next ſucceeding Court after ſuch Order: And for every falſe Return, the Sheriff ſhall forfeit and pay Fifty Pounds, Proclamation Money; one Moiety thereof to the Party grieved, and the other Moiety to him or them that will ſue for the ſame; to be recovered with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record; and moreover, be further liable to the Action of the Party grieved for Damages: And no Sheriff ſhall return upon any Writ, that the Defendant is not to be found within his Bailiwick, unleſs ſuch Sheriff ſhall have actually been at the Houſe or Place of Abode of ſuch Defendant: And where any Defendant ſhall be a known Inhabitant of any other County than that of the Sheriff to whom ſuch Proceſs ſhall be directed, the Sheriff ſhall return the Truth of the Caſe; and thereupon an *Alias* ſhall iſſue, directed to the Sheriff where ſuch Defendant reſides, if the original Proceſs ſhall iſſue from a Superior Court; and no Variance of the Addition of the Place of Abode of the Defendant ſhall be deemed Error or Matter of Abatement: And in Caſe at any Time there ſhall be no Perſon properly qualified to act as Sheriff in any County in this Province, that then it ſhall and may be lawful for the Coroner of ſuch County, and he is hereby required, to execute all Proceſs within the ſame, until ſome Perſon ſhall be appointed, and properly qualified, to act as Sheriff in the ſaid County; and ſuch Coroner ſhall be under the ſame Rules and Regulations, and ſubject to the ſame Fines and Forfeitures, as Sheriffs are by Law, in Relation to the executing and returning of any Proceſs to them directed.

Non eſt not to be returned, till Sheriff has been at Defendant's Houſe.

Truth of the Caſe to be returned where Defendant lives in another County.

Coroner to act where no Sheriff.

XV. *PRO-*

A. D. 1768.

Proviſo, to exempt Perſons from Proceſs.

XV. *PROVIDED always*, That it ſhall not be lawful for any Sheriff, or other Officer, to execute any Writ or other Proceſs upon a *Sunday*, or upon any Perſon attending his Duty at a Muſter of the Militia, or any Election of Burgeſs or Burgeſſes, or Veſtrymen, or any Perſon ſummoned to attend as an Evidence or a Juror; and all ſuch Services of Proceſs is hereby declared illegal and void, unleſs the ſame be iſſued againſt any Perſon or Perſons for Treaſon, Felony, Riot, Reſcous, Breach of Peace, or upon an Eſcape out of Priſon or Cuſtody; and ſuch Proceſs ſhall and may be executed at any Time or Place.

Sheriff's Duty on ſerving Executions.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *June* next, each and every Sheriff within this Province ſhall, on levying any Execution for any Debt, Damages, or Coſts, make out, if required, a Bill of his Fees due on ſuch Action or Suit; and ſet down, under the ſaid Bill, a true Copy of the Clerk's, Attorney's, and other endorſed Fees, ſeparately and diſtinctly, and give a Receipt for the ſame to the Party againſt whom ſuch Execution ſhall iſſue, and alſo ſhall endorſe the Amount of his own Fees he ſhall ſo take on ſuch Execution, to be entered by the Clerk on the Execution Docket; for which Copy the ſaid Sheriff may demand and receive One Shilling of the Perſon requeſting the ſame: And if any Sheriff or other Officer, impowered to levy any Execution, ſhall fail ſo to do, ſuch Sheriff or other Officer ſhall forfeit and pay Ten Pounds, Proclamation Money, to any Perſon who will ſue for the ſame.

To take Bail-Bonds payable to themſelves, diſchargeable on Priſoner's Appearance.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall not be lawful for any Sheriff, or his Officer or Deputy, to take any Obligation of or from any Perſon or Perſons in his Cuſtody, for or concerning any Matter or Thing relating to his Office, otherwiſe payable than to himſelf as Sheriff, and diſchargeable upon the Priſoner's Appearance, and rendering himſelf at the Day and Place required in the Writ whereupon he was, or ſhall be taken or arreſted (and his Securities diſcharging themſelves therefrom as ſpecial Bail of ſuch Priſoner) or ſuch Perſon or Perſons keeping within the Limits and Rules of any Priſon; and every other Obligation taken by any Sheriff in other Manner or Form by Colour of his Office, ſhall be null and void, except in any ſpecial Caſe any other Obligation is, or ſhall be by Law particularly and expreſsly directed: And that no Sheriff ſhall demand, exact, take, or receive, any greater Fee or Reward whatſoever; nor ſhall have any Allowance, Reward, or Satisfaction, from the Public, for any Service by him done, other than the Sum of Ten Pounds, Proclamation Money, for *ex-officio* Services, and the Allowances given and provided, or which ſhall be from Time to Time given and provided by Law.

To take no other Fee for Public Services than 10*l*.

Uninliſted Taxables to be accounted for.

XVIII. AND whereas Sheriffs, and other Collectors of Taxes, have diſcovered ſome Taxables not inliſted, and have demanded and received the Taxes from them, and retained the ſame to their own Uſe; *Be it therefore Enacted, by the Authority aforeſaid*, That all Sheriffs and Collectors ſhall hereafter account, on Oath, for all ſuch Taxes by them received, to the reſpective Treaſurers, Inferior Courts, or Veſtries, as the Caſe may be, which ſhall be applied to the Uſe of the Public, County, or Pariſh reſpectively.

Goods and Chattels may be diſtrained for Payment of Taxes.

XIX. *AND be it further Enacted*, That where any Perſon or Perſons, chargeable with any Public or County Taxes, ſhall not diſcharge the ſame on or before the Tenth Day of *March* in each Year, it ſhall be lawful for the Sheriff to diſtrain any of the Slaves, Goods and Chattels, belonging to, or in the Poſſeſſion of, the Perſon owing or chargeable with ſuch Taxes; and if the Owner thereof ſhall not, within Five Days after ſuch Diſtreſs, pay and ſatisfy the Taxes due, ſuch Sheriff ſhall and may lawfully ſell, by Auction, the Slaves, Goods and Chattels, diſtrained, or ſo much thereof as ſhall be ſufficient to ſatisfy the ſaid Taxes, and the Charges of Diſtreſs and Sale, but ſhall give Notice of the Day and Place of the Sale, at the Court-Houſe of the County wherein ſuch Diſtreſs ſhall be made, by ſetting up an Advertiſement thereof; which Sale ſhall not be in leſs than Three, nor more than Ten

Method of Sale.

Ten Days after Notice ſo given; and ſhall be good and effectual in Law againſt all and every Perſon and Perſons whatſoever, claiming or pretending to claim any Right, Title, or Intereſt, in or to any of the ſaid Slaves, Goods, or Chattles. A. D. 1768.

XX. *AND be it further Enacted, by the Authority aforeſaid*, That where the Sheriff of any County ſhall be removed from his Office, or his Time of Service therein ſhall expire, before he ſhall have compleated his Collection of Public, County, and Pariſh Taxes, his Power of collecting ſuch Taxes, and making Diſtreſs for the ſame, ſhall continue as fully as if he had not been removed from his ſaid Office of Sheriff, or his Time therein had not expired; and where any Sheriff ſhall die before he hath finiſhed his Collection, his Executors or Adminiſtrators ſhall, and are hereby inveſted with the like Power and Authority to compleat and finiſh the Collection of Public, County, and Pariſh Taxes, as the Teſtator or Inteſtate had, or was intitled to; and to ſettle and account for the ſame, in the like Manner, and under the ſame Regulations and Reſtrictions, as the Teſtator or Inteſtate would have been ſubject to, had he lived to finiſh his Collection, and ſettle for the ſame. Sheriff removed, his Power of collecting Taxes continued.

XXI. AND whereas it hath ſo happened, that many Perſons who heretofore have acted in the Office of Sheriff, have not fully compleated the Collection of Public, County, and Pariſh Taxes, in their reſpective Counties; *Be it therefore further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for ſuch Perſons, whoſe Time of Sheriffalty hath expired, and who have not fully finiſhed the Collection of ſuch Public, County, and Pariſh Taxes, as by Law required, to continue to collect and make Diſtreſs for the ſame, in the ſame Manner as ſuch Sheriff might or could have done, had the Time of their Continuance in Office not expired; any Law, Cuſtom, or Uſage, to the contrary notwithſtanding. To complete their Collections, altho' removed from their Offices.

XXII. *PROVIDED always*, That no Sheriff ſhall, at any Time, make or take unreaſonable Diſtreſs, or ſeize the Slave or Slaves of any Perſon for any Public or County Taxes, or for Officers Fees, if other ſufficient Diſtreſs can be had; upon Penalty of being liable to the Action of the Party grieved, grounded upon this Act, wherein the Plaintiff ſhall recover full Coſts, although the Damages given do not exceed Twenty Five Shillings, Proclamation Money. Proviſo, to prevent unreaſonable Diſtreſs.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon committed, rendered, or charged in Execution, or upon Meſne Proceſs, to any Priſon, ſhall thence eſcape, it ſhall and may be lawful to and for any Juſtice of the Peace of the County where ſuch Priſoner was in Cuſtody, upon Oath of ſuch Eſcape made before him by the Sheriff, Under-Sheriff, or Gaoler, or other credible Perſon, to grant to any Perſon demanding the ſame one or more Warrant or Warrants, under his Hand and Seal, directed to all Sheriffs, Bailiffs, and Conſtables, within this Province, reciting the Cauſe of ſuch Perſons Commitment, and the Time of his or her Eſcape, and commanding them, and every of them, in their reſpective Counties and Precincts, to ſeize and retake ſuch Priſoner ſo eſcaped, or going at large; and being ſo taken, forthwith to convey to the Priſon where Debtors are uſually kept, in the County where ſuch Retaking ſhall be, there to be kept in ſafe Cuſtody, until he or ſhe be thence diſcharged by due Courſe of Law; which Warrant the Sheriff is hereby required to obey, and receive the Priſoner into his ſafe Cuſtody, and to give a Note to the Perſon or Perſons delivering him, her, or them, certifying his Receipt of ſuch Priſoner; and ſhall alſo make Return of the Execution of ſuch Warrant to the Court of the County where ſuch Priſoner eſcaped; and if he or ſhe was there in Cuſtody, charged in Execution, then the ſaid Sheriff ſhall ſafely keep him or her without Bail or Mainprize, until he or ſhe ſhall have made full Payment and Satisfaction to the Plaintiff or Plaintiffs, Creditor or Creditors, in whoſe Name ſuch Execution was iſſued out, or until the Judgment or Judgments obtained againſt him or her ſhall be reverſed or diſcharged by due Courſe of Law: And if any ſuch Priſoner ſhall have been in Cuſtody upon Meſne Proceſs in any Action of Debt, or upon the Caſe, the Sheriff to whom he or ſhe ſhall be ſo committed, ſhall, Proceedings in Caſes of Priſoners eſcaping.

A. D. 1768.

in like Manner, keep ſuch Priſoner in his ſafe Cuſtody, and make Return of the Execution of the Warrant by which he or ſhe was retaken, to the Court of the County wherein he or ſhe was firſt arreſted; and thereupon it ſhall be lawful for the ſaid Court, upon the Plaintiff's filing his Declaration, and entering the Defendant's Appearance, to proceed to give Judgment thereon, in the ſame Manner as if the Defendant had appeared in Court and refuſed to plead, unleſs ſuch Defendant ſhall cauſe ſpecial Bail to be entered in the ſaid Court, and ſhall immediately plead to Iſſue; and thereupon a Certificate, under the Hand of the Clerk of the ſaid Court, that ſuch Bail is given, and delivered to the Sheriff in whoſe Cuſtody ſuch Defendant ſhall then be, it ſhall be lawful for him to ſet at large ſuch Priſoner, and not otherwiſe: But where any Priſoner eſcaped, and retaken upon ſuch Warrant as aforeſaid, ſhall thereafter be charged with Treaſon, Felony, or other capital Crime, in Behalf of his Majeſty, or his Succeſſors, for which he or ſhe ought to be tried in one of the Superior Courts of this Province, and ſhall be for ſuch Cauſe removed to any Gaol of ſuch Court, every ſuch Priſoner ſhall be charged in ſuch Gaol with all the Cauſes wherewith he or ſhe ſtood charged in the Gaol from whence he or ſhe eſcaped, or was removed, until he or ſhe be thence delivered by due Courſe of Law; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Remedy againſt Sheriffs, &c. failing to pay Monies by them received, in Virtue of any Precept to them directed; or ſuffering Eſcapes.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff or other Officer hath made, or ſhall make any Return upon any Writ of *Fieri Facias*, or *Venditioni Exponas*, that he hath levied the Debt, Damages, and Coſts, or Fees, as in ſuch Writ required, or any Part thereof; and hath not, or ſhall not pay the ſame into the proper Office, or to the Party to whom the ſame is payable, or his Attorney, at the Return of ſuch Writ; or hath, or ſhall return upon any Writ of *Capias ad Satisfaciendum*, or Attachment, for not performing a Decree in Chancery, for the Payment of any Sum of Money, or other Matter, that he hath taken the Body or Bodies of any Defendant or Defendants, and hath the ſame ready to ſatisfy the Money, or other Matter in ſuch Writ mentioned, and ſhall have actually received the Money, or other Matter, from the Defendant or Defendants, or any Part thereof; or ſuffered him, her, or them, to eſcape, with Conſent of ſuch Sheriff or Officer; and hath not, or ſhall not pay the ſame into the proper Office, or to the Party to whom the ſame is payable, or his Attorney; that then, and in either of the ſaid Caſes, it ſhall and may be lawful for the Creditor, at whoſe Suit of *Fieri Facias*, *Venditioni Exponas*, *Capias ad Satisfaciendum*, or Attachment, hath, or ſhall iſſue, upon Motion made in the Court from whence ſuch Writ iſſued, or in the Superior Court of the Diſtrict wherein ſuch Sheriff ſhall reſide, to demand Judgment againſt ſuch Sheriff, or other Officer, for the Money, or other Matter, mentioned in ſuch Writ; and ſuch Court is hereby authorized and required to give Judgment accordingly for the ſame, with Coſts, and to award Execution againſt the Goods and Chattels, Lands and Tenements, of ſuch Sheriff, provided ſuch Sheriff have Ten Days previous Notice of ſuch Motion: And where it ſhall ſo happen that the Time of any Perſon's Sheriffalty ſhall be expired, or he ſhall be removed from his Office, before ſuch Motion made by the Creditor or Creditors, the ſame Remedy, Proceedings, and Relief, ſhall and may be had againſt him, as if ſuch Perſon was actually in Office; any Thing herein contained, to the contrary, notwithſtanding.

Method of Recovery in Caſes of Eſcape, where the Plaintiff or Sheriff dies.

XXV. *AND be it further Enacted, by the Authority aforeſaid*, That where any Sheriff ſhall have taken the Body of any Debtor in Execution, and ſhall wilfully or negligently ſuffer ſuch Debtor to eſcape, and ſuch Sheriff, or Perſon ſuing out ſuch Execution, ſhall die before a Recovery can be had againſt ſuch Sheriff for ſuch Eſcape, the Perſon ſuing out ſuch Execution, his Executors or Adminiſtrators, ſhall and may have and maintain an Action of Debt again ſuch Sheriff, his Executors or Adminiſtrators, for the Recovery of all ſuch Sums of Money as are mentioned in the ſaid Execution, and Damages for detaining the ſame; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

XXVI. AND

XXVI. AND for removing all Controverſies touching the Manner of turning over Priſoners upon the Sheriff's quitting his Office, *Be it further Enacted, by the Authority aforeſaid*, That the Delivery of Priſoners by Indenture, between the old Sheriff and the new, according to the Practice in *England*, or the entering upon Record in Court the Names of the ſeveral Priſoners, and the Cauſes of their Commitment, delivered over to the new Sheriff, ſhall be ſufficient to diſcharge the late Sheriff from all Suits and Actions for any Eſcape that ſhall afterwards happen. *A. D.* 1768. Method of turning over Priſoners.

XXVII. AND for preventing the evil and pernicious Practice of ſuch as are intruſted with laying out of the Public Money, in applying it to their own Uſe, in Defraud of the Government; *Be it Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons who heretofore have been, now are, or hereafter ſhall be appointed a Treaſurer or Treaſurers of this Province, by Virtue of any Act of Aſſembly, and have failed or neglected, or ſhall fail or neglect, to account for, and pay the ſeveral Taxes, Impoſts, and Duties, which they reſpectively have been, now are, or hereafter ſhall be authorized and impowered to receive, according to the Directions of the Law or Laws impoſing the ſame, that it ſhall and may be lawful for any Superior Court of the Diſtrict of ſuch Treaſurer, on Motion of the Attorney General, or any other Attorney, by Order and Direction of the General Aſſembly, to grant Judgment againſt ſuch Treaſurer, in the Name of the Governor or Commander in Chief, for all ſuch Public Taxes, Impoſts, and Duties, which he ſhall have in his Hands unaccounted for as aforeſaid, together with Intereſt thereupon, after the Rate of Six *per Cent. per Annum*, from the Time of receiving the ſame till paid, and double Coſts, and to award Execution thereupon againſt the Body, Goods and Chattels, Lands and Tenements, of ſuch Treaſurer, provided ſuch Treaſurer have Ten Days previous Notice of ſuch Motion; and moreover, ſuch Treaſurer ſhall loſe all ſuch Commiſſions upon ſuch Taxes and Duties, as he would otherwiſe have been intitled to. Method of Recovery of Public Monies from Treaſurers.

XXVIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Money that ſhall be recovered of any ſuch Treaſurer or Treaſurers ſhall, when received, be applied to the ſeveral reſpective Uſes, Intents, and Purpoſes, to which the ſame are, or ſhall be by Law appropriated, or to ſuch other Uſes and Purpoſes as the General Aſſembly ſhall direct and appoint. How applied when recovered.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons who heretofore have been, now are, or hereafter ſhall be appointed and impowered to lay out any Sum or Sums of Money, in Behalf or on Account of this Province, whether the ſame was, is, or ſhall be for his Majeſty's Service, defraying the contingent Charges of this Government, or other Purpoſes by Act of Aſſembly particularly directed, and have received the ſame, and have refuſed, failed, or neglected, or ſhall refuſe, fail, or neglect, to lay out and apply ſuch Sum or Sums, and account for the ſame, according to the Directions of the Law or Laws that have appropriated, or ſhall appropriate the ſame; it ſhall and may be lawful for the Attorney General, by Order and Direction of the General Aſſembly, upon Motion made in the Name of the Governor or Commander in Chief, in any Superior Court in this Province, to demand Judgment againſt any ſuch Perſon or Perſons, for all ſuch Sums of Money as he or they ſhall have received for the Purpoſes aforeſaid, or any of them, that ſuch Perſon or Perſons ſhall not have applied, laid out, and accounted for, according to the ſeveral Acts of Aſſembly intruſting any ſuch Perſon or Perſons with the Application thereof ſhall require; and ſuch Court is hereby authorized, impowered, and required, to give ſuch Judgment accordingly, to be paid, with Intereſt thereupon, after the Rate of Six *per Cent. per Annum*, from the Time ſuch Perſon or Perſons received the ſame, till paid, and treble Coſts, and to award Execution thereupon againſt the Body, Goods and Chattels, Lands and Tenements, of ſuch Perſon or Perſons, provided ſuch Perſon or Perſons have Twenty Days previous Notice of ſuch Motion: And if any ſuch Perſon or Perſons ſhall be ſued on his or their Bond, given for the Performance of ſuch Truſt as Method of Recovery of Public Monies from any other Perſons.

A. D. 1768.

aforeſaid; the Court before whom ſuch Trial ſhall be had, or Writ of Enquiry executed on an Aſſignment of any Breach of the Condition thereof, ſhall give Judgment for the whole Penalty of ſuch Bond; to be diſcharged upon the Defendant or Defendants paying the Damages found or aſſeſſed, together with Intereſt from the Date of ſuch Bond, till paid, with treble Coſts as aforeſaid; and in both the ſaid Inſtances, ſuch Perſon or Perſons ſhall loſe all ſuch Commiſſions, Allowances, and Rewards, as he could or might have claimed if he had laid out ſuch Money, and regularly accounted for it.

How applied when recovered.

XXX. *AND be it further Enacted*, That in both the aforeſaid Caſes, the Money when recovered and received, ſhall be applied and laid out to and for the ſeveral reſpective Uſes and Intents to which the ſame is, or ſhall be by Law directed to be applied, or as the General Aſſembly ſhall order and appoint. *(a)*

Sheriffs to deliver to their Courts ſtated Accounts, ſigned by the Treaſurer, of the Public Taxes they have received.

XXXII. AND whereas many Sheriffs of this Province have heretofore applied to their own private Uſes, or otherwiſe embezzled conſiderable Sums of the Public Money, in Hopes of replacing the ſame when called for, and by Reaſon thereof have been rendered unable to come to any regular Account with the Public Treaſurers within the Time appointed by Law, to the great and manifeſt Prejudice of the Public Intereſt, of their Securities, and of their own Eſtates: For Remedy whereof, and to the End that the Public Money collected from the People may be faithfully applied and appropriated to the ſeveral Purpoſes for which it was intended; *Be it Enacted, by the Authority aforeſaid*, That from and after the laſt Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Sixty Eight, all Sheriffs, and other Collectors of Public Taxes in this Province, ſhall annually exhibit and deliver into the Firſt Court to be held for their reſpective Counties after the Firſt Day of *January*, in each Year, a regular and fair ſtated Account, ſigned or atteſted by the Public Treaſurer of the Diſtrict, aſcertaining the Amount of what Public Money each of them reſpectively had received for the Year preceeding, together with the Amount of what each of them had paid or diſburſed, and the Balance (if any there be) due by them; which ſtated and ſigned Account ſhall be forthwith entered on the Record or Minutes of that Court to which it is exhibited by the Clerk of ſuch Courts reſpectively, who for his Trouble therein ſhall be intitled to a Fee of Five Shillings, Proclamation Money; and every Sheriff, or other Collector of the Public Taxes, who ſhall fail or neglect to obtain, exhibit, and deliver, ſuch ſtated and ſigned Account, or to have the ſame put upon the Minutes of the Court at the reſpective Times, and according to the Directions by this Act preſcribed, ſhall forfeit all ſuch Commiſſions as he or they ſhould by the Laws of this Province be intitled to, as Collectors of the Public Taxes for the preceeding Year; and after ſuch Failure or Neglect, it ſhall not be lawful for the Public Treaſurers to allow of ſuch Commiſſions to the Party neglecting; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Sheriffs ſuperſeded to deliver to their Courts ſuch ſtated Accounts.

XXXIII. *AND be it further Enacted*, That from and after the paſſing of this Act, all Sheriffs, and other Collectors of the Public Taxes, who ſhall be ſuſpended or removed from their Offices otherwiſe than by Death, ſhall immediately after their Succeſſors in Office are qualified, obtain from the Treaſurer of the Diſtrict a regular, fair, and ſtated Account, ſigned or atteſted by ſuch Treaſurer, aſcertaining the Amount of all the Public Money by ſuch Sheriff or Collector reſpectively received or collected during the Time he was in Office, together with all the Payments by ſuch Sheriff or Collector reſpectively made or diſburſed, and the Balance due; which ſtated and ſigned Account ſhall, by all Sheriffs and Collectors reſpectively, be likewiſe exhibited and delivered into the Courts of their reſpective Counties, to be held immediately after their Succeſſors is commiſſioned and qualified, and forthwith entered upon the Records or Minutes of the ſaid Court in Manner herein before preſcribed; and every Sheriff or other Collector, ſo removed or ſuperſeded, who

(a) The 31ſt Section, relative to the Time of ſettling Sheriffs Accounts, repealed, and provided for, by Act Nov. 1768, Chap. 7.

who shall fail or neglect to obtain, exhibit, and deliver such stated and signed Account, or to have the same put upon the Records or Minutes of the Court, at the respective Times, and according to the Direction by this Act prescribed, shall forfeit all such Commissions as he or they should by the Laws of this Province be intitled to, as Collector of Public Taxes, from the last Settlement of Account between the Public Treasurers and them respectively, and after such Failure or Neglect, it shall not be lawful for the Public Treasurers to allow of such Commissions. A. D. 1768.

XXXIV. *AND be it further Enacted, by the Authority aforesaid*, That from and after the passing of this Act, the Clerk of each and every Inferior Court of this Province shall, within Forty Days next after recording the several stated Accounts between the Treasurers and the Sheriffs, and other Collectors of the Public Taxes by this Act directed, transmit to the Governor, or Commander in Chief for the Time being, an attested Copy of all such stated and signed Accounts, under the Penalty of Five Pounds, Proclamation Money, to be applied for the Purposes by this Act directed, and recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record, brought in the Name of the Governor for the Time being; wherein no Essoin, Protection, or Wager of Law, shall be allowed or admitted. Clerks to transmit to the Governor such Accounts.

XXXV. *AND be it further Enacted, by the Authority aforesaid*, That from and after the passing of this Act, no Person duly elected and chosen a Representative for any County or Town within this Province, to sit and vote in the General Assembly, shall, during his continuing a Representative thereof, be commissioned to act as Sheriff in or for any County within the same. No Member of Assembly to act as Sheriff.

XXXVI. *AND be it further Enacted, by the Authority aforesaid*, That all and every Act and Acts of Assembly relating to, or concerning Sheriffs, are hereby repealed and made void. Repealing Clause.

CHAP. VII.

An Act to appoint a Public Treasurer of the Northern District, and other Purposes.

I. WHEREAS by an Act of General Assembly, passed at *Wilmington*, in the Fifth Year of his present Majesty's Reigh, intituled, *An Act for appointing Public Treasurers, Joseph Montfort*, Esq; was appointed Public Treasurer for the Northern District, which said Act is now near expiring: And whereas by another Act of Assembly, passed at *Newbern*, in the Seventh Year of his Majesty's Reign, intituled, *An Act for appointing a Public Treasurer, in the Room of* John Starkey, *Esq; deceased, John Ashe*, Esq; was thereby appointed public Treasurer for the *Southern* District, in the Room of the said *John Starkey*, Esq; deceased; which said Act was to be and continue in Force, for and during the Term of Three Years, and from thence to the End of the next Session of Assembly; and it being thought convenient, that all Acts heretofore made in Relation to the Appointment of public Treasurers, and directing their Duty in Office, should be reduced to, and comprized in one distinct Act: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That the said Acts, and all and every other Act and Acts of Assembly, and every Clause of any Act or Acts of Assembly, heretofore made within the Purview and Meaning of this Act, shall be, and are hereby repealed. Repealing Clause.

III. *AND be it further Enacted, by the Authority aforesaid*, That *Joseph Montfort*, Esq; be, and is hereby appointed public Treasurer for the Counties of *Currituck, Pasquotank, Perquimons, Chowan, Bertie, Tyrrel, Northampton, Edgcomb, Granville, Orange, Hertford, Bute*, and *Halifax*; and that *John Ashe*, Esq; be, and is hereby appointed public Treasurer for the Counties of *Anson, Beaufort, Bladen, Brunswick, Cumberland, Craven, Carteret, Duplin, Dobbs, Hyde, Johnston, Mecklenburg*, Treasurers appointed.

A. D. 1768. To give Bond.

burg, *New-Hanover*, *Onſlow*, *Pitt*, and *Rowan*; which ſaid Treaſurers ſhall, immediately after the Ratification of this Act, give Bonds reſpectively, with good and ſufficient Securities to our Sovereign Lord the King, his Heirs and Succeſſors, in the Sum of Ten Thouſand Pounds lawful Money of *Great-Britain*, each, with Condition that he will diligently and faithfully collect from the reſpective Sheriffs, Receivers, and Collectors of Duties, and other Perſons charged with public Monies within his ſaid Diſtrict; and well and truly account for, and pay to the General Aſſembly of this Province when thereto required, all public Monies which he now hath, or hereafter ſhall receive, and for the faithful and regular diſcharge of the Duties of his ſaid Office; which Bond ſhall be lodged in the Secretary's Office, and in Caſe of Breach of the Condition thereof, may be recovered in any Court of Law in this Province, having Cognizance thereof.

Treaſurers to receive Public Monies.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Treaſurers, and each of them is, and are hereby impowered, authorized, and required, to receive all public Monies and Taxes payable in the ſeveral Counties within their reſpective Diſtricts, and the Sheriff of each of the ſaid Counties, and other Collectors and Receivers of public Monies within any of the ſaid Counties, are hereby directed and required, on or before the Tenth Day of *June* Yearly, to account with, upon Oath, and pay into the Hands of the Treaſurer of his reſpective Diſtrict, all public Monies which the ſaid Treaſurers, or either of them, are by Law impowered and required to receive.

Treaſurers Allowance.

V. *AND be it further Enacted, by the Authority aforeſaid*, That an Allowance of Five *per Cent.* ſhall be made to the ſaid Treaſurers, on all Monies by them reſpectively received, accounted for, and paid into the General Aſſembly as aforeſaid.

Sheriffs Bonds to be lodged with the Treaſurers.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of each County in this Province, ſhall, within Six Months after the Ratification of this Act, lodge with the public Treaſurer of the Diſtrict wherein ſuch County lies, all and every Bond now in his Poſſeſſion, heretofore given by any preſent or former Sheriff of the ſaid County, for the well and truly collecting, and duly accounting for, and paying the public Taxes of ſuch County; and the ſaid Clerk ſhall alſo lodge with the ſaid Treaſurer, all ſuch Bonds as ſhall at any Time hereafter be entered into, and given by any ſucceeding Sheriff of his County for the Purpoſes aforeſaid, within Nine Months after the Time of executing ſuch Bond or Bonds, the ſaid Clerk firſt recording ſuch Bond or Bonds at large, among the Records of his Court, an atteſted Copy whereof, under the Hand of the ſaid Clerk, in Caſe of the Loſs of the original Bond, and due Proof thereof made, ſhall be as good and valid in any Court of Law in this Province, againſt any ſuch Sheriff and his Securities, their, or either of their Heirs, Executors or Adminiſtrators, as if the original Bond was there to be produced; and if any Clerk ſhall fail or neglect to record ſuch Bond or Bonds, and lodge the ſame with the Treaſurer of his Diſtrict within the Time afore-limited, ſuch Clerk ſhall be liable to a Suſpenſion from his Office, on due Proof thereof made to the inferior Court whereof he is Clerk; and ſuch Sheriff ſhall pay to the Clerk the accuſtomed Fees for recording the ſame.

Treaſurers obliged to ſue Perſons neglecting to pay Public Monies in their Hands.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Treaſurers are hereby authorized, impowered, and required, to ſue and proſecute all ſuch Sheriffs, Receivers of Duties, and other Perſons, and the Security or Securities of any ſuch Perſons, their, or either of their Heirs, Executors, or Adminiſtrators, who heretofore have received, or ſhall hereafter receive any public Monies, and have, or ſhall neglect to account for, ſatisfy and pay the ſame: And in Caſe of Neglect or Failure of either of the ſaid Treaſurers to commence Suit againſt, or otherwiſe proſecute any Sheriff, or other Perſon now in Arrear to the Public, within Six Months after the Ratification of this Act, and Receipt of ſuch Bond ſo received as aforeſaid, or thoſe hereafter falling in Arrear to the Public, within Six Months after the Time by Law appointed for collecting of, accounting for, and paying

paying of Public Taxes and other Duties, and Receipt of ſuch Bond or Bonds ſo to be received as afore directed, within the Time hereby limited and directed for commencing Suit againſt ſuch delinquent Sheriff, and other Receivers of Public Monies, and their Securities; that then, and in ſuch Caſe, the ſaid Treaſurer ſhall be liable to, and ſtand chargeable with, all Arrearages due the Public from ſaid Sheriff, and other Receivers of Public Money within his reſpective Diſtrict. *A. D.* 1768.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Public Treaſurers in this Province ſhall keep an Account with the ſeveral Counties of their reſpective Diſtrict, and therein debit the Sheriff for the Year, with the Number of Taxables, as *per* Liſt returned by the Clerk, and give ſuch Sheriff Credit for all Inſolvents allowed by the Inferior Court agreeable to Law, and alſo for the ſeveral Sums he ſhall receive from ſuch Sheriff; which Accounts, and all others relative to the Receipt and Diſburſement of Public Monies, ſhall at all Times be open for the Inſpection and Peruſal of the Governor, or Commander in Chief for the Time being; and ſhall, by the Public Treaſurer of each Diſtrict, together with the Number of Taxables for each County, be laid before the General Aſſembly for their Examination, Approbation, and Allowance; and that the Governor, or Commander in Chief for the Time being, may be the more readily informed of the State of the Public Accounts, the Treaſurer of each Diſtrict ſhall tranſmit to him ſuch Tranſcripts or Information as he ſhall from Time to Time require. To keep regular Accounts with Sheriffs, to be inſpected by the Governor.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Five Years, from and after the paſſing thereof, and from thence to the End of the then next Seſſion of Aſſembly, and no longer. Continuance of the Act.

CHAP. VIII.

An Act for regulating Ordinaries, and Reſtraint of Tippling Houſes.

I. WHEREAS the Laws now in Force have been found ineffectual for the due Regulation of Ordinaries, and Reſtraint of Tippling Houſes; Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Perſon deſirous of ſetting up, or keeping an Ordinary, or Houſe of Public Entertainment, ſhall exhibit a Petition to the Inferior Court of that County wherein ſuch Ordinary, or Houſe of Public Entertainment, is intended to be kept, for obtaining a Licence for keeping the ſame; and the Juſtices of the Court to whom ſuch Petition ſhall be exhibited ſhall thereupon conſider the Convenience of the Place propoſed, and the Ability of the Petitioner, to keep good and ſufficient Houſes, Lodging, and Entertainment for Travellers, their Servants and Horſes; and if ſuch Petition ſhall appear reaſonable, and the Perſon petitioning be thought to be of good Character, and ſufficient Abilities, ſuch Court is hereby authorized and impowered to grant the Petitioner ſuch Licence, he firſt, with one or more ſufficient Sureties, entering into Bond of the following Tenor, *to wit*, Manner of obtaining a Licence.

KNOW all Men, by theſe Preſents, That we A. B. *and* C. D. *are held and firmly bound unto the Governor and Commander in Chief in and over the Province of* North Carolina, *in the Sum of Pounds, Proclamation Money, to be paid to the ſaid or his Succeſſors, Governors, or Commanders in Chief for the Time being. To which Payment well and truly to be made, we bind ourſelves, and every of us, our and every of our Heirs, Executors, or Adminiſtrators, jointly and ſeverally, by theſe Preſents. Sealed with our Seals, and dated this Day of* Bond to be given.

THE Condition of this Obligation is ſuch, that whereas the above bounden *A. B.* hath obtained a Licence to keep an Ordinary at in the County The Condition.

A. D. 1768. County of if therefore the ſaid *A. B.* doth conſtantly find and provide in his or her ſaid Ordinary good, wholeſome, and cleanly Lodging and Diet for Travellers, and Stabling, Fodder, Hay, Corn, Oats, or Paſturage, as the Seaſon ſhall require, for their Horſes, for and during the Term of One Year, or to the Court of ſaid County next ſucceeding, between the Firſt Day of *March* and the Tenth Day of *June*, from the Day of and ſhall not ſuffer or permit any unlawful Gaming in his or her Houſe, nor on the Sabbath Day ſuffer any Perſon to tipple or drink any more than is neceſſary; then this Obligation to be void, otherwiſe to remain in full Force and Virtue. In Witneſs whereof, *&c.*

Which, in Caſe of Breach, may be ſued.

And in Caſe of the Breach of, or not complying with the Condition of the ſaid Bond, it ſhall and may be lawful for any Perſon, in the Name of the Governor, or Commander in Chief for the Time being, to ſue for, and recover the Penalty of the ſaid Bond; and apply one Half thereof to his own Uſe, and the other Half to the Uſe of the Pariſh wherein the Cauſe of Action ſhall ariſe.

Clerk to give out Licence, to be directed by Order of the Governor.

III. *AND be it further Enacted, by the Authority aforeſaid,* That when ſuch Bond ſhall have been given and lodged in the Clerk's Office, the Clerk of ſuch Court ſhall prepare a Licence for the Perſon to whom ordered; which Licence ſhall by the Clerk be counterſigned, and directed by a Perſon to be thereto commiſſioned and appointed by the Governor, or Commander in Chief for the Time being.

Proviſo, where the Governor neglects.

IV. *PROVIDED always,* That if the Governor, or Commander in Chief, ſhall fail or neglect to appoint a Perſon for that Purpoſe, that then the firſt Juſtice in the Commiſſion of the Peace for that County, is hereby impowered, authorized, and required, to counterſign and direct the ſame; which Licence ſhall continue in Force One Year, or to the next Inferior Court to be held in ſaid County between the Firſt Day of *March* and the Tenth Day of *June*; for which Twenty Shillings ſhall be paid to the Governor, or Commander in Chief for the Time being; and the Clerk ſhall receive to his own Uſe, for the Licence, Order of Court, and Bond, Five Shillings.

Governor's, and Clerk's Fee.

Pen. for keeping Tippling Houſes.

V. *AND be it further Enacted, by the Authority aforeſaid,* That no Perſon ſhall preſume to keep a Tippling Houſe, or retail Liquors, or ſell by Retail, any Wine, Ale, Beer, Cyder, Brandy, Rum, or other Spirits, or any Mixture of ſuch Liquors, in any Houſe, Booth, Arbour, Stall, or other Place whatſoever, without Licence firſt had and obtained as aforeſaid, in ſmaller Quantities than by this Act permitted and directed; under the Penalty of forfeiting, for each and every Offence, Ten Pounds, Proclamation Money.

Proviſo for Mer-Merchan's.

VI. *PROVIDED always,* That nothing herein contained ſhall be conſtrued, deemed, or taken, to prohibit or reſtrain any Merchant, or other Perſon, to ſell by Retail, Wine, Brandy, Rum, or other Spirits, in any Quantity not leſs than a Quart, or Ale, Beer, or Cyder, in any Quantity not leſs than a Gallon, if none of the ſaid Liquors are allowed to be tippled or drank out at the Houſe, Store, or Plantation, where the ſame are ſold.

Pen. for ſelling by unſealed Meaſures.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That all Perſons hereafter retailing Liquors, ſhall ſell the ſame by ſealed Meaſures, according to the Directions of an Act of Aſſembly, intituled, *An Act for regulating Weights and Meaſures*; and any Perſon ſelling or retailing by any other Meaſures, ſhall for every Offence forfeit and pay Ten Pounds, Proclamation Money.

Proviſo, to ſell in Bottles, &c.

VIII. *PROVIDED always,* That it ſhall and may be lawful for any Ordinary Keeper, licenced agreeable to the Directions of this Act, to ſell Liquors in Bottles, Bowls, or Mugs, ſo as they charge for no more than the Quantity of Liquor the ſaid Veſſel ſhall contain.

IX. *AND*

A. D. 1768.

Pen for ſuffering Drunkenneſs on the Sabbath, or ſelling Liquor to Sailors, Servants, or Slaves.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That if any Ordinary Keeper ſhall ſell to any Perſon in his or her Houſe immoderate Quantities of ſtrong Liquors, whereby ſuch Perſon may be intoxicated, on the Sabbath Day; or entertain Servants or Slaves, againſt the Will of their Maſter or Miſtreſs; or common Sailors, againſt the Direction of the Captain or Maſter of the Veſſel to which they belong; every Ordinary Keeper ſo offending ſhall and may, by Order of Two Juſtices before whom ſuch Offence ſhall be proved, be from thenceforth ſuſpended, and as entirely diſabled from keeping an Ordinary, as if he or ſhe had never obtained a Licence for that Purpoſe.

Proviſo, for Ordinary Keepers to be heard.

X. *PROVIDED nevertheleſs,* That ſuch Ordinary Keeper may be heard by the Juſtices at the next Court, or any ſucceeding Inferior Court of the County wherein the Licence was granted; who, if they think proper, may reſtore ſuch Ordinary Keeper, by granting him a new Licence.

Pen. for ſelling Liquor after Suſpenſion.

XI. *AND be it further Enacted, by the Authority aforeſaid,* That if any Perſon which, after being ſuſpended and diſabled from keeping an Ordinary, according to the Directions of this Act, ſhall ſell or retail Liquors, until he or ſhe ſhall obtain another Licence for ſuch Purpoſe, ſhall be liable to the ſame Penalties as if a Licence had never been granted to him or her.

Courts to rate Liquors, & Rates to be kept up in Taverns.

XII. *AND be it further Enacted, by the Authority aforeſaid,* That the Juſtices of each County ſhall, at the Court to be held for each reſpective County, between the Firſt Day of *March* and the Tenth Day of *June*, annually (at which Court all Ordinary Licences are hereby directed and required to be renewed, if intended to be renewed or continued) ſhall ſet the Rates and Prices to be paid at Ordinaries for Liquors, Diet, Lodging, Corn, Oats, Provender, Stablage, Fodder, and Paſturage, under the Penalty of forfeiting Five Pounds for each Neglect; and every Ordinary Keeper ſhall, within One Month after the Rates ſhall be ſet by the County Court where his or her Licence ſhall be granted, obtain of the Clerk a true and fair Copy of ſuch Rates, for which the Clerks may take Two Shillings and Six Pence, Proclamation Money, and no more; which Copy ſhall be openly ſet up in ſome convenient Place in the common entertaining Room of ſuch Ordinary, and there kept till the Rates are again ſet by the Court, and then another Copy thereof ſhall be again ſo obtained, and kept from Time to Time, under the Penalty of forfeiting for each Neglect, in obtaining and keeping ſet up ſuch Copy, Five Pounds, Proclamation Money.

Clerks Fee for Rates.

Pen. for ſelling for more than the Rates allow.

XIII. *AND be it further Enacted, by the Authority aforeſaid,* That every Ordinary Keeper who ſhall charge, aſk, or demand, a greater Price for any Drink, Diet, Lodging, Fodder, Provender, Corn, Oats, or Paſturage, than rated by the Juſtices, according to the Directions of this Act, ſhall, for every Offence, forfeit Ten Shillings; to be recovered by the Informer, to his own Uſe, by a Warrant from a Juſtice of the Peace of the County where ſuch Offence ſhall be committed.

Not to ſell Liquors to Sailors, nor to any other Perſon on Credit, for above 5 l.

XIV. *AND be it further Enacted, by the Authority aforeſaid,* That no Ordinary Keeper ſhall ſell or credit Liquors to any common Sailor, without Leave of the Maſter of the Ship or other Veſſel to which he belongs, under the Penalty of loſing the Money which otherwiſe he or ſhe might recover for the Liquors ſo ſold on Credit to ſuch Sailor; nor ſell Drink upon Credit to any other Perſon to a greater Sum than Five Pounds, unleſs ſuch Perſon ſhall ſign a Book in Acknowledgment of the ſaid Debt, under the Penalty of loſing the Money for the whole of the Liquor ſo credited; and in an Action brought for the Recovery of ſuch Debt, the general Iſſue may be pleaded, and this Act given in Evidence.

Ferry Keepers to provide Entertainment for Travellers.

XV. *AND be it further Enacted, by the Authority aforeſaid,* That from and after the paſſing this Act, all Keepers of Public Ferries or Bridges within this Province, where the Ferriage or Bridge Toll is above Four Pence, Proclamation Money, for

A. D. 1768.

a Man and Horſe, ſhall be obliged to furniſh all Travellers with Entertainment at Tavern Rates, and ſhall take out Licence for that Purpoſe; and if any Keeper of any ſuch Public Ferry or Bridge ſhall refuſe or neglect to furniſh ſuch Entertainment, or to take out ſuch Licence, ſuch Ferry or Bridge Keeper ſhall forfeit and pay for each Offence the Sum of Ten Pounds, Proclamation Money, to any Perſon who ſhall ſue for the ſame.

Ordinary Keepers to ſet up Signs at their Houſes.

XVI. AND to the End that Ordinaries, or Houſes of Public Entertainment, may be the more readily and generally known by Travellers and others; *Be it therefore further Enacted, by the Authority aforeſaid*, That every Perſon who ſhall obtain a Licence agreeable to the Directions of this Act, from and after the Firſt Day of *March* next, ſhall, within One Month after obtaining Licence as aforeſaid, ſet up, or cauſe to be ſet up in Public View, at his Dwelling-Houſe, or the Houſe where ſuch Ordinary ſhall be kept, a Sign, with an Inſcription thereon, denoting the ſame to be an Ordinary, or Houſe of Public Entertainment, under the Penalty of forfeiting Forty Shillings, Proclamation Money, for every Month the ſaid Ordinary, or Houſe of Entertainment, ſhall be kept, without having a Public Sign ſet up as aforeſaid.

Penalties and Forfeitures how recovered, and applied.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That all the Penalties and Forfeitures in this Act, the Method of recovering and applying whereof are not particularly directed, ſhall be one Half to the Governor, or Commander in Chief for the Time being, the other Half to him or them who ſhall ſue for the ſame; to be recovered with Coſts, before any Juriſdiction having Cognizance thereof.

Repealing Clauſe.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts, and every Clauſe and Article thereof heretofore made, ſo far as relates to regulating Ordinaries and Reſtraint of Tippling Houſes, or to any other Matter or Thing whatſoever, within the Purview of this Act, is, and are hereby repealed and made void, to all Intents and Purpoſes whatſoever.

CHAP. IX.

An Act for regulating the Inſpection of Tobacco, and preventing Frauds in his Majeſty's Cuſtoms.

Preamble.

I. WHEREAS the Laws heretofore in Force, reſpecting the Inſpection of Tobacco in this Province, have been found ineffectual to anſwer the Purpoſes thereby intended;

Exportation of Traſh Tobacco prevented.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That for the more effectual preventing the Exportation of traſh, unſound, and unmerchantable Tobacco, all Tobaccoes, which from and after the paſſing of this Act ſhall be exported out of this Province by Sea, ſhall be firſt brought to ſome one of the Public Warehouſes herein after mentioned, and ſhall be viewed and inſpected in Manner as herein after expreſſed.

No Tobacco to be ſhipped before inſpected.

III. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall put on Board, or receive into any Ship, Sloop, Boat, or Pettiauger, or other Veſſel, in order to be exported therein, any Tobacco not packed in Hogſheads or Caſks, upon any Pretence whatſoever, nor in any Hogſhead or Caſk, to be in any Ship, Sloop, or other Veſſel, exported out of this Province by Sea, before the ſame ſhall have been viewed and inſpected according to the Directions of this Act; but that all Tobacco whatſoever to be received or taken on Board any Ship, Sloop, or other Veſſel, and to be therein exported, or carried and put on Board any other Ship, Sloop, or other Veſſel, for Exportation as aforeſaid, ſhall be received or taken on Board at the ſeveral Warehouſes for that Purpoſe herein after mentioned, or at ſome one of them, and at no other Place or Places whatſoever: And every Maſter, Mate, or

or Boatſwain, who ſhall arrive in this Province in order to lade Tobacco, during the Continuance of this Act, ſhall, before the ſaid Ship or Veſſel be permitted to take on Board any Tobacco whatſoever, make Oath before the Collector of the Cuſtoms of the Diſtrict wherein ſuch Ship or Veſſel ſhall arrive (which Oath the ſaid Officer is hereby impowered and required to adminiſter) that they will not permit any Tobacco whatſoever to be taken on Board their reſpective Ships or Veſſels, except the ſame be packed in Hogſheads or Caſks, ſtamped by ſome Inſpector legally thereto appointed, which Oath they ſhall ſubſcribe in a Book to be kept by the Collector of the Cuſtoms for that Purpoſe; and if any Maſter ſhall cauſe any Perſon who is not really and *bona fide* Mate or Boatſwain, to come on Shore and take ſuch Oath, he ſhall, for the ſaid Offence, forfeit and pay Twenty Pounds: And if any Maſter or Commander of any Ship or Veſſel ſhall take on Board, or ſuffer to be taken on Board, the Ship or Veſſel whereof he is Maſter or Commander, any Tobacco brought from any other Place than ſome or one of the Public Warehouſes herein after mentioned, or any Hogſheads or Caſks of Tobacco not ſtamped by ſome lawful Inſpector, or ſhall ſuffer to be brought on Board any Tobacco, except in Hogſheads or Caſks, ſtamped as aforeſaid; every ſuch Maſter or Commander ſhall forfeit and pay Twenty Pounds, Proclamation Money, for every Hogſhead or Caſk of Tobacco which ſhall not have been brought from one of the ſaid Public Warehouſes, or ſhall not be ſtamped as aforeſaid; and moreover, every ſuch Hogſhead or Caſk of Tobacco ſhall be forfeited.

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Maſters of Veſſels to make Oath not to receive any on board without being inſpected.

Pen for receiving any on board but from ſome public Warehouſe.

IV. AND foraſmuch as the permitting Tobacco in Bulk or Parcels to be Water born, on Pretence of being carried to Warehouſes eſtabliſhed by this Act, may give great Opportunity to the clandeſtine running the ſame on Board Ships or Veſſels lying at or near the ſaid Warehouſes, whereby the Evil of exporting traſh Tobacco may be ſtill continued; "*Be it further Enacted, by the Authority aforeſaid*, That if any Perſon taking upon himſelf to carry any Tobacco to or from any of the ſaid Warehouſes, in his Sloop, Boat, or other Veſſel, for Hire, ſhall preſume to take on Board any Tobacco whatſoever in Bulk or Parcels, ſuch Tobacco ſhall not only be forfeited, and may be ſeized by any Perſon or Perſons whatſoever, but the Maſter or Skipper offending herein, ſhall forfeit and pay Twenty Shillings for every Hundred Pounds Weight of ſuch Tobacco, and ſo in Proportion for a greater or leſſer Quantity; and the Maſter or Commander of any Ship or Veſſel, wherein any Tobacco in Bulk or Parcels ſhall be found, ſhall, over and above the Forfeiture thereof, be ſubject and liable to the ſame Penalty; to be recovered, if it does not exceed Forty Shillings, before any Juſtice of the Peace of any County near the Place where ſuch Veſſel ſhall lie; and if it exceeds Forty Shillings, in any Court of Record, by Action of Debt, wherein the Plaintiff ſhall recover his Coſts: And if any ſuch Veſſel be under the Care or Management of a Servant who cannot ſatisfy and pay the ſaid Penalty, then ſuch Servant ſhall, upon Conviction thereof made before any Juſtice of the Peace, have and receive, by Order of ſuch Juſtice, Thirty Nine Laſhes, well laid on; and if any Servant ſhall be again truſted with the Care and Management of any Sloop, Boat, or other Veſſel, and ſhall be convicted a ſecond Time of taking or receiving on Board the ſame, any Tobacco in Bulk or Parcels, contrary to the Directions of this Act, the Owner of ſuch Servant ſhall forfeit and pay the like Sum of Twenty Shillings for every Hundred Pounds Weight of ſuch Tobacco; and ſhall alſo forfeit and pay Five Shillings for every Day ſuch Servant ſhall thereafter be employed as Skipper of any Sloop, Boat, or other Veſſel to him belonging; to be recovered and applied as aforeſaid.

Clandeſtine running Tobacco on board Veſſels prevented.

V. *PROVIDED always*, That nothing herein before contained ſhall be conſtrued to prohibit any Perſon from carrying, or cauſing to be carried to the ſaid Warehouſes, in any Boat or other Veſſel, Tobacco in Bulk or Parcels, for the Payment of his or her Taxes, Dues, or Duties.

Proviſo, to carry Tobacco to Warehouſes for Payment of Taxes.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That every Maſter of a Ship or Veſſel wherein Tobacco ſhall be laden to be exported, ſhall, at the

A. D. 1768. Masters of Veſſels to deliver the Collectors 2 fair Manifeſts of their Tobacco before they are cleared.

Time of clearing, deliver to the Collector Two fair Manifeſts of all the Tobacco on Board the ſaid Ship or Veſſel, expreſſing the Marks and Numbers of every Hogſhead, and the Tare and Nett Weight ſtamped thereon, the Perſon by whom ſhipped, and from what Warehouſe, and ſhall make Oath thereto, and that the ſame is a juſt and true Account of the Marks, Numbers, Tare and Nett Weight, of each reſpective Hogſhead, as the ſame was taken down by the Perſon or Perſons appointed by him to take the ſame, before the ſaid Tobacco was ſtowed away; and no Ship or Veſſel ſhall be cleared by the Collector, before he ſhall have received ſuch Liſts or Manifeſts; one of which ſaid Manifeſts ſhall by the ſaid Collector be annexed to ſuch Maſter's Certificate or Clearance, to the End the ſame may be delivered to the Chief Officer of the Cuſtoms in ſuch Port or Place where the ſaid Veſſel ſhall unlade; and the other of the ſaid Manifeſts ſhall, by the ſaid Collector, be tranſmitted to the ſaid Chief Officer of the Cuſtoms by the next convenient Opportunity.

Pen. for putting on Board uninſpected Tobacco.

Or opening any Hogſhead.

VII. *AND be it further Enacted*, That if the Skipper of any Sloop, Boat, Pettiauger, or other Veſſel, or other Perſon or Perſons to whom the Care and Management thereof ſhall be intruſted, ſhall put on Board any Ship or other Veſſel, to be exported as herein before mentioned, any Hogſhead, Caſk, or Package of Tobacco, put on Board the ſame to be carried to any Public Warehouſe by this Act appointed for the Reception and Inſpection of Tobacco, ſo as the ſame be not delivered at ſome one of the Public Warehouſes, without Fraud or Imbezzlement; or ſhall open any Hogſhead of Tobacco before the ſame be viewed by the Inſpectors, according to the Directions of this Act; or after the ſame has been viewed, ſhall fraudulently open any Hogſhead or Caſk, and take thereout any Tobacco; every ſuch Offence ſhall be adjudged Felony, and the Offender or Offenders ſhall ſuffer as in Caſes of Felony.

Proviſo, for Tobacco taken out of Veſſels in Diſtreſs.

VIII. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to prohibit the putting on Board any Ship or other Sea Veſſel, any Hogſhead, Caſk, or Package of Tobacco, out of any Sloop, Boat, or other Veſſel, which by Diſtreſs of Weather ſhall be forced aground, or become leaky, ſo as ſuch putting on Board any Sea Veſſel ſhall be really and *bona fide* for the Preſervation of the Tobacco laden in ſuch Sloop, Boat, or other Veſſel; and that the ſame be, with all convenient Speed, carried thereafter to the Warehouſes to which it was deſigned, without Imbezzlement.

Proceedings with Tobacco damaged in carrying on board any Veſſel

IX. *PROVIDED alſo*, That if by the Accident aforeſaid, or the Negligence of the Maſter or Skipper of any Veſſel, any Tobacco which hath been viewed and ſtamped ſhall, in its Carriage to the Ship in which it is intended to be exported, receive ſo much Damage as that the Maſter of ſuch Ship will not receive it on Board, every Hogſhead or Caſk of Tobacco ſo damnified ſhall, with all convenient Speed, be carried to ſome Warehouſe appointed by this Act, and there lodged until the Owner of the ſaid Tobacco, or Maſter of the Veſſel in which it was damaged, ſhall have ſeparated the ſame, and repacked the good Tobacco, and then the ſame ſhall be weighed and ſtamped with the Weight by the Inſpectors attending ſuch Warehouſe, without Fee or Reward; but if the Owner of ſuch Tobacco, or Maſter of the Veſſel in which it was, fail or delay to ſeparate and repack the ſame within Ten Days, then the Inſpectors at the Warehouſe where ſuch damaged Tobacco ſhall be landed, ſhall, and they are hereby required and enjoined, to ſeparate, repack, ſtamp, and weigh the ſame; and ſuch Inſpectors ſhall have and receive of the Owner of ſuch Tobacco, Five Shillings for each Hogſhead or Caſk of Tobacco, to be paid by ſuch Owner, before the ſaid Tobacco ſhall be delivered out for Exportation.

Tobacco to be inſpected by Officers, to be appointed by the County Courts.

X. *AND be it further Enacted, by the Authority aforeſaid*, That all Tobacco which ſhall be brought to any of the Public Warehouſes herein after mentioned, ſhall be viewed and inſpected by Two Perſons to be thereto appointed in Manner following, that is to ſay: The Courts of the ſeveral Counties within this Province, wherein any of the Public Warehouſes appointed by this Act are eſtabliſhed, ſhall and may, and

and they are hereby required, once in every Year, between the Firſt Day of *March* and the laſt Day of *Auguſt*, yearly, to nominate and appoint, for each of the Public Warehouſes within their Counties, Two fit and able Officers of Inſpection, reputed to be ſkilful in Tobacco, for the Office of Inſpectors; which Nomination and Appointment the ſaid Courts ſhall cauſe to be entered upon Record, which ſhall be a ſufficient Appointment of ſuch Officers; and alſo in Caſe of the Death, Reſignation, or Removal of any Inſpector, the ſaid Court ſhall and may nominate and appoint another to ſucceed him, until the next Nominatoin of Inſpectors. *A. D.* 1768.

XI. *AND be it further Enacted*, That if any Inſpector ſhall hereafter accept, receive, or take, directly or indirectly, any Fee, Gratuity, Service, or Reward whatſoever, of any Perſon for reſigning or giving up his Office of Inſpector, he ſhall not only be diſabled for ever from holding the like Office, but for ſuch Offence ſhall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court where the ſame is cognizable: And every Perſon offering and paying, directly or indirectly, any Fee, Service, Gratuity, or Reward whatſoever, to any Inſpector, to reſign his Office, ſhall, for the ſaid Offence, be for ever diſabled from holding the Office of Inſpector within this Province. Pen on Inſpectors taking any Bribe for giving up their Offices.

XII. *PROVIDED always*, That no Juſtice of the Peace, being Inſpector, or recommended to be ſuch, ſhall be allowed to vote in the Nomination and Appointment of Perſons to be Inſpectors as aforeſaid. No Juſtice being Inſpector, to vote for Inſpectors.

XIII. *PROVIDED alſo*, That every Perſon appointed, or to be appointed an Inſpector, by Virtue of this Act, ſhall, before he enters upon the Execution of his ſaid Office, enter into Bond, with good Security, in the Penalty of Five Hundred Pounds, Proclamation Money, payable to his Majeſty, his Heirs and Succeſſors, with Condition for the true and faithful Performance of his Duty, according to the Directions of this Act; and ſhall alſo have the following Oath adminiſtered to him, *to wit*, Inſpectors to give Bond.

YOU ſhall ſwear, That you will diligently and carefully view and examine all Tobacco brought to any Public Warehouſe, whereof you are appointed to be Inſpector, and all other Tobacco which you ſhall be called upon to view and inſpect; and that not ſeparate and apart from your Fellow, but in his Preſence; and that you will not receive any Tobacco that is not in your Judgment ſound, well conditioned, merchantable, and clear of Traſh; nor receive, paſs, or ſtamp, any Tobacco Hogſhead, or Caſk of Tobacco, prohibited by an Act of Aſſembly, intituled, An Act for regulating the Inſpection of Tobacco, and preventing Frauds in his Majeſty's Cuſtoms; *and that you will not change, alter, or give out any Tobacco, other than ſuch Hogſhead or Caſk for which the Receipt to be taken in was given; but that you will in all Things well and faithfully diſcharge your Duty in the Office of an Inſpector, according to the Directions of the ſaid Act, without Fear, Favour, Affection, Malice, or Partiality.* And take this Oath.

SO HELP YOU GOD.

Which Oath ſhall and may be adminiſtered before the Inferior Court of the County wherein ſuch Inſpector ſhall reſide: And if any Perſon ſhall preſume to execute the Office of Inſpector before he ſhall have given ſuch Bond, and taken ſuch Oath as aforeſaid, he ſhall forfeit and pay Fifty Pounds, Proclamation Money. Pen. for acting without.

XIV. *AND be it further Enacted*, That all Inſpectors to be appointed in Virtue of this Act, ſhall conſtantly attend their Duty at the Warehouſe under their Charge, from the Tenth Day of *October* to the Tenth Day of *July*, yearly, unleſs otherwiſe directed by the Inferior Court of the County; and at other Times they, or one of them, ſhall attend to deliver out Tobacco for Exportation till all the Tobacco remaining there on the ſaid Tenth Day of *July* ſhall be delivered out; and every Inſpector neglecting to attend as aforeſaid (except as before excepted) ſhall forfeit and pay to the Party grieved Five Shillings for every Neglect, or ſhall be liable to the Action When to attend at Warehouſes. Pen. for Neglect.

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Action upon the Caſe of the Party grieved, to recover ſuch Damages as he or ſhe ſhall have thereby ſuſtained, together with his or her full Coſts, at the Election of ſuch Party: And all Inſpectors ſhall uncaſe and break every Hogſhead and Caſk of Tobacco brought to them to be inſpected as aforeſaid; and if they ſhall agree that the ſame is good, ſound, and well conditioned, merchantable, and clear of Traſh, then ſuch Tobacco ſhall be weighed in Scales, with Weights of the lawful Standard; and the Hogſhead or Caſk ſhall be ſtamped and marked, in the Preſence of the ſaid Inſpectors, or one of them, with the Name of the Warehouſe, and alſo the Tare of the Caſk, and the Quantity of Nett Tobacco therein contained: But if the ſaid Two Inſpectors ſhall at any Time diſagree concerning the Quality of any Tobacco received by them, they ſhall, without Delay, call from the neareſt Inſpection another Inſpector, who ſhall determine the Difference, and paſs or reject ſuch Tobacco: And where any Inſpector ſhall happen to be ſick, or unable to attend his Duty, in that Caſe it ſhall be lawful for any Inſpector at any other Warehouſe to view, inſpect, and paſs Tobacco in his Room: And when any Inſpector ſhall bring his own Tobacco to the Warehouſe whereof he is Inſpector, the ſame ſhall not be paſſed or ſtamped until it be firſt examined, and found qualified and good as aforeſaid, by the other Inſpector there attending, and one or both Inſpectors from ſome other Warehouſe, as the Caſe may require.

Manner of inſpecting and weighing Tobac.

Proceed where the Inſpectors diſagree, ſick, or bring their own Tobacco to be inſpected.

Manner of appointing an Inſpector, in Caſe of Death.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for any Magiſtrate of the County wherein any Perſon appointed to the Office of Inſpector ſhall happen to die, be removed, or otherwiſe diſabled to act in the ſaid Office, on Application made, to iſſue a Summons to any Two other Juſtices of the ſaid County; who, together with himſelf, or any Two of them, ſhall, and they are hereby authorized and required, to nominate and appoint one other Perſon to officiate as Inſpector, in the Room of the Inſpector ſo dead or diſabled as aforeſaid; which ſaid Inſpector ſhall be under the like Rules and Reſtrictions as other Inſpectors appointed by the Court; which ſaid Inſpector ſhall continue to execute the ſaid Office until the Court of the ſaid County ſhall make further Appointment, or till the Diſability of the former Inſpector be removed, as the Caſe may be.

Inſpectors to give Notes for Tobac. paſſed.

Current in Tob. Payments.

Allowance for Caſk.

To make each weigh 1000 lbs Nett.

Allowance for Nails, Caſk, and Shrinkage.

XVI. *AND be it further Enacted*, That for all ſuch Tobacco as ſhall be brought to any of the ſaid Warehouſes, the Inſpectors thereof, after having inſpected and weighed the ſame, ſhall be obliged to deliver to the Perſon bringing the ſame, as many Promiſory Notes, under their Hands, as ſhall be required, for the full Quantity of Tobacco received by them; in which ſhall be expreſſed, whether the Tobacco ſo received be ſweet-ſcented, or *Oronoko*, ſtemmed or leaf; which Notes ſhall bear Date the Day ſuch Tobacco was paſſed, and ſhall be, and are hereby declared to be current in Tobacco Payments, according to the Species expreſſed in ſuch Notes, and ſhall be transferable from one to another in all ſuch Payments, and ſhall be paid by the Inſpectors who ſigned the ſame, upon Demand: And for every Hogſhead of Tobacco brought to any Public Warehouſe for the Diſcharge of any Public or private Debt, in good Caſk, of ſuch Dimenſions as herein after expreſſed, there ſhall be allowed, by the Inſpector thereof, to the Perſon bringing the ſame, Three Shillings and Nine Pence for each Hogſhead; and the Inſpectors ſhall be, and they are hereby obliged, to make every Hogſhead by them paid away, in Diſcharge of any ſuch Notes by them given, to contain One Thouſand Pounds of Nett Tobacco, at leaſt; and for every ſuch Hogſhead of Tobacco by them paid away, well lined and nailed, fit for ſhipping, there ſhall be paid by the Perſon receiving the ſame, Five Shillings for inſpecting, and Six Pence for Nails; which ſaid Six Pence the ſaid Inſpectors ſhall and may retain in their own Hands, to reimburſe them the Expence of providing Nails; and the Perſon demanding or receiving Tobacco in Diſcharge of Notes as aforeſaid, ſhall allow the Inſpectors Thirty Pounds of Tobacco for each Hogſhead ſo received for the Caſk; and Two Pounds of Tobacco for every Hundred contained in ſuch Notes, and proportionably for a greater or leſſer Quantity, for Shrinkage and Waſteage, if the ſaid Tobacco be paid within Two Months after

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after the Date of the Note given for the ſame; and One Pound of Tobacco for every Hundred for every Month the ſame ſhall be unpaid after the ſaid Allowance, ſo as ſuch Allowance do not exceed in the Whole Six Pounds of Tobacco for every Hundred: And if any Inſpector or Inſpectors, by whom any ſuch Notes ſhall be ſigned, ſhall refuſe or delay to pay and ſatisfy the ſame when demanded, every Inſpector ſo delaying or refuſing, ſhall forfeit and pay to the Party injured, double the Value of the Tobacco ſo delayed or refuſed to be paid; to be recovered with Coſts, in the Name of the Party injured, in any Court within this Province, wherein the ſame is cognizable, if the Note or Notes do exceed Two Hundred Pounds of Tobacco; and if the ſaid Notes ſhall not exceed Two Hundred Pounds of Tobacco, then the double Value as aforeſaid may be recovered, before any Juſtice of the Peace for the County wherein the ſaid Note or Notes ought to have been paid: And no Inſpector or Inſpectors ſhall receive, paſs, or pay away, any Hogſhead or Hogſheads of Tobacco containing leaf and ſtemmed Tobacco in the ſame Hogſhead.

Pen for refuſing to pay their Notes.

Not to mix leaf and ſtem'd Tob.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That all Tobacco brought to any of the ſaid Warehouſes in Hogſheads or Caſks, to be exported as aforeſaid, on Account, and for the Uſe of the Owner thereof, after the ſame ſhall have been viewed, paſſed, weighed, and ſtamped, as herein before directed, the ſaid Inſpectors ſhall deliver to the Owner of the ſame, as many Receipts, ſigned as aforeſaid, as ſhall be required, for the Number of Hogſheads ſo brought and ſtamped, expreſſing whether the ſame be ſweet-ſcented or *Oronoko*, ſtemmed or leaf; and there ſhall be paid to the Inſpector or Inſpectors there attending, Three Shillings, for inſpecting and ſtamping the ſame; and the Owners of the ſaid Tobacco ſhall provide Nails for the nailing thereof; and if any Inſpector or Inſpectors ſhall alter, change, or deliver out any Hogſhead or Caſk of Tobacco, other than the ſame for which the Receipt to be taken in was given, ſuch Inſpector ſhall not only forfeit and pay the double Value of ſuch Tobacco ſo altered and changed, but he or they ſhall moreover forfeit his or their Bonds reſpectively given for the due Execution of the ſaid Office: And all Inſpectors ſhall, and they are hereby obliged and required, to take in any Receipts by them given for Tobacco; and after having weighed ſuch Tobacco, to give transfer Notes for the ſame, with an Allowance of Three Shillings and Nine Pence for the Caſk.

Tobacco inſpected, Inſpectors to deliver the Owner Receipts for the ſame.

Pen for changing Tobacco.

To take in their Receipts, & give transfer Notes.

XVIII. *AND be it further Enacted*, That during the Continuance of this Act, no Tender of any Debt or Duty, payable in Tobacco, ſhall be accounted lawful, unleſs the ſame be tendered in Inſpectors Notes or Receipts; nor ſhall any crop Notes or Receipts of an older Date than Eighteen Months, be a lawful Tender in any Caſe whatſoever.

Tob. Debt unlawful, unleſs in Inſpectors Notes.

XIX. AND for the reſtraining the undue Practice of mixing Traſh with ſtemmed Tobacco, and preventing the packing of Tobacco in unſizable Caſks; *Be it Enacted and Declared*, That all ſtemmed Tobacco not laid ſtraight, whether the ſame be packed looſe or in Bundles, ſhall be accounted unlawful; and that no Tobacco packed in Hogſheads, which exceed Four Feet in the Length of the Stave, or Thirty Inches acroſs the Head within the Croze, allowing Two Inches at the prizing Head, ſhall be paſſed or received; but the Owner of ſuch Tobacco, packed in Caſks of greater Dimenſions than before expreſſed, ſhall be obliged to repack the ſame into ſizable Caſks, at his own Coſt and Charges, before the ſame be received and ſtamped by the ſaid Inſpectors.

Mixing Traſh with ſtem'd Tobacco, packed in unſizable Caſks, reſtrained.

XX. *AND be it further Enacted*, That when any Tobacco ſhall be brought to any Public Warehouſe, and refuſed by the Inſpectors there officiating, the ſame ſhall be immediately burnt by them, unleſs the Owner, or Perſon bringing the ſame, deſires to ſort and ſeparate it, and pick out ſuch as is bad; in which Caſe, the Inſpectors ſhall permit the ſame to be done at the Warehouſe, without Fee or Reward; but ſhall not, on any Pretence, ſuffer the ſaid Tobacco to be removed from the ſaid Warehouſe; and the Inſpectors ſhall allow one Month for picking the ſaid Tobacco, after which Time if it be not done, it ſhall be lawful for them to burn the whole (except the ſame is in a ſweat, or where the Circumſtances or Accidents of Weather prevent the handling of it) in which Caſe, the Inſpectors ſhall allow ſuch further Time as they ſhall think reaſonable; and where any Tobacco ſhall be ſo ſeparated and picked, the traſh Tobacco ſhall be burned by the Inſpectors the ſame Day it is picked out, under Penalty of forfeiting Five Shillings for every Failure; to be recovered by a Warrant from a Juſtice, to the Uſe of the Informer: And if any Tobacco packed in Caſk by an Overſeer, or the Hands under his Care, ſhall be burnt by the Inſpectors, by Reaſon of its being bad, unſound, or not in good Condition, the Overſeer who had the Care of making and packing the ſame, ſhall bear the Loſs of the Tobacco ſo burned: And if any Tobacco ſhall remain, undemanded, in the Public Warehouſe, three Years after the ſame is inſpected, the Inſpectors of ſuch Warehouſe ſhall advertiſe a Liſt of the Marks, Numbers, and Weights of ſuch Tobacco, at the Court of their County, Two Courts ſucceſſively next after the Expiration of the Three Years as aforeſaid; and if no Owner appears to claim the ſame within that Time, the Court is hereby impowered and required to order the ſaid Tobacco to be ſold, publickly, at the Court-Houſe Door, on the laſt Day of the ſame Court, to the higheſt Bidder; and the Money ariſing therefrom to be accounted for by the ſaid Inſpectors, and by the Court applied to the Uſe of the County: And if any Perſon ſhall afterwards prove his Right to any Tobacco ſo ſold, the Court ſhall repay ſuch Perſon the Money for which the ſame was ſold.

Proceedings with Tob. not paſſing Inſpection.

Tob. packed by Overſeers, burnt, they to bear the loſs.

Proceedings with Tob undemanded within Three Years.

XXI. AND to the End that the juſt Quantity of Tobacco exported may be more exactly known, and every evil Practice to defraud his Majeſty of his Cuſtoms prevented; *Be it Enacted, by the Authority aforeſaid*, That all Inſpectors ſhall carefully enter in a Book, to be kept for that Purpoſe, the Marks, Numbers, Groſs, nett Weight, and Tare, of all Tobacco viewed and ſtamped by them as aforeſaid, and in what Ship or Veſſel the ſame ſhall be laden or put on Board; and ſhall alſo, with every Veſſel Load of Tobacco, ſend a Liſt of the Marks, Numbers, Groſs, nett Weight, and Tare, of every Hogſhead of Tobacco then delivered, to be given to the Maſter of the Ship or other Veſſel which

Method for determining the Quantity of Tobacco exported.

A. D. 1768.

which the ſame ſhall be put on Board: And if the Tobacco delivered to the ſame Sloop, Boat, or Pettiauger, is intended to be put on Board ſeveral Veſſels, then they ſhall deliver ſo many diſtinct and ſeveral Liſts as aforeſaid, of the Hogſheads to be put on Board ſuch Ships or Veſſels, reſpectively; which Liſts every Maſter of a Ship or Veſſel is required to produce to, and lodge with the Collector of the Cuſtoms of the Diſtrict where the Ship or Veſſel whereof he is Maſter ſhall ride, or by whom he ſhall be cleared, ſome Time before her Clearance: But whereas it may happen that the Ship in which ſuch Tobacco contained in ſuch Liſt cannot receive the ſame on Board, in ſuch Caſe it ſhall and may be lawful to ſhip the ſaid Tobacco, or any Part thereof, on Board any other Ship or Ships, where the Owner thereof ſhall think fit; the Maſter of ſuch Ship endorſing on the ſaid Liſts the Marks and Numbers of the reſpective Hogſheads by them taken on Board, and giving Notice to the Inſpectors of the Warehouſes from whence the ſame was brought; or if there be no Ship to receive the ſaid Tobacco, then it ſhall be lawful for the Maſter of the firſt mentioned Ship or Veſſel to put the ſaid Tobacco into any Warehouſe in the Diſtrict where ſuch Ship ſhall ride, giving Notice thereof to the Inſpectors who ſtamped the ſame; and the Inſpectors of that Warehouſe where ſuch Tobacco ſhall be landed ſhall give a Receipt for the ſame, and ſhall cauſe the ſaid Tobacco to be ſafely lodged and delivered to the Order of the Owner whenever he ſhall think fit to ſhip it off, and that without Fee or Reward.

Pen. for forging Inſpectors Notes, exporting Tob with counterfeit Stamps, or opening any ſtamped Hogſhead.

XXII. *AND be it further Enacted*, That if any Perſon whatſoever ſhall forge or counterfeit the Stamp, Note, or Receipt of any Inſpector, to tender in Payment any ſuch counterfeit or forged Note or Receipt, knowing it to be ſuch; or export, or cauſe to be exported, any Hogſhead or Caſk of Tobacco, ſtamped with a forged or counterfeited ſtamp; or demand Tobacco of any Inſpector upon ſuch forged or counterfeited Note or Receipt, knowing ſuch Note, Receipt, or Stamp, to be forged; or ſhall put or pack into any Hogſhead or Caſk of Tobacco, ſtamped by the ſaid Inſpector, any Tobacco whatſoever; or take out any Stave, Plank, or Heading, ſo ſtamped as aforeſaid, of any Hogſhead or Caſk of Tobacco, after ſuch Hogſhead or Caſk of Tobacco ſhall be delivered out of any of the Public Warehouſes aforeſaid; every Perſon ſo offending, and being thereof convicted, by due Courſe of Law, ſhall be adjudged a Felon, and ſuffer as in Caſes of Felony.

Method where Inſpectors Notes are loſt.

XXIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Inſpectors Notes or Receipts be caſually loſt, miſlaid, or deſtroyed, the Perſon or Perſons intitled to the ſame ſhall make Oath before a Juſtice of the Peace of the County where the ſame is payable, for what Quantity of Tobacco the ſame was given, that ſuch Note or Receipt is loſt, or miſlaid, or deſtroyed; and that he, ſhe, or they, at the Time ſuch Note or Receipt was loſt, was lawfully intitled to receive the Tobacco therein mentioned; and upon producing a Certificate of ſuch Oath to the Inſpectors who ſigned the ſaid Note or Receipt, and lodging the ſame with them, the ſaid Inſpectors ſhall, and are hereby required, to pay and deliver unto the Perſon producing ſuch Certificate, the Tobacco for which any ſuch Note was given, if the ſame, or any Part thereof, ſhall not have been before by them paid by Virtue of the ſaid Notes; and ſhall be thereby diſcharged from all Actions, Suits, or Demands, on Account of ſuch Notes or Receipts: And if any Perſon ſhall be convicted of making a falſe Oath, or producing a forged Certificate, in the Caſe aforeſaid, knowing the ſame to be forged, he ſhall forfeit and pay the Sum of Twenty Shillings, for every Hundred Pounds Weight of Tobacco contained in ſuch Certificate, recoverable before any Juriſdiction where the ſame is cognizable; and moreover, upon Conviction, ſhall ſuffer as in Caſe of willful Perjury.

Warehouſes where to be built.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That public Warehouſes for the Inſpection of Tobacco, purſuant to this Act, ſhall be kept at the ſeveral Places herein after mentioned, that is to ſay: In *Chowan*, at *Edenton*; in *Hertford*, on *Chowan* River, where the Court ſhall appoint; in *Northampton*, at *Jone*'s, and the *Pitch Landing*; in *Halifax*, at the Town of *Halifax*; in *Edgcomb*, at *Tarborough*; in *Cumberland*, at *Campbleton*; in *Dobbs* County, at *Dixon*'s, at *Kingſton*, and *Shepherd*'s: And there ſhall be paid to the Inſpectors for attending at *Halifax* Inſpection, Fifty Pounds, Proclamation Money, *per Annum*, each; and at all the other Places of Inſpection above mentioned, the Salaries to the Inſpectors ſhall be aſcertained by the Inferior Court of the County in which the ſame are.

Inſpectors Salaries.

Warehouſe Rent.

XXV. *AND be it further Enacted*, That at all the ſaid Warehouſes, there ſhall be paid and allowed, for the Rent of the ſame, Eight-pence, Proclamation Money, for every Hogſhead of Tobacco that ſhall be received, inſpected, and delivered out of ſuch Warehouſes, reſpectively.

Proceed. where Land is valued, for building Warehouſes on.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the reſpective County Courts, wherein any of the ſaid Warehouſes are appointed, and they are hereby required, if not already done, to value an Acre of Land, at every Place within their County, where public Warehouſes are by this Act appointed, and to agree with any Perſon or Perſons, for erecting and building thereon, ſuch Warehouſes, Wharfs, and other Conveniencies as ſhall be neceſſary; and to take Bond, with good Security, from ſuch Perſon or Perſons, for performing ſuch Agreement; and the ſaid Juſtices ſhall pay the Owner of the Land the Money at which the ſame ſhall be valued as aforeſaid; and upon paying or tendering thereof, the Juſtices of the ſaid County for the Time being ſhall, from thenceforth, have an Eſtate, in Fee-Simple, in ſuch Lands, during the Time ſuch Place ſhall be made Uſe of for a Public Warehouſe: And the ſaid Juſtices ſhall, and are hereby impowered and authorized, to levy the Charge and Expence thereof upon the Inhabitants of their County; and ſhall take and receive the Rents of the Tobacco which ſhall be received and inſpected at the ſaid Warehouſes in Purſuance of this Act, for reimburſing the ſaid County the Charge of purchaſing the ſaid Land, and building thereon: And where the Juſtices of any County Court have already built Warehouſes on the Lands of another Perſon, by Virtue of any Law heretofore in Force, the ſaid Juſtices

Juſtices ſhall, in like Manner, be ſeized, in Fee, of the Land upon which ſuch Warehouſes are built, ſo long as the ſaid Places reſpectively ſhall be made Uſe of for Public Warehouſes: But if any of the ſaid Places, whereon Warehouſes are, or ſhall be by the Juſtices erected, ſhall hereafter happen to be diſcontinued, the Proprietor of the Land ſhall, from thenceforth, ſtand ſeized of his former Eſtate. A. D. 1768.

XXVII. *PROVIDED nevertheleſs*, That nothing herein contained ſhall be conſtrued to give Power to the ſaid Juſtices to take away the Houſe, Orchards, or other immediate Conveniencies, of any Proprietor of Land, for the Uſes or Purpoſes aforeſaid: And the Juſtices of the Peace of the ſeveral Counties, wherein any of the ſaid Warehouſes are by this Act appointed within their County, ſhall, and are hereby declared to have full Power, to put in Execution ſo much of this Act as relates to building and erecting Public Warehouſes, and to regulating all Matters concerning the ſame; and to direct the rebuilding and repairing thereof, and other Conveniencies, from Time to Time, as to them ſhall ſeem neceſſary: And if upon Application of the Inſpectors to their County Courts, for building and making other neceſſary Houſes, Wharfs, and Repairs, ſuch County Courts ſhall refuſe or fail to do their Duty therein, every ſuch Juſtice ſo refuſing or failing, ſhall forfeit and pay Five Pounds, Proclamation Money; to be recovered before any Juriſdiction having Cognizance thereof, with Coſts, by Action of Debt or Information, againſt ſuch Juſtices jointly.

Proviſo, not to take away Houſes, &c.

Juſtices Power to put this Act in Execution.

Pen. for Neglect.

XXVIII. *AND be it further Enacted*, That if any of the Warehouſes herein before mentioned ſhall happen to be burnt by Accident, the Value of the Tobacco ſo burnt ſhall be paid to the Perſons injured by the ſeveral Counties wherein the ſame was made, and be levied by the ſeveral County Courts thereof, at the Time of laying their County Levy, next after ſuch Loſs happened: And in Caſe of ſuch Accidents, no Inſpector ſhall be ſued or moleſted by Reaſon of any Promiſſory Notes or Receipts by them given for any Tobacco ſo burnt, but the ſame ſhall altogether be diſcharged; any Thing herein contained, to the contrary, notwithſtanding.

Proceed. where Warehouſes are burnt.

XXIX. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be kept at each of the ſaid Warehouſes herein before mentioned, and at all others to be hereafter appointed, a good and ſufficient Pair of Scales, with Weights, to weigh Twelve Hundred Pounds at leaſt; and where the ſame ſhall at any Time be wanting, the Juſtices of the reſpective County Courts may, and are hereby directed, to provide the ſame, at the Expence of their reſpective Counties: And the Inſpectors of each reſpective Warehouſe ſhall, once a Year at leaſt, apply to the Keeper of the Public Standard, and by the ſame examine and try the ſaid Scales and Weights, and adjuſt the ſame; and if the ſaid Inſpectors ſhall neglect or refuſe ſo to do, he or they ſo neglecting or refuſing, ſhall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, and the Charge of repairing and amending the ſaid Scales and Weights; and alſo for removing the Standard for trying the ſame, ſhall be allowed to the ſaid Inſpectors in their Account with the Court.

Scales to be provided for Warehouſes.

XXX. *AND be it further Enacted*, That any Juſtice of the Peace of any County, near the Place where any Ship or other Veſſel ſhall ride, upon Complaint made to him by any Perſon that ſuſpects any Tobacco to be put on Board ſuch Ship or other Veſſel in Hogſheads, Caſks, or Packages, or in Bulk or Parcels, in Order to be ſhipped off and exported as aforeſaid, without being inſpected, ſhall, and is hereby required, to iſſue his Warrant, directed to the Sheriff, Under Sheriff, or Conſtable of his County; and the Sheriff, Under Sheriff, or Conſtable, ſhall have full Power and Authority, and he is hereby required, to enter and go on Board ſuch Ship or other Veſſel, to ſearch for and ſeize ſuch Tobacco; and the ſame ſo ſeized ſhall be brought on Shore, and carried before the ſame or any other Juſtice, who ſhall cauſe the ſame to be immediately burnt by ſuch Sheriff or other Officer: And if the Maſter or Commanding Officer of any Ship or Veſſel, or any other Perſon whatſoever, ſhall reſiſt the Sheriff, or other Officer, in the Execution of any ſuch Warrant, every ſuch Maſter or Commanding Officer ſhall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; and every Skipper, Sailor, or other Perſon ſo reſiſting, ſhall forfeit and pay the Sum of Ten Pounds, like Money: And in Caſe any Action ſhall be brought againſt any of the ſaid Officers, for doing any Thing in Execution of this Act, the Defendant may plead the general Iſſue, and give this Act in Evidence; and if the Plaintiff ſhall be non-ſuited, or Judgment paſs againſt him, upon a Verdict or Demurrer, the Defendant ſhall recover double Coſts.

Proceedings on Information of ſhipping uninſpected Tobacco.

XXXI. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon taking upon himſelf the Office of Inſpector, ſhall, during his Continuance therein, or within One Year after, be capable of being elected a Member of the Houſe of Aſſembly; nor ſhall, directly or indirectly, by himſelf or any other Perſon, buy or receive, by Way of Barter, Loan, or Exchange, any Tobacco whatſoever; under the Penalty of forfeiting Twenty Shillings, Proclamation Money, for every Hundred Weight of Tobacco ſo bought or received.

Inſpector incapable of being elected a Burgeſs, or bartering Tob.

XXXII. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to hinder any Inſpector from receiving his Rents in Tobacco, which ſhall have been firſt viewed, examined, and ſtamped, according to the Directions of this Act.

Proviſo, to receive their Rents.

XXXIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Inſpector ſhall take, accept, or receive, directly or indirectly, any Fee, Gratuity, or Reward, for any Thing by him to be done by Virtue of this Act, other than the Salary and other Allowances herein before mentioned; under the Penalty of Fifty Pounds, Proclamation Money; to be recovered with Coſts, by any Perſon who ſhall ſue for the ſame, by Action of Debt, Bill, Plaint, or Information, in any Court of Record having Cognizance thereof; and moreover, ſhall be diſabled from holding the ſaid Office during the Continuance of this Act: And the Perſon or Perſons giving or offering any ſuch Bribe, ſhall, in like

Pen. for taking other Fee than their Salaries.

A. D. 1768.

Manner, forfeit and pay the Sum of Five Pounds, like Money; one Half to the Informer, and the other Half to our Sovereign Lord the King, for supporting the contingent Charges of this Province.

Method where Tobacco tendered by Inspectors in Discharge of their Notes, is refused.

XXXIV. *AND be it further Enacted*, That when any Person shall be intitled to receive any Hogshead of Tobacco, by Virtue of any Inspectors Notes or Receipts, the Inspectors shall be obliged to open the Hogshead, and shew such Tobacco to the Person demanding the same, if required, whether the same be Crop or Transfer; and if such Person shall refuse to accept of the Tobacco offered or tendered him in Payment, as bad, unsound, and unmerchantable, such Person so refusing, shall make immediate Application to any Three Justices, near or nearest, within the same County; and the said three Justices shall take an Oath, before some other Justice of the said County (which Oath the said Justice is hereby impowered to administer) carefully to view and examine the said Tobacco, and, to the best of their Judgment, pass or reject the same; and that they will therein do their Duty, according to their Judgment and Conscience, without Favour or Affection: Which said three Justices so sworn, are hereby directed and required to repair to the Warehouse where such Tobacco shall be offered, and carefully to view the same, in such Manner as they shall think fit; and if any two of them shall judge the same unsound and unmerchantable, to cause the same to be immediately burnt, without being picked and separated; and for their Trouble therein, the said Justices shall receive, and be paid by the Inspectors who offered the same in Payment, Five Shillings, Proclamation Money, each; but if by the said Justices the said Tobacco so tendered in Payment shall be adjudged good and merchantable, according to the Directions of this Act, the said Justices shall be paid by the Party desiring such View, Five Shillings as aforesaid: And when any Tobacco shall be tendered or offered in Payment by any Inspector, and refused, the said Inspector shall not be at Liberty to tender or offer in Payment, nor the Person demanding the same to receive any Tobacco in Lieu thereof, before or after the same shall have been viewed as aforesaid; but the Person refusing shall immmediately mark the same: And if any Inspector shall offer, or tender in Payment, any Tobacco in Lieu of the Tobacco so refused, before the same shall have been viewed as aforesaid, or shall not produce the same Tobacco so refused to the said Justices, in either Case, it shall be taken for a Conviction, that the said Tobacco first tendered was bad and unmerchantable; and moreover, the said Inspectors shall forfeit and pay Ten Pounds for every such Offence: And every Person accepting any Hogshead of Tobacco in Lieu of Tobacco so refused, before the same shall be viewed as aforesaid, shall forfeit and pay Ten Pounds for every such Offence.

Proceedings when new Inspectors succeed

XXXV. *AND be it further Enacted*, That when any new Inspector shall be appointed at any of the said Warehouses, such new Inspector or Inspectors shall, and they are hereby required, to give to the Person or Persons whom they shall succeed, a Receipt, with his or their Hands subscribed, containing the Number, Marks, Tare, Gross, and Nett Weight, of every Hogshead of Tobacco which shall be then at the said Warehouse; and shall be thenceforth charged with the Delivery and Payment thereof; but shall not be accountable for the Loss of Weight or Quality of Tobacco therein contained: And all Inspectors delivering out any Tobacco in Discharge of such Notes, shall be, from thenceforth, discharged and acquited thereof, or any Thing relating thereto; any Thing herein contained to the contrary notwithstanding: And when any light crop Tobacco shall be hereafter brought to any of the said Warehouses, the said Inspectors, if required, shall permit the Owner, or other Person, to make Use of one or more of their Prizes, for the Repacking and Prizing the same, without Fee or Reward: And for all Tobacco repacked or prized by the Owner, there shall be paid to the Inspectors thereof, Three Shillings for Stamping; and for all Tobacco repacked and reprized by the Inspectors, Five Shillings for each Hogshead; and also, Six-pence for Nails; unless the Proprietor shall provide them: And no Inspector shall take or convert to his own Use, or otherwise dispose of, any Draughts or Samples of Tobacco; but the same (if fit to pass) shall be put again into the Hogshead out of which it was taken; under the Penalty of Twenty-Shillings for every Draught so converted; to be recovered before any Justice of the Peace for the County wherein such Offence was committed: And all Inspectors, when required, shall be obliged to prize any Hogshead of Tobacco under One Thousand Weight, so as to make it up that Weight; and shall receive the same Fee therefor, as for transfer Tobacco, and make lawful Abatement for the Tobacco prized in; and the said Inspectors, for all Tobacco by them passed, shall give a Note as aforesaid, in the Name of the Owner, and of no other Person whatsoever.

Inspectors to permit Owners of light Tobacco to reprize it.

Samples of Tob. to be returned into the Casks

To make all Hogsheads weigh 1000 lbs.

Owners may mark Hogsheads for satisfying transfer Notes.

XXXVI. *AND be it further Enacted*, That the Owner of any transfer Notes may, at any Time before the First Day of *October*, in every Year, receive and mark Hogsheads of Tobacco, for satisfying such Notes; and the Inspectors shall take in their former Notes, and deliver crop Notes for the same; and shall be answerable for the safe-keeping thereof; and the Inspectors thereof shall be intitled to receive Five Shillings and Six-pence for the Inspection thereof, and finding Nails; Two Shillings and Six-pence down, and Three Shillings when the said Tobacco shall be delivered: And the Inspectors shall, at the Court to be held for their County next after the First Day of *October*, Yearly, lay before the Court, an Account, on Oath, of all transfer Notes that were not by them taken in before the said First Day of *October*; and after such Account so exhibited, shall sell the Tobacco in such Notes contained, deducting for Shrinkage and Wasteage, at public Auction, before the Door of the Court-House, between the Hours of Twelve and Three; and the Inspectors shall pay the Money arising by such Sale, in Satisfaction of their said Notes, from Time to Time, to the Proprietors demanding the same: And all Inspectors in the said Account, shall account for all Tobacco gained or saved, upon the Allowance of Shrinkage of transfer Tobacco, in the same Manner as before directed; and shall account with the Court for the Money received for such Tobacco so gained, in their Yearly Account.

Inspectors to lay before their Courts Account of transfer Notes.

To account with their Courts for all Monies in their Hands.

XXXVII. *AND be it further Enacted*, That all Inspectors shall, Annually, at the next Court held for their County after the first Day of *October*, account with the said Court, upon Oath, for all Monies

Monies by them received by Virtue of this Act (except for Nails) in which Account, they ſhall be allowed their Salaries, and other neceſſary Diſburſements, in Purſuance of this Act. *A. D.* 1768.

XXXVIII. *AND be it further Enacted, by the Authority aforeſaid,* That any Two Juſtices of the Peace, ſhall have full Power to hear all Complaints againſt any Inſpectors within their County, and to take Depoſitions of Witneſſes on both Sides; which they ſhall tranſmit to their County Court for their Determination; and alſo to viſit all Warehouſes within their Counties, and certify all Neglects and Breaches of Duty in Inſpectors, unto their ſaid Court: And all Inſpectors ſo found guilty of a Breach of Duty or Neglect, he or they ſhall be forever removed from the ſaid Office; and, moreover, ſhall pay unto the Informer or Proſecutor, his full Coſts; and be further liable to the Action of the Party endamaged by ſuch Neglect. Two Juſtices to hear Complaints againſt Inſpectors.

XXXIX. *AND be it further Enacted,* That all Penalties and Forfeitures in this Act contained, and not herein before particularly appropriated, ſhall be, one Half to our Lord the King; to be applied towards defraying the Charges of the Execution of this Act, and the other Half to the Perſon who ſhall inform or ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record having Cognizance thereof; except where the ſaid Forfeiture ſhall not exceed Forty Shillings; and in ſuch Caſe, the ſame may be recovered by Warrant before any Juſtice of the Peace. Fines and Forfeitures how recoverable; and applied.

XL. *AND be it further Enacted,* That when any Action ſhall be commenced or proſecuted againſt any ſeafaring Perſon, founded on this Act, ſuch Perſon ſhall be compelled to give Bail to the Sheriff, or other Officer, as if ſuch Action had been founded on a Contract; and ſhall not be admitted to appear and plead until Bail be ſo given; any Law, Uſage, or Cuſtom to the contrary notwithſtanding. Mariner ſued on this Act, to give Bail.

XLI. *AND be it further Enacted,* That the Inſpectors of the ſeveral Warehouſes, ſo often as Need ſhall require, ſhall appoint one or more Picker or Pickers; who, before entering on the Execution of their ſaid Office, ſhall take the following Oath; which any Juſtice of the Peace may adminiſter, *to wit.* Inſpectors to appoint pickers.

YOU ſhall ſwear that you will well and faithfully pick and ſeparate all ſuch Tobacco as ſhall be tendered you for that Purpoſe, at the Warehouſe where you are appointed Picker; that you will not demand or receive any other or greater Allowance for your Services as Picker than thoſe directed by Law; and that you will honeſtly demean yourſelf in your ſaid Office, and execute the ſame without Favour, Affection, or Partiality. SO HELP YOU GOD. To take this Oath.

And ſuch Picker ſo appointed and ſworn, ſhall and may take and receive One Shilling and Eight Pence for every carted Hogſhead; and Three Shillings for every rolled Hogſhead which he ſhall open and bring to View; and one Eighth Part of all Tobacco he ſhall ſave for the Owner in picking; and no more or other Allowance whatever. His Fee.

XLII. *AND be it further Enacted,* That all and every Act and Acts heretofore made, concerning the Inſpection of Tobacco within this Province, ſhall be, and they are henceforth repealed and made void; and that this Act, and every Part thereof, ſhall be and continue in Force, for and during the Term of Seven Years, and no longer. Continuance of the Act.

CHAP. X.

An Act for eſtabliſhing public Warehouſes in the Towns of Halifax *and* Campbleton, *for the Inſpection of Hemp and Flax.* (a)

I. WHEREAS it has been repreſented to this Aſſembly, that there are no public Warehouſes in the Towns of *Halifax* and *Campbleton*, for the Safe-keeping of Hemp and Flax inſpected at thoſe Places; and that it would be greatly beneficial to the Merchants and Planters in thoſe Parts of the Province, that Warehouſes ſhould be erected for that Purpoſe: Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That it ſhall and may be lawful for the Juſtices of the Inferior Courts for the Counties of *Halifax* and *Cumberland*, and they are hereby required, at their firſt Sitting after the paſſing of this Act, to agree with any Perſon or Perſons, for erecting and building in the Town of *Halifax*, on the Lots where the Tobacco Warehouſes now ſtand; and in the Town of *Campbleton*, ſuch a Warehouſe in each, and other Conveniences as ſhall be neceſſary; and to take Bond, with good Security, from each Undertaker of ſuch Buildings, for performing ſuch Agreement; and ſhall Warehouſes to be built.

(a) See Act Nov. 1768, Chap. 8, for amending this Act.

A. D. 1768.

To be provided with Scales.

provide and keep at each of the ſaid Warehouſes, a good and ſufficient Pair of Scales and Weights to weigh Six Hundred Weight at leaſt, and alſo a ſufficient Number of Prizes or Screws; and the ſaid Juſtices ſhall, and they are hereby authorized to levy the Expence thereof upon the Inhabitants of their reſpective Counties; and ſhall take and receive the Rent of the Hemp and Flax which ſhall be received and inſpected at the ſaid Warehouſes in Purſuance of this Act, for reimburſing the ſaid Counties the Charge of building the ſaid Warehouſes and other Conveniencies.

Inſpectors to be appointed.

III. *AND be it further Enacted*, That the ſaid Juſtices ſhall, once in every Year, at their Court next after the Firſt Day of *October*, nominate and appoint one fit and able Perſon, ſkilful in Hemp and Flax, for the Office of Inſpector at each of the ſaid Warehouſes; and in Caſe of his Death or Sickneſs, or being otherwiſe diſabled from attending his Duty in that Office, any Three Juſtices of the County where ſuch Diſability happens, ſhall and may nominate and appoint another to ſupply the Place of ſuch Inſpector, if dead, until the next Nomination of Inſpectors; and if ſick, or otherwiſe diſabled, to attend until ſuch Sickneſs, or other Diſability, is removed; every of which ſaid Inſpectors, appointed by Virtue of this Act, ſhall, before they enter upon the Execution of their ſaid Office, enter into Bond, with good Security, in the Penalty of Five Hundred Pounds, Proclamation Money; payable to his Majeſty, his Heirs and Succeſſors; with Condition, for the true and faithful Performance of their Duty, according to the Directions of this Act; and ſhall take the following Oath: *(a)*

Pen for acting before taking the Oath.

Which Oath ſhall and may be taken before the Inferior Court of the County, or Juſtices appointing ſuch Inſpector: And if any Perſon ſhall preſume to execute the ſaid Office of Inſpector before he ſhall have given ſuch Bond, and taken ſuch Oath as aforeſaid, he ſhall forfeit and pay One Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in the Superior Court for that Diſtrict; one Half of ſuch Forfeiture to be paid to any Perſon that will ſue for the ſame, and the other Half to be applied towards leſſening the County Tax of the County where the Offence ſhall be committed.

This Clauſe altered by Act Nov. 1768, Chap 8.

Duty of Inſpectors, and Manner of inſpecting Hemp and Flax.

IV. *AND be it further Enacted*, That every Inſpector, appointed by Virtue of this Act, ſhall conſtantly attend his Duty at his ſaid Warehouſe, from the Firſt Day of *November* to the Firſt Day of *January*; and from the Firſt Day of *March* to the Firſt Day of *May*, yearly; and afterwards attend to deliver out Hemp or Flax for Exportation, until all the Hemp or Flax remaining there on the Firſt Day of *May* ſhall be delivered; and for every Neglect, ſhall be liable to the Action on the Caſe of the Party grieved, for the Damages he may ſuſtain by Reaſon of ſuch Neglect, and Coſts of Suit: And for all Hemp and Flax by him inſpected and paſſed at ſuch Warehouſe, he ſhall deliver to the Party bringing the ſame, a Promiſſory Note or Notes, under his Hand, for the full Quantity of Hemp or Flax by him received; in which ſhall be expreſſed the Weight of the Hemp or Flax, in Hundreds, Quarters, and Pounds, reckoning One Hundred and Twelve Pounds to the Hundred; and in what County and Province the ſame was cultivated, and whether the ſame be Dew or Water rotted; which Notes ſhall bear Date the ſame Day it is inſpected and paſſed, and be transferable from one Perſon to another, in the ſame Manner as Notes for Tobacco are, by the Cuſtom of this Province, and ſhall be payable by ſuch Inſpector, in Bales or Bundles, when demanded, not exceeding Six Hundred in a Bale; ſo that ſuch Demand be not made in leſs than Eight Days after the Date thereof: Which Bales ſhall be well prized and bound ſufficiently, with not leſs than Nine-Thread Rope; and for every ſuch Bale or Bundle by him paid away in Diſcharge of any ſuch Notes by him given, there ſhall be paid, by the Perſon receiving the ſame, for every Hundred Weight contained therein, the Sum of Four Pence for Warehouſe Rent, One Shilling for Inſpection, and Ten Pence for prizing

(a) The Oath by this Act appointed repealed, and provided for by Act Nov. 1768, Chap. 8.

prizing and Rope; which ſaid Sum of Four Pence, for Warehouſe Rent, ſhall be paid, annually, by the Inſpector to the Juſtices of his County: And if any ſuch Inſpector, by whom ſuch Promiſſory Notes ſhall be ſigned, ſhall refuſe or delay to pay or ſatisfy the ſame, when demanded as aforeſaid, ſuch Inſpector ſo delaying or refuſing ſhall forfeit and pay, to the Party injured, double the Value of the ſaid Hemp or Flax; to be recovered, with Coſts, in any Court wherein the ſame is cognizable. *A. D.* 1768.

V. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon who ſhall counterfeit or forge the Promiſſory Note of ſuch Inſpector, or offer for Sale any ſuch counterfeit or forged Note; or demand any Hemp or Flax of ſuch Inſpector upon any ſuch counterfeited or forged Notes, knowing them to be ſuch, and being thereof convicted by due Courſe of Law, ſhall be adjudged a Felon, and ſhall ſuffer as in Caſes of Felony. Pen. for counterfeiting Inſpectors Notes.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Inſpectors Notes or Receipts be caſually loſt, miſlaid, or deſtroyed, the Perſon or Perſons intitled to receive the Hemp or Flax by Virtue of any ſuch Note or Receipt, ſhall make Oath before a Juſtice of the Peace of the County where the ſame is payable, to the Number or Date of every ſuch Note or Receipt, to whom and where payable, and for what Quantity of Hemp or Flax the ſame was given, and that ſuch Note or Receipt is loſt, miſlaid, or deſtroyed, and that he, ſhe, or they, at the Time ſuch Note was loſt, miſlaid, or deſtroyed, was lawfully intitled to receive the Hemp or Flax therein mentioned, and ſhall take a Certificate thereof from ſuch Juſtice; and upon producing a Certificate of ſuch Oath to the Inſpector who ſigned ſuch Note, and lodging the ſame with him, the Inſpector ſhall, and is hereby required to pay and deliver to the Perſon obtaining ſuch Certificate, the Hemp or Flax for which ſuch Notes or Receipts were given, if the ſame, or any Part ſhall not have been before by him paid by Virtue of the ſaid Notes or Receipts, and ſhall be thereby diſcharged from all Actions, Suits, and Demands, on Account of ſuch Notes or Receipts: And if any Perſon ſhall be convicted of making a falſe Oath, or producing Certificate in the Caſe aforeſaid, knowing the ſame to be forged, he ſhall forfeit and pay Three Pounds for every Hundred and Twelve Pounds Weight of Hemp or Flax contained in ſuch Certificate; recoverable before any Juriſdiction where the ſame is cognizable; and moreover, upon Conviction, ſhall ſuffer as in Caſes of wilful and corrupt Perjury. Proceed. where Inſpectors Notes are loſt.

VII. *AND be it further Enacted*, That if either of the ſaid Warehouſes ſhall happen to be burnt by Accident, the Loſs ſuſtained thereby ſhall be made good to the Sufferers by the Counties in which the Hemp or Flax was cultivated, if in this Province; any Law or Uſage, to the contrary, notwithſtanding. Where Warehouſes are burnt.

VIII. AND whereas the Inſpectors to be appointed by this Law are obliged to certify in the Notes by them to be given whether the Hemp by them received be Dew or Water rotted, and alſo in what County and Province the ſame was cultivated; *Be it Enacted*, That the ſaid Inſpectors ſhall have full Power and Authority, before they deliver any ſuch Note, to ſwear the Perſon or Perſons bringing them any Hemp or Flax to be inſpected, whether the ſame was Dew or Water rotted, and in what County or Province the ſame was cultivated; and upon Delivery for Exportation any Water rotted Hemp or Flax that may have been cultivated in this Province, the ſaid Inſpectors ſhall deliver to the Perſons receiving the ſame, a Liſt or Manifeſt of ſuch Hemp or Flax, under their Hands, mentioning where the ſame was cultivated, with the Number of Bales, and Weight of each, and to whom delivered; which ſaid Manifeſt having a Certificate on the Back thereof ſigned by the Collector and Naval Officer, certifying that Oath was made before them of ſuch Hemp being exported from this Province, in what Veſſel, at what Time, and by whom ſhipped, ſhall intitle the Perſon or Perſons producing the ſame to the Bounty of Sixteen Shillings and Eight Pence, for every Hundred Weight of Hemp, and Thirteen Proceedings, to be intitled to the Bounty.

A. D. 1768. Thirteen Shillings and Four Pence, for every Hundred Weight of Flax mentioned in ſuch Manifeſt, to be paid by the Treaſurers of this Province out of the Money in their Hands for Contingencies; and ſhall be allowed them in their Accounts, agreeable to an Act of Aſſembly, paſſed in the Year One Thouſand Seven Hundred and Sixty Four, intituled, *An Act for encouraging the Culture of Hemp and Flax, and other Purpoſes.*

Continuance of the Act. IX. *AND be it further Enacted*, That this Act ſhall continue and be in Force for and during the Term of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. XI.

An Act for building a Public Gaol, and Gaoler's Houſe, for the Diſtrict of Newbern, *in the Town of* Newbern. *(a)*

Preamble. I. WHEREAS the Public Gaol for the Diſtrict of *Newbern* was lately conſumed by Fire, and it being neceſſary that a new Gaol ſhould be erected in the ſaid Diſtrict;

Truſtees appointed for building a Gaol. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That *Jacob Blount*, *Thomas Clifford Howe*, *Richard Cogdell*, *Samuel Cornell*, and *John Hawks*, Eſquires, be, and are hereby appointed Truſtees, for deſigning, contracting, building, and finiſhing a good and ſufficient Gaol, and Gaoler's Houſe, of ſuch Dimenſions and Materials, on the Lot of Ground in the Town of *Newbern* where the Public Gaol lately ſtood, as to them, or the Majority of them, or their Survivors, ſhall ſeem moſt proper and convenient; which Gaol and Gaoler's Houſe, when ſo erected, ſhall be, continue, and remain, the Public Gaol, and Gaoler's Houſe, of the ſeveral Counties within the Diſtrict of *Newbern* aforeſaid.

Truſtees altered, by Act Decemb. 1770, Chap. 31.

Tax laid for building the Gaol. III. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be levied on each and every taxable Perſon within the ſeveral Counties in the ſaid Diſtrict, annually, for the Term of Three Years next after the paſſing of this Act, the reſpective Sums of Money following, *to wit*, On each taxable Perſon in the County of *Craven*, the Sum of Two Shillings, Proclamation Money; and on each taxable Perſon within the Counties of *Dobbs*, *Carteret*, *Pitt*, *Beaufort*, and *Hyde*, the Sum of One Shilling and Four Pence, like Money: Which ſaid Taxes ſhall, by the Sheriff of the reſpective Counties aforeſaid for the Time being, be collected in the ſame Manner, and under the ſame Penalties, for Non-Payment thereof, as is directed by Law for the collecting other Public Taxes; and the Monies ariſing therefrom, ſhall be accounted for and paid by the ſaid ſeveral Sheriffs to the Truſtees, or the Majority of them, or their Survivors, as aforeſaid, and by them be applied towards diſcharging the Contracts they ſhall enter into for the Buildings aforeſaid.

Method of Recovery from Sheriffs failing to pay it. IV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff, who ſhall be chargeable with any of the Taxes by this Act aſſeſſed, ſhall neglect to account for, and pay to the Truſtees aforeſaid, or the Majority of them, or their Survivors, ſuch Sums as he ſhall be chargeable with in Virtue of this Act, after deducting the uſual Commiſſions for collecting, and ſuch Inſolvents as ſhall be allowed for by the Court of his County; the ſaid Truſtees, or the Majority of them, or their Survivors, ſhall have the ſame Method of proceeding againſt ſuch Sheriff, by Motion, as is by Law directed againſt Sheriffs for not accounting for other Public Monies by them received.

V. *AND*

(a) See Act Dec. 1770, Chap. 31.

A. D. 1768.

V. *AND be it further Enacted, by the Authority aforesaid*, That the Trustees, or the Majority of them, or their Survivors, shall immediately proceed to the Discharge of the Trust by this Act reposed in them; and shall cause the said Buildings to be finished within Two Years from the passing of this Act; and shall, immediately thereafter, lay an Account of their Proceedings herein, upon Oath, of all Monies they shall receive and pay on Account of the said Buildings, before the Court of each of the Counties herein named for their Approbation; and the Surplusage of the said Tax, if any, shall be by them paid to the Justices of the said several Counties, in Proportion to the Number of Taxes collected in the said Counties respectively; to be applied towards the contingent Charges of the said Counties.

Trustees to build the Gaol in two Years, and account for the Taxes.

VI. *AND be it further Enacted, by the Authority aforesaid*, That after such Gaol shall be erected, when any Person or Persons shall be apprehended for any Offence committed within the District aforesaid, it shall and may be lawful for the Magistrate or Magistrates before whom such Offender shall be examined, if he or they think it necessary, to commit such Offender to the aforesaid Gaol; and the Sheriff of the County for the Time being, where such Offender shall be apprehended, is hereby authorized and required to convey such Offender to the said Gaol, and deliver him or her to the Sheriff or Keeper thereof, and take a Receipt of such Sheriff or Keeper; which shall be his Discharge for such Prisoner.

Prisoners to be committed to the Gaol.

VII. *AND be it further Enacted, by the Authority aforesaid*, That after the said Gaol, and Gaoler's House, shall be built as aforesaid, the Sheriff of the County of *Craven*, for the Time being, is hereby directed and required to employ some Person of Integrity to be Keeper of the said Gaol; who, during the Time any Person committed for a capital Offence shall be in the said Gaol, shall constantly reside in the said Gaoler's House, and take all lawful Ways and Means for preventing the Escape of such Offender.

Gaoler to be employed.

CHAP. XII.

An Act to amend an Act, intituled, An Act for facilitating the Navigation of Port *Bath*, Port *Roanoke*, and Port *Beaufort*.

I. WHEREAS it is found, by Experience, that the before recited Act is insufficient to answer the salutary Purposes intended:

Preamble.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That the following Taxes shall be paid by the Master or Owner of each and every Vessel that shall come in at the Inlets of *Occacock* and *Roanoke*, and enter in the Port of *Currituck*, to the Collector of the said Port, that is to say: For every Vessel of Fifty Tons, or under, Ten Shillings; for every Vessel above Fifty Tons, and under One Hundred Tons, Twenty Shillings; and for every Vessel above One Hundred Tons, Thirty Shillings; to be applied towards defraying the Expence of erecting Stakes and Beacons in the District of Port *Roanoke*.

Tax on Vessels entering at Currituck.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Collector of Port *Currituck*, for the Time being, shall give Security, in the Sum of Three Hundred Pounds, to the Commissioners appointed by the before recited Act for Port *Roanoke*, for the due Performance of the Trust reposed in him, and for his accounting with, and paying to the said Commissioners, as often as required, all such Sum or Sums of Money as shall be, from Time to Time, by him received; and if the said Collector shall refuse to give such Security, it is hereby Enacted, that the said Commissioners of Port *Roanoke* shall and may appoint another Receiver in his Place and Stead, who shall have full Power and Authority to receive the said Tax, giving Security to the said Commissioners.

Collectors of Currituck to give Bond.

IV. *AND*

A. D. 1768.

Impowered to meaſure Veſſels.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Receiver of Port *Currituck* ſhall have full Power and Authority to go on Board any Veſſel in his Port, in Order to meaſure and aſcertain the Burthen of ſuch Veſſel; and ſhall likewiſe have Power and Authority to examine, on Oath, the Maſter of any Veſſel for that Purpoſe.

Tax on Veſſels entering in Bath, &c.

V. AND whereas the Taxes on Veſſels in the before recited Act, for defraying the Expence of erecting Stakes and Beacons, are found, by Experience, to be inſufficient; *Be it therefore Enacted, by the Authority aforeſaid*, That the following Taxes ſhall be paid by the Maſter or Owner of each Veſſel that ſhall enter into either of the Ports of *Bath*, *Roanoke*, and *Beaufort*, to the Collectors of the reſpective Ports, in Lieu of thoſe heretofore paid, that is to ſay: For every Veſſel of Fifty Tons, or under, Ten Shillings; for every Veſſel above Fifty Tons, and under One Hundred Tons, Twenty Shillings; and for every Veſſel above One Hundred Tons, Thirty Shillings.

No Veſſel to be cleared, till Tax paid.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, no Collector of either of the aforeſaid Ports ſhall clear out any Veſſel till the Maſter ſhall have produced to him a Certificate from the Receiver of the ſaid Tax of his having paid the ſame, under the Penalty of Twenty Pounds; to be recovered and applied in the ſame Manner as is directed in the before recited Act.

Commiſſioners to value 20 Acres of Land at Occacock for Pilots.

VII. AND whereas the Commiſſioners appointed by the before recited Act to lay off Twenty Acres of Land on the Iſland of *Occacock*, for the Uſe of the Pilots, have neglected to do the ſame in the Time limited in the ſaid Act; *Be it therefore Enacted, by the Authority aforeſaid*, That any Three or more of the Commiſſioners ſhall attend at *Occacock* Iſland, and value the ſame, on Oath, and pay the Valuation Money to the preſent Owner of *Occacock* Iſland, and take a Deed of Conveyance for the ſaid Twenty Acres of Land, to be veſted in the Commiſſioners for the Navigation; and for the Benefit of the Public, to allot and lay off a Part to every Branch Pilot who may hereafter attend to pilot and conduct Veſſels into *Occacock* Inlet, by a Leaſe for ſuch Lot as is aſſigned him during the Time of his Reſidence, and no longer; and the Commiſſioners, or a Majority of them, may remove any Pilot, diſqualified, from any Lot or Houſe they erect on the Ground leaſed to ſuch Pilot, and leaſe the ſame to other Pilots: And for defraying the Expence of purchaſing the ſaid Lands, and Commiſſioners Expence, the ſeveral Ports of *Roanoke*, *Bath*, and *Beaufort*, ſhall pay their reſpective Quotas as in other Matters is directed; and the ſaid Twenty Acres of Land, ſo laid out by the Commiſſioners, is hereby declared to be veſted in the Commiſſioners for the Time being, in Fee-Simple, to and for the Uſes, Intents, and Purpoſes, before mentioned.

CHAP. XIII.

An Act concerning idle and diſſolute Perſons.

Preamble.

I. WHEREAS in ſeveral Parts of this Province there are idle and diſſolute Perſons, that frequently commit atrocious Crimes, ſuch as ſtealing Horſes, robbing Houſes, and the like, to the great Injury of honeſt and induſtrious Inhabitants; and as ſuch Perſons are frequently harboured, maintained, and encouraged, by ſome Houſekeepers in this Province: For Remedy whereof,

Diſſolute Perſons not to be harboured.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing this Act, no Perſon or Perſons whatſoever ſhall harbour or maintain in or about his or their Houſe or Plantation, or knowingly ſuffer to reſide on their Land, any looſe or diſorderly Perſon, who has not any viſible Way of Maintenance, or is of a diſhoneſt Character, under the Penalty of Twenty Pounds, Proclamation Money, for every ſuch Offence; to be recovered

covered by Action of Debt, in the Inferior Court of the County where the Offence is committed; one Half of which Sum shall be paid to the Person informing against such Offender, and the other Half to be applied to the contingent Charges of the County; and such Offender shall be further liable to be bound over to appear at the next Superior Court of the District where such Offence is committed, there to abide the Determination of the said Court. A. D. 1768.

III. *AND be it further Enacted, by the Authority aforesaid*, That on an Information being made to any Magistrate in this Province, of any Person or Persons, knowingly, entertaining in or about his House or Plantation, or suffering to reside on their Land, such loose or disorderly Person, that it shall and may be lawful for such Magistrate to issue his Warrant against such Offender, directed to any lawful Officer within the County, commanding him to take the Body of such Offender or Offenders, and to bring him or them before him, or some other Magistrate of the County; and further, command the said Officer to summon such Witness or Witnesses as may be thought necessary for the Conviction of such Offender: And on hearing and examining such Person or Persons, and the Witnesses so summoned, he shall, if it be requisite, bind such Person or Persons to appear at the next Superior Court of the District, there to abide the Judgment of the said Court; and he is likewise impowered and required to bind any Witness or Witnesses he may think necessary to such Person or Persons Conviction, to appear and give Testimony against him or them at the said Court; which Court, in Case of the Conviction of such Offender, shall proceed against him or them according to Law. Proceedings on Information against any Person harbouring them.

CHAP. XIV.

An Act for destroying Crows and Squirrels in the several Counties therein mentioned. EXP.

CHAP. XV.

An Act to impower the Justices of Currituck *County to build a Prison, Pillory, and Stocks, in the said County, on the Lot whereon the Court-House now stands, for the Use of the said County.*

I. WHEREAS the Prison in the County of *Currituck* is in great Decay, and in so ruinous a Condition, that the Prisoners cannot be held or detained therein: Therefore, Preamble.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That *Joshua Campbell*, *John Woodhouse*, and *William Mackey*, are hereby appointed Commissioners; and they, or the Majority of them, shall and may, and they are hereby required, within Six Months after the passing of this Act, to agree and contract with Workmen for the building and erecting a new Prison, Pillory, and Stocks, in and for the Uses of the County aforesaid. Commissioners appointed for building a Gaol.

III. *AND be it further Enacted, by the Authority aforesaid*, That the said Commissioners, or the Majority of them, are hereby impowered to sell the old Prison; and the Money therefrom arising, to be expended and laid out towards the erecting the aforesaid Building, for the Use of the County aforesaid. Impowered to sell the old Court House.

IV. *AND be it further Enacted, by the Authority aforesaid*, That a Poll-Tax of Two Shillings be levied on each taxable Person in the said County, for Three Years next ensuing; which Tax shall be collected by the Sheriff of the said County, in the same Manner, and at the same Times, as Public Taxes are by Law directed to be collected, and by him accounted for and paid to the said Commissioners, or the Majority of them; and shall by them be applied to defray and pay for the building and erecting the said Prison, Pillory, and Stocks. Tax laid.

V. *AND be it further Enacted, by the Authority aforesaid*, That the said Commissioners, after the Building aforesaid shall be erected, built, and finished, shall render an Account of the Monies by them received by Virtue of this Act, together with that of their Disbursements, to the County Court of *Currituck*; and the Overplus (if any) to be applied towards lessening the County Tax. Commissioners to account for the Tax.

VI. *AND be it further Enacted, by the Authority aforesaid*, That all and every Act and Acts, Clause and Clauses, Article and Articles thereof, for any Matter or Thing within the Purview of this Act, shall henceforth be repealed and made void. Repealing Clause.

A. D. 1768.

CHAP. XVI.

An Act for appointing an Inſpector for the Great Iſland, *oppoſite* Wilmington, *in* Brunſwick *County.*

Preamble.

I. WHEREAS great Quantities of Naval Stores, and other Merchandize, which require Inſpection, are landed on, and ſhipped from the *Great Iſland*, oppoſite *Wilmington*, known by the Name of *Eagle's Iſland*; and it is very inconvenient for the Inſpector of *Brunſwick* County, from the great Diſtance of his Reſidence, to attend the Inſpection thereof:

Inſpector to be appointed.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Inferior Court of *Brunſwick* County are hereby authorized and required, at the next Court to be held for ſaid County after the paſſing of this Act, and in each ſucceeding Year, at the Time already appointed by Law, to chooſe a fit and proper Perſon to be an Inſpector for the ſaid Iſland, called *Eagle's Iſland*; under the ſame Rules and Regulations, and ſubject to the ſame Penalties, as other Inſpectors appointed in this Province are liable to; who ſhall have and receive, for all Commodities inſpected by him, the ſame Fees which other Inſpectors are by Law intitled to for the like Services.

Remedy in Caſe of his Non-Attendance.

III. *AND be it further Enacted, by the Authority aforeſaid,* That in Caſe the Inſpector to be appointed by this Act ſhould abſent himſelf from, or not punctually attend the Duties of his Office, it ſhall and may be lawful for any Perſon or Perſons, having Commodities to inſpect, to apply to the neareſt Inſpector appointed by Law, in that or any other County; who is hereby impowered and required to inſpect the ſame; and who ſhall have for his Trouble, the ſame Fees which the Inſpector to be appointed by this Act would in that Caſe be intitled to receive.

CHAP. XVII.

An Act for eſtabliſhing the Veſtry elected for the Pariſh of St. Stephen, *in* Johnſton *County.*

Preamble.

I. WHEREAS the Sheriff of *Johnſton* County neglected to ſummons the Perſons elected Veſtrymen for the Pariſh of St. *Stephen*, in the ſaid County, on Eaſter Monday laſt, to appear and qualify themſelves within the Time by Law limited; and altho' the Perſons ſo elected did qualify themſelves, and proceed to parochial Buſineſs, yet ſome Diſputes are likely to ariſe in Regard to the Legality of their Proceedings:

Veſtry eſtabliſhed.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Veſtry elected on Eaſter Monday laſt, for the Pariſh of St. *Stephen*, in *Johnſton* County, be, and is hereby eſtabliſhed a legal Veſtry; and the Qualification of the Members of the ſaid Veſtry, and all their Acts, Orders, and Proceedings, are hereby declared to be as good and valid, to all Intents and Purpoſes, as the Acts, Orders, and Proceedings of any other Veſtry.

CHAP. XVIII.

An Act for defraying the contingent Charges of Government. (a)

Preamble.

I. WHEREAS the ſeveral Taxes heretofore laid, for defraying the contingent Charges of Government, have ceaſed; and it being neceſſary that a Fund be eſtabliſhed for that Purpoſe:

Tax laid for Contingencies.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That a Poll-Tax of Two Shillings be levied on each taxable Perſon in this Province, from and immediately after the Ratification of this Act, for and during the Term of Three Years; which Tax ſhall, by the ſeveral Sheriffs be collected, accounted for, and paid to the public Treaſurers in the ſame Manner, and under the ſame Rules, Reſtrictions, and Penalties, as other Taxes are by Law to be accounted for and paid.

Appropriated.

III. *AND be it further Enacted,* That the Monies to be raiſed and paid into the Treaſury in Virtue of this Act, ſhall, by the public Treaſurers reſpectively, be applied towards paying the Claims, Wages, and other Allowances made by the General Aſſembly of this Province.

CHAP. XIX.

An Act to continue the Acts therein mentioned, for appointing a Militia. EXP.

CHAP.

(a) This Act amended, and further continued, by Act Dec. 1770, Chap. 37.

CHAP. XX.

A. D. 1768.

An Act to amend an Act, intituled, An Act to encourage Perſons to ſettle in the Town of *Brunſwick*, on the *Southweſt* Side of *Cape-Fear* River.

Preamble.

I. WHEREAS the Commiſſioners of the Town of *Brunſwick*, in the County of *Brunſwick*, are moſtly dead or removed out of the ſaid Town; and thoſe few who are ſtill living, and are Reſidents therein, have neglected to appoint others in the Room of ſuch Commiſſioners ſo dead or removed:

Commiſſioners to be choſen.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That from and after the paſſing of this Act, ſuch of the Inhabitants of the ſaid Town of *Brunſwick* as are intitled to vote for a Repreſentative to ſit and vote in the General Aſſembly of this Province, are hereby authorized, impowered, and required, to meet, annually, at the Court Houſe in the ſaid Town, on the Firſt Tueſday of *May* next, and on the Firſt Tueſday of *May* in each ſucceeding Year, to chooſe Three Commiſſioners for the ſaid Town, to ſerve for one Year; and the ſaid Commiſſioners, or the Majority of them, or the Survivors of them ſo choſen, are hereby veſted with, and declared to have the ſame Powers and Authorities that any Commiſſioners of the ſaid Town have heretofore had, uſed, exerciſed, or enjoyed, by Virtue of an Act of Aſſembly, intituled, *An Act to encourage Perſons to ſettle in the Town of* Brunſwick, *on the* Southweſt *Side of* Cape-Fear *River*; and further, the Commiſſioners of the ſaid Town are hereby authorized and impowered, to lay out Alleys, Streets, and Squares, in and through any Part of the ſaid Town, which may be for the Intereſt and Convenience of the Inhabitants thereof.

Repealing Clauſe.

III. *AND be it further Enacted, by the Authority aforeſaid,* That every Clauſe and Part of the Act, intituled, *An Act to encourage Perſons to ſettle in the Town of* Brunſwick, *on the* Southweſt *Side of* Cape-Fear *River*, within the Purview of this Act, be, and is hereby henceforth repealed and made void.

CHAP. XXI.

An Act for erecting in the Town of Saliſbury, *a public Gaol, Pillory, and Stocks, for the Diſtrict of* Saliſbury, *in this Province.* (a)

Preamble.

I. WHEREAS the Gaol formerly erected for the Diſtrict of *Saliſbury*, is found inſufficient to ſecure the many Felons, and other Priſoners committed thereto; by which Means Numbers of looſe and diſorderly Perſons are daily commiting the moſt attrocious Crimes with Impunity: For Remedy whereof,

Truſtees appointed for building a Gaol.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing of this Act, *John Frohock, Mathew Lock,* and *John Dunn*, ſhall be, and they are hereby appointed and conſtituted Truſtees, to deſign, contract for, and cauſe to be built and finiſhed, a ſubſtantial and ſufficient Gaol, of ſuch Dimenſions and Materials, and on ſuch Part of the Lot as was granted by the Truſtees of the ſaid Town of *Saliſbury* for that Purpoſe, whereon the Gaol now ſtands, as to them, or the Majority of them, ſhall ſeem moſt proper and convenient; which Gaol ſo erected, ſhall be and remain the public Gaol of the County of *Rowan*, and Diſtrict of *Saliſbury*.

Truſtees altered, by Act November 1771, Chap. 16.

Tax laid for it.

III. *AND be it further Enacted, by the Authority aforeſaid,* That a Poll-Tax of One Shilling ſhall be laid on each taxable Perſon within the County of *Rowan*; and Eight Pence on each taxable Perſon within the Counties of *Mecklenburg* and *Anſon*, annually, for the Term of Two Years, next after the paſſing of this Act: Which ſaid reſpective Tax ſhall, by the Sheriff of each of the ſaid Counties for the Time being, be collected in the ſame Manner, and under the ſame Penalties, for the Non-Payment thereof, as is directed by Law for the collecting other public Taxes; and the Monies ariſing therefrom, ſhall be paid by the ſaid Sheriffs, reſpectively, to the Truſtees in this Act named; to be by them, or the Majority of them as aforeſaid, applied towards diſcharging the Contracts they ſhall enter into for the Buildings in this Act directed.

Other Monies appropriated for it.

IV. AND whereas by an Act of Aſſembly paſſed at *Wilmington*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-four, intituled, *An Act for laying a Tax on the Inhabitants of the ſeveral Counties of the Diſtrict of* Saliſbury *Superior Court, to repair the public Gaol thereof*, a Poll-Tax was levied on the Taxables in the ſeveral Counties of *Rowan*, *Mecklenburg*, and *Anſon*, for repairing the Gaol, erecting a Wall round the ſame, and building a Gaoler's Houſe; which Act has not been carried into Execution: *Be it therefore Enacted, by the Authority aforeſaid,* That the Tax collected and unapplied to the Purpoſes in that Act mentioned, ſhall be paid into the Hands of the ſaid *John Frohock, Mathew Lock,* and *John Dunn*, or the Majority of them; to be by them applied towards the Building in this Act directed: And the Priſon now belonging to the ſaid Diſtrict, is hereby veſted in the ſaid *John Frohock, Mathew Lock,* and *John Dunn*; to be by them, or the Majority of them, ſold; and the Money ariſing from the Sale thereof, to be by them alſo applied to the Purpoſes in this Act mentioned; and if the Money ariſing by Virtue of this Act, and the before-mentioned Act, ſhall be

(a) See Act Nov. 1771, Chap. 16, for amending this Act.

A. D. 1768.

more than ſufficient to compleat the Buildings herein directed, the Surplus thereof ſhall, by the Truſtees, be paid to the Court of each County above-mentioned, in Proportion to the Sum collected from each County; and paid by the Sheriffs to the ſaid Truſtees; and by the Juſtices of the ſaid Courts to be applied towards defraying the contingent Charges of their County.

Tax how recovered from Sheriffs.

V. *AND be it further Enacted, by the Authority aforeſaid,* That if any Sheriff, chargeable with any of the Taxes by this Act aſſeſſed, ſhall neglect or refuſe to account for and pay unto the Truſtees in this Act named, the whole Sum he ſhall be chargeable with in Virtue of this Act, after deducting the uſual Commiſſions for collecting, and ſuch Inſolvents as ſhall be allowed by the Court of his County, the ſaid *John Frohock*, *Mathew Lock*, and *John Dunn*, or the Majority of them, ſhall have the ſame Method of proceeding againſt ſuch Sheriff, by Motion, as is by Law given againſt Sheriffs for not accounting for other public Monies by them received; and ſuch Proceedings ſhall be good and valid in Law, in any Court of Record within this Province, Reſpect being had to the Juriſdiction of ſuch Court.

Criminals to be committed to Gaol.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That after ſuch Buildings ſhall be made as aforeſaid, when any Perſon or Perſons within the Diſtrict of *Saliſbury*, ſhall be apprehended for any criminal Offence, that on Conviction thereof would incur the Loſs of Life or Member, it ſhall and may be lawful for any Juſtice of the Peace in any County within the Diſtrict aforeſaid, before whom an Examination of ſuch Criminal ſhall be had, if ſaid Juſtice ſhall think it neceſſary, to commit ſuch Criminal to the aforeſaid Gaol: And the Sheriff of the County wherein ſuch Criminal ſhall be, is hereby directed and ordered to convey ſuch Criminal to the ſaid Gaol, and deliver him or them to the Sheriff or Keeper thereof, and take a Receipt for ſuch Priſoner or Priſoners from the ſaid Sheriff or Keeper; who are hereby directed and required to receive ſuch Criminal, and give ſuch Receipt; which ſhall be his Diſcharge for ſuch Criminal or Criminals.

Where they are unable to pay Fees, to be paid by the Public.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That all incident Charges attending the Commitment and Keeping of ſuch Criminal or Criminals, ſhall, if ſuch Criminal or Criminals have not ſufficient Eſtate to ſatisfy the ſame, be paid by the Public.

Truſtees to finiſh the Gaol, and lay an Account of their Proceedings before the Court.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That the Truſtees in this Act named, ſhall immediately proceed to the Diſcharge of the Truſt by this Act repoſed in them; and ſhall cauſe the ſaid Buildings to be finiſhed within One Year from the paſſing this Act, at fartheſt; and on the Expiration of that Term, they ſhall render, upon Oath, a true State of their Proceedings; with an Account of all Monies as they ſhall receive by Virtue of this Act, and the Sums paid by them on Account of the ſaid Buildings, before the Inferior Court of *Rowan* County, for their Approbation.

CHAP. XXII.

An Act to continue an Act, intituled, An Act for enlarging the Time allowed for ſaving Lots in the Town of *Hertford*, and other Purpoſes; *and to eſtabliſh a Ferry from the Town of* Hertford, *on the* Weſt *Side of* Perquimons *River*, *to* Newby's *Point*, *on the* Eaſt *Side of the ſaid River.*

Private.

I. WHEREAS by an Act of Aſſembly paſſed at *Newbern*, in the Third Year of the Reign of his preſent Majeſty, intituled, *An Act for enlarging the Time allowed for ſaving of Lots in the Town of* Hertford, *and other Purpoſes*, among other Things, it is provided, that the Grantee of every Lot in the ſaid Town ſhall, within Five Years, erect and finiſh a Houſe of the Dimenſions ſpecified in an Act of Aſſembly paſſed in the Thirty ſecond Year of the Reign of his Majeſty King George the Second, intituled, *An Act for eſtabliſhing a Town on the Land of* Jonathan Phelp's, *of* Perquimons *County*; which Term of Five Years is now expired, and many of the Lots in the ſaid Town of *Hertford* not ſaved agreeable to the before recited Act.

Saved Lots veſted in the Grantee.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That every Lot in the ſaid Town of *Hertford*, on which a Houſe ſhall be erected and built, of the Dimenſions mentioned in the ſaid recited Act, within the Space of Three Years after the Date of the Conveyance made for the ſame, ſhall be, and are hereby declared to be veſted in the Grantee thereof, in Fee-ſimple; any Thing in either of the aforeſaid Acts to the contrary notwithſtanding.

Directors appointed.

III. AND whereas ſeveral of the Directors of the ſaid Town are dead or removed, whereby their Offices are become vacant; *Be it therefore Enacted, by the Authority aforeſaid,* That from and after the paſſing of this act, *John Harvey*, *John Clayton*, *Seth Sumner*, *William Skinner*, and *Francis Nixon*, be, and are hereby appointed Directors of the ſaid Town; and may uſe and exerciſe the ſame Powers and Authorities, as the Directors appointed by the before recited Act could or might have exerciſed, uſed or enjoyed, by Virtue of the ſame: And in Caſe of the Death, Refuſal to act, or Removal out of the County of ——— of any of the ſaid Directors, the ſurviving or other Directors, or the Majority of them, ſhall, and they are hereby impowered and required, to chooſe another Director or Directors, in the Room of him or them ſo dying, refuſing to act, or removing out of the County, agreeable to the Directions of the ſaid Act.

IV. AND

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Free Ferry appointed.

IV. AND whereas the Court-houſe in *Perquimons* County, is ſituated in the Town of *Hertford*, on the *Weſt* Side of *Perquimons* River; and the Inhabitants on the *Eaſt* Side of the ſaid River, are obliged to attend at the ſaid Court-houſe during the Sitting of the Inferior Court, at the Election of Members of the Aſſembly, and Veſtrymen, General Muſters, and Court-Martials, of the ſaid County; and the Act of Aſſembly heretofore made for defraying the Expence of ſuch Ferriage, will expire at the End of this preſent Seſſion of Aſſembly: *Be it therefore Enacted, by the Authority aforeſaid*, That the Inferior Court of the ſaid County of *Perquimons*, are hereby authorized, impowered and required, at the next Court to be held after the Firſt Day of *May*, yearly, to lay a Tax, not exceeding Three Pence Proclamation Money, on each taxable Perſon in the ſaid County; to be collected and accounted for with the Inferior Court of the ſaid County, by the Sheriff of the ſaid County, in the ſame Manner, and under the like Regulations and Reſtrictions, as other Taxes of the ſaid County are to be collected and accounted for; and to be by the ſaid Court applied and appropriated as a Premium or Reward to the ſeveral Ferrymen now appointed, or hereafter to be appointed by the Court of the ſaid County, to keep a Ferry from *Hertford* to *Newby*'s Point, and from *Newby*'s Point to *Hertford*; for which they ſhall, and are hereby obliged, to ſet over, Ferriage free, all Perſons reſident in the ſaid County, going to, and returning from, the Court or Veſtry of the ſaid County, Elections of Burgeſſes and Veſtrymen, Muſters and Court Martials, of the ſaid County.

Allowance to Ferrymen.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Inferior Court of the ſaid County are hereby authorized, impowered, and required, out of the Monies ariſing by the Tax ſo laid and collected as aforeſaid, yearly, and every Year, to allow and pay to the ſeveral Ferrymen attending at the Ferry aforeſaid, ſuch Sums of Money as they ſhall think reaſonable, for their Trouble in tranſporting all Perſons who ſhall or may have Occaſion to attend the ſaid Court-Houſe, on the Days and Times aforeſaid.

Perſons to be Ferry free.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Ferrymen that now are appointed, or ſhall hereafter be appointed, by the Court of the ſaid County to keep a Ferry at *Hertford* and *Newby*'s Point, are hereby required to ferry over the ſaid River, free of any Expence, all Perſons reſident in the ſaid County, during the Sitting of the Inferior Court, and Veſtry of the ſaid County; and alſo, all Perſons whatever on the Days of Election of Members of Aſſembly, or Veſtrymen; and alſo, all Perſons going to, and returning from, the Muſters or Court Martials of the ſaid County; under the Penalty of forfeiting and paying the Sum of Ten Shillings, Proclamation Money, for each Neglect or Refuſal; to be recovered by a Warrant, on Proof made before any Magiſtrate of the ſaid County.

Ferry-Keepers to give Bond.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſaid Court to take Bond and Security of the ſaid Ferry Keepers, in the Sum of Twenty Pounds, Proclamation Money, for their due and faithful Performance of the aboveſaid Act; and that all Fines becoming due by Virtue of this Act, ſhall be paid to the Juſtices of the ſaid Court; to be by them applied towards defraying the Charges of the County.

Continuance of the Act.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Term of Seven Years, from and after the paſſing thereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. XXIII.

An Act to amend an Act, intituled, An Act for the Regulation of the Town of *Wilmington*. EXP.

CHAP. XXIV.

An Act for laying out a Public Road from the Frontiers of this Province, through the Counties of Mecklenburg, Rowan, Anſon, *and* Bladen, *to* Wilmington *and* Brunſwick.

Private.

I. WHEREAS a public Road from the Frontiers of this Province through the Counties of *Mecklenburg*, *Rowan*, *Anſon*, and *Bladen*, to *Wilmington* and *Brunſwick*, would be of great Utility and Advantage to the Inhabitants of the Weſtern Part of this Province, and others, and would tend much to the Advancement of Trade and Commerce:

Commiſſioners appointed to lay out a Road.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Martin Phifer*, *John Polk*, *John Frohock*, *Griffith Rutherford*, *Charles Medlock*, *John Collſon*, *Hugh Waddell*, *Archibald M'Kiſick*, and *Robert Johnſton*, be, and are hereby appointed Commiſſioners for laying out the ſaid Road; and they, or the Majority of them, are hereby authorized and directed, within Six Months next after the paſſing this Act, to lay, mark, or ſtake out, or cauſe to be laid, marked, or ſtaked out, a public Road from the Frontiers of the ſaid Province through the ſaid Counties of *Mecklenburg*, *Rowan*, *Anſon*, and *Bladen*, the neareſt and beſt Way to *Wilmington* and *Brunſwick*; and the ſaid Commiſſioners, or a Majority of them, after having marked, ſtaked, and laid out the ſaid Road,

A. D. 1768. Road, ſhall, and are hereby impowered and directed, to make an accurate Plan thereof; and the ſame to return, with an Account of their Proceedings, to the next Inferior Court of Pleas and Quarter Seſſions to be thereafter reſpectively held for the Counties aforeſaid; and the Juſtices of the ſaid reſpective Courts are hereby directed to receive the ſame, and are thereupon ordered and authorized to appoint ſo many Overſeers of the ſaid Road within their reſpective Counties, as to the ſaid Juſtices ſhall, from Time to Time, appear convenient and neceſſary; and the ſaid Overſeers, and the Inhabitants of the ſaid Counties, reſpectively, being contiguous to the ſaid Road, ſhall be ſubject to open, clear, and work on the ſame, ſo to be marked, ſtaked, and laid out as aforeſaid; under the ſame Regulations, and ſhall be liable to the ſame Fines and Penalties, preſcribed and inflicted on Delinquents, by an Act of Aſſembly, intituled, *An Act to impower the Inferior Courts of the ſeveral Counties in this Province to order the laying out of public Roads, and eſtabliſh and ſettle Ferries; and to appoint where Bridges ſhall be built, for the Uſe and Eaſe of the Inhabitants of this Province, and to clear navigable Rivers and Creeks.*

CHAP. XXV.

An Act for annexing Part of Northampton *County to the County of* Bute.

Private. I. WHEREAS the Inhabitants of the upper or weſtermoſt Corner of *Northampton* County labour under great Inconveniencies, in attending the Courts, and other public Meetings, of the ſaid County, at the Court-Houſe thereof; and being more convenient for thoſe Purpoſes to the County of *Bute*, are deſirous of being annexed thereto:

County divided. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Thomas Eaton*, *Willie Jones*, and *Benjamin Perſon*, Eſquires, be, and are hereby appointed Commiſſioners; and they, or the Majority of them, are required and directed, within Three Months after the paſſing of this Act, to run and mark (or cauſe the ſame to be done) a Line from *Roanoke* River Bank, oppoſite the Mouth of *Stone Houſe* Creek, a due North Courſe to the dividing Line between this Province and the Colony of *Virginia*; and all that Part bounded to the Eaſtward, by the Line above directed to be marked, and to the Northward by the *Virginia* Line, to where it croſſes *Roanoke* River, ſhall be, and is hereby annexed to, and made Part of the County of *Bute*; and the Inhabitants thereof ſhall be ſubject and liable to the ſame Rules, Orders, Taxes, and Privileges, as any other of the Inhabitants of the ſaid County of *Bute*.

Not to hinder the Sheriff for diſtraining for Taxes, as before the Diviſion. III. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to hinder the Sheriff of the County of *Northampton* from collecting or diſtraining for any Taxes, or Arrears of Taxes now due, and which he, as Sheriff of *Northampton*, is or may be accountable for, from any Inhabitants within the Bounds above deſcribed.

CHAP. XXVI.

An Act for eſtabliſhing a Town on the Land of William Gray, *on* Cuſhie *River, in* Bertie *County*.

Private. I. WHEREAS it hath been repreſented to this Aſſembly that the Land of *William Gray*, lying on the South Side of *Cuſhie* River, at a Place known by the Name of *Gray*'s Landing, in *Bertie* County, is a pleaſant and healthy Situation, and commodious for Trade and Commerce; and the ſaid *William Gray* having acknowledged his free Conſent to have One Hundred Acres of the ſaid Land laid off for a Town, which will greatly promote the Trade and Navigation of the ſaid River:

Windſor erected. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid One Hundred Acres of Land, beginning at a Stake by a ſmall Branch on the River Side, and running thence North Forty Two Degrees Weſt One Hundred and Sixty Eight Poles; then North Twenty One Degrees Eaſt Forty Poles; then North Sixty Five Degrees Eaſt One Hundred and Twenty Two Poles, to the Centre of a Hickory, White Oak, and Maple, on the ſaid River Side; and then down the Meanders of the ſaid River to the Beginning; laid off in Lots and Streets, with Part thereof for a Common, according to a Plan laid before this Aſſembly, be, and the ſame is hereby conſtituted, erected, and eſtabliſhed a Town, and ſhall be called by the Name of *Windſor*.

Directors appointed. III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *Cullen Pollock*, and *John Dawſon*, Eſquires, *Thomas Ballard*, *William Williams*, and *David Stanley*, Gentlemen, 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-Simple, of and in the ſaid One Hundred Acres of Land, laid off as aforeſaid, to and for the Uſes, Intents, and Purpoſes, hereby expreſſed and declared; except Four Lots, known and deſcribed in the aforeſaid Plan by their reſpective Numbers Eleven, Twelve, Eighty Four, and Eighty Six, which are hereby reſerved, to the only Uſe and Behoof of the ſaid *William Gray*, his Heirs and Aſſigns, for ever: And the ſaid Directors, or any Three of them, ſhall have full Power and Authority to meet as often as they ſhall think neceſſary; and to appoint a public Quay, at ſuch Place on the ſaid River, within the Bounds of the ſaid Town, for a public Landing, as to them ſhall ſeem meet.

IV. AND

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IV. AND whereas Subſcriptions have already been made for the greateſt Part of the Lots laid off in the ſaid Town; *Be it Enacted, by the Authority aforeſaid,* That the ſaid Directors, or a Majority of them, within Six Months after the paſſing of this Act, 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 the Direction, and in the Preſence of a Majority of the ſaid Directors at leaſt; and each Subſcriber ſhall be intitled 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 ſaid Town: And the ſaid Directors, 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, for ever; and alſo to every other Perſon and Perſons who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the proper Coſts and Charges of the Grantee or Grantees to whom the ſame ſhall be conveyed; and every Perſon claiming any Lot or Lots in the ſaid Town by Virtue of any ſuch Conveyance, ſhall and may hold and enjoy the ſame in Fee-Simple.

Lots to be drawn for.

V. *PROVIDED nevertheleſs,* That the Grantee or Grantees of any Lot or Lots in the ſaid Town ſo conveyed, ſhall, within Three Years next after the Date of the Conveyance for the ſame, erect, build, and finiſh, on each Lot ſo conveyed, one well framed or Brick Houſe, Sixteen Feet ſquare at the leaſt, and Ten Feet Pitch in the Clear, or proportionable to ſuch Dimenſions, if ſuch Grantee or Grantees ſhall have two or more Lots contiguous: And if the Owner of any Lot in the ſaid Town ſhall fail to purſue or comply with the Directions by this Act preſcribed, for building and finiſhing a Houſe thereon, then ſuch Lot upon which ſuch Houſe ſhall not be built and finiſhed in Manner aforeſaid, ſhall be reveſted in the ſaid Directors; and the ſaid Directors, or the Majority of them, may, and are hereby impowered and authorized, to ſell ſuch Lot for the beſt Price that may be had, to any other Perſon or Perſons applying for the ſame, in ſuch Manner, and under ſuch Reſtrictions, as they could or might have done if ſuch Lot had not before been ſold or granted.

When to be ſaved.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That the reſpective Subſcribers for the ſaid Lots 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 the Sum of Forty Five Shillings, Proclamation Money, 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 Directors ſhall and may commence a Suit for the ſame, in their own Names, and therein ſhall recover Judgment, with Coſts.

Price to the Proprietors.

VII. *AND be it further Enacted,* That all Monies which ſhall ariſe by a Diſpoſal of the ſaid Lots, granted by the ſaid Directors and their Succeſſors, in Execution of this Act, ſhall be received by the ſaid Directors; and after their reaſonable Charges and Expences are deducted, ſhall be by them paid to the ſaid *William Gray*, his Executors, Adminiſtrators, or Aſſigns.

Monies appropriated.

VIII. AND for continuing the Succeſſion of the ſaid Directors, until the ſaid Town ſhall be incorporated, *Be it further Enacted, by the Authority aforeſaid,* That in Caſe of Death, Refuſal to act, or Removal out of the Country of any of the ſaid Directors, the ſurviving or other Directors, or the Majority of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument in Writing, under their reſpective Hands and Seals, to 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 Country; which new Directors, ſo nominated and appointed, ſhall, from thenceforth, have the ſame Power and Authority, in all Things concerning the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act.

Directors continued.

CHAP. XXVII.

An Act for vacating the Title of certain Perſons to Three Hundred Acres of Land, ſituate on the lower Part of Cape Fear, *and adjoining Fort* Johnſton; *and for reveſting the ſame in the Crown, for his Majeſty's Service, and the Benefit of the ſaid Fort and Garriſon.*

Private.

I. WHEREAS by an Act of the General Aſſembly, paſſed at *Newbern*, on the Twentieth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Forty Five, intitled, *An Act for erecting a Fortification on the lower Part of* Cape Fear *River, for applying thereto the Powder Money already ariſen, or which ſhall ariſe, by Shipping coming into the Port of* Brunſwick; certain Commiſſioners were appointed, a Majority of whom were, by ſaid Act, inveſted with full Power and Authority to erect and build a Fort or Battery in ſuch Place on the lower Part of *Cape Fear* River, as to them ſhould ſeem moſt convenient, for the Defence of the ſaid River; in Virtue whereof, a Place for erecting a Fort was agreed on by the ſaid Commiſſioners, and a Fortification, by the Name of Fort *Johnſton*, was raiſed, and hitherto has been guarded and maintained at a conſiderable Charge and Expence to the Public; and the Neceſſity of guarding and maintaining of the ſaid Fort ſtill continuing for his Majeſty's Service, and the Defence of this Province: And whereas a Patent for Part of the Land adjoining thereto has been ſurreptitiouſly, and without the due Knowledge and Information of the Officers of the Crown granting the ſame, obtained: And whereas from the Nature of its Situation it is abſolutely neceſſary, for the Safety and Security of ſaid Fort and Garriſon, as well as for the repairing and maintaining of the ſame, that Three Hundred Acres of the ſaid Land, adjoining the ſaid Fort, bounded as follows; beginning at a Bridge the Mouth of *Bennet*'s Creek, running North

A. D. 1768. North Sixty Seven Degrees Weſt, Three Hundred and Thirty Two Poles, to a Creek called *Juda's* Creek, running down the various Courſes of the ſaid Creek to where it empties itſelf into a Creek, called the *Dutchman's* Creek; thence down the ſaid Creek to the Mouth thereof, in *Cape Fear*; then up *Cape Fear* River to the Beginning, including Fort *Johnſton*, and containing Three Hundred Acres, more or leſs; ſhould be reveſted in the Crown, and remain for his Majeſty's Service, towards repairing and maintaining of the ſaid Fort, and the Uſe of the ſaid Garriſon, for ever.

Title to Lands vacated.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That for ſo much Land as is contained within the Limits by this Act ſpecified, each and every Patent or Deed heretofore made or executed, ſo far as relates to the Land above ſpecified, is hereby declared to be null and void, and of no Force, Validity, or Effect whatſoever; but that the abſolute Right and Fee-Simple of ſaid Three Hundred Acres of Land, be and remain in his Majeſty, his Heirs and Succeſſors, for ever, for and towards the repairing of ſaid Fort; and to ſuch other Uſes and Purpoſes as his Majeſty ſhall direct.

To be valued by a Jury, and the Proprietor paid.

III. AND that equal Right and Juſtice may be done to the Patentees, their, and each of their Heirs and Aſſigns; *Be it Enacted, by the Authority aforeſaid,* That a Jury of Twelve Freeholders, within the County of *Brunſwick*, be appointed by the Juſtices of the Inferior Court of the ſaid County, at the next Court to be held for ſaid County after the Firſt Day of *March* next; which Jury ſhall be ſummoned by the Sheriff of ſaid County, to view the afore mentioned Lands and Premiſes, at ſome Day between that and the then next ſucceeding Court for ſaid County; and ſhall take an Oath before ſome Juſtice of the Peace for the ſaid County (who is hereby authorized to adminiſter the ſame) to value and appraiſe the ſaid Three Hundred Acres of Land and Improvements, and make Return of ſuch Valuation and Appraiſement, and the Names of Perſons claiming the ſame, under their Hands and Seals, to the next ſucceeding Court for the ſaid County; which ſaid Valuation Money the Public Treaſurer of the Southern Diſtrict is required to pay to the firſt Patentees, or their legal Repreſentatives, and to take one or more Receipt or Receipts for the ſame; which, with the Valuation returned by the Jury as aforeſaid, ſhall be recorded among the Records of the ſaid Inferior Court of *Brunſwick* County, and be regiſtered in the Regiſter's Office of the ſaid County; which Inqueſt ſo taken and returned ſhall, and is hereby declared to be a perpetual Bar to the Claim, Right or Title, of any Subject whatſoever, to the ſaid Three Hundred Acres of Land and Premiſes.

Jurors to be ſummoned.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Sheriff of *Brunſwick* County ſhall ſummons the Jurors appointed by the Inferior Court of the ſaid County, for the Purpoſes in this Act directed, at leaſt Five Days before the Day appointed for valuing and appraiſing the ſaid Land and Premiſes: And every Juror being ſo ſummoned, and failing to attend and take ſuch View of, and value and appraiſe ſuch Land and Premiſes, ſhall be fined by the ſaid Inferior Court of *Brunſwick*, for each Neglect, Three Pounds, Proclamation Money; to be levied as other Fines ſet on Jurymen, and applied to the Uſe of the ſaid County of *Brunſwick*; unleſs the Perſon fined ſhall, on Oath, ſhew to the next Court ſufficient Reaſon for ſuch Failure or Neglect.

SIGNED by

WILLIAM TRYON, Eq; Governor
James Haſell, Preſident.
John Harvey, Speaker.

ANNO

A. D. 1768.

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

NONO.

At an ASSEMBLY, begun and held at *Newbern*, the Third Day of *November*, in the Seventh Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thouſand Seven Hundred and Sixty Six; and from thence continued, by Prorogation, to the Seventh Day of *November*, in the Year of Lord One Thouſand Seven Hundred and Sixty-Eight: Being the Third Seſſion of this preſent Aſſembly. WILLIAM TRYON, Eſq; Governor.

CHAP. I.

An Act, to amend and explain an Act, intituled, An Act for eſtabliſhing an Orthodox Clergy.

I. WHEREAS by an Act of Aſſembly paſſed at *Newbern*, on the Third Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Sixty-five, intituled, *An Act, for eſtabliſhing an Orthodox Clergy*, it is among other Things, Enacted, That if any Clergyman, preſented to any parochial Living within this Province, ſhall be guilty of any groſs Crime, or notorious Immorality, it ſhall be lawful for the Governor or Commander in Chief for the Time being, by and with the Advice of his Majeſty's Council, to ſuſpend the ſaid Clergyman from ſerving the Cure of ſuch Pariſh whereof he was Incumbent; and that ſuch Suſpenſion ſhould be deemed good and valid, until ſuch Time as the Biſhop of *London* ſhall either reſtore or paſs Sentence of Deprivation on him. Preamble.

II. AND whereas no Proviſion is made in the afore-mentioned Act for ſupporting ſuch Clergyman as may be appointed to officiate during the Suſpenſion of any Miniſter from ſerving the Cure of ſuch Pariſh whereof he was incumbent; *Be it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the* On Suſpenſion of any Miniſter, Salary may be allowed the Miniſter officiating.

ſame,

A. D. 1768. *ſame*, That when the Incumbent of any Pariſh ſhall be ſo ſuſpended, that it ſhall and may be lawful for the Churchwardens and Veſtrymen of ſuch Pariſh, to allow any deſerving Miniſter appointed and received to officiate in ſuch Pariſh during the Suſpenſion of the Incumbent as aforeſaid, the whole or any reaſonable Part of the Proclamation Money, and of the Perquiſites, as ſuch Incumbent might or could have been allowed or intitled to in the ſaid Pariſh, if no ſuch Suſpenſion had happened; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

CHAP. II.

An Act to amend and continue an Act, intituled, An Act concerning of Veſtries.

Preamble. I. WHEREAS the ſaid Act of Aſſembly, paſſed at *Wilmington*, the Thirtieth Day of *January*, in the Fifth Year of his preſent Majeſty's Reign, was to continue and be in Force for and during the Term of Five Years, from and after the paſſing of the ſame, and no longer; which Term is now near expired; and it being found neceſſary, in order to make Proviſion for the Clergy, and for the taking Care of the Poor, and the due Management of parochial Affairs, that the ſame ſhould be amended and continued:

Where Veſtries have been elected and not qualified, other Veſtries to be elected. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That where there hath been an Election of Veſtrymen, and the Veſtrymen ſo elected have neglected or refuſed to qualify, agreeable to the before-mentioned Act, that the Freeholders of every ſuch Pariſh are hereby directed to meet at the uſual Place of electing Veſtrymen in every ſuch Pariſh, on Eaſter Monday, next after the paſſing of this Act; and then and there to chuſe and elect Twelve Freeholders to ſerve as Veſtrymen; which Veſtrymen ſo choſen, ſhall be ſummoned by the Sheriff, to appear and qualify, in the ſame Manner, and ſubject to the ſame Fines and Penalties, and be veſted with the ſame Powers and Authorities as other Veſtrymen are by the before recited Act; and the Veſtry ſo elected, ſhall ſerve until the next general Election of Veſtrymen, to be had on Eaſter Monday, in the Year of our Lord One Thouſand Seven Hundred and Seventy; any Thing in the before recited Act to the contrary notwithſtanding.

Pen. on Veſtrymen not qualifying. III. AND whereas by the before-mentioned Act, known Diſſenters from the Church of *England* only are ſubject to a Fine of Three Pounds, Proclamation Money, for neglecting or refuſing to qualify when choſen Veſtrymen, agreeable to the Directions of the ſaid Act; *Be it therefore Enacted, by the Authority aforeſaid*, That every Perſon hereafter choſen as a Veſtryman in any Pariſh, and ſummoned as by ſaid Act directed, and refuſing or neglecting to qualify agreeable to the Directions of the ſaid Act, ſhall forfeit and pay the Sum of Three Pounds, Proclamation Money; to be recovered and applied as other Fines in the aforeſaid Act directed.

Continuance of the Act. IV. *AND be it further Enacted, by the Authority aforeſaid*, That this and the afore-mentioned Act, ſhall continue and be in Force for and during the Term of Five Years, from and after the paſſing of this Act, and from thence to the End of the next Seſſion of Aſſembly; any Thing in the aforeſaid Act to the contrary notwithſtanding.

CHAP. III.

An Act for eſtabliſhing a Militia in this Province. (a)

I. WHEREAS a Militia may be neceſſary for the Defence and Safety of this Province:

II. *BE*

(a) See Act Dec. 1770, Chap. 4, for amending this Act.

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Militia eſtabliſhed.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all Freemen and Servants within this Province, between the Age of Sixteen and Sixty, ſhall compoſe the Militia thereof; and that the ſeveral Captains of the ſame ſhall enroll the Names of all ſuch Freemen and Servants of which their ſeveral Companies conſiſt; and ſhall, at their reſpective General Muſters, return a Copy thereof to the Colonel of their reſpective Regiments; under the Penalty of Five Pounds, Proclamation Money; to be levied by a Warrant of 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 Ten Shillings: And in Caſe any Sheriff ſhall neglect or refuſe to ſerve ſuch Warrant, he ſhall forfeit and pay the Sum of Five Pounds; to be recovered by Action of Debt, in any Court of Record, and be applied as herein after directed: Which Copy ſo returned, ſhall, by every Colonel, be returned to the Governor or Commander in Chief for the Time being; under the like Penalty: And that all Perſons, after being ſo enrolled, who ſhall at any Time (unleſs rendered incapable by Sickneſs or other Accident) neglect or refuſe, when called upon, to appear at ſuch Times and Places where ordered by the Colonel or Commanding Officer, there to be muſtered, trained, and exerciſed in Arms; and be provided with a well fixed Gun, ſhall forfeit and pay, if at a private Muſter, Five Shillings, if at a General Muſter, Ten Shillings; and ſhall alſo be provided with a Cartouch Box, Sword, Cutlaſs, or Hanger, and have at leaſt Nine Charges of Powder, made into Cartridges, and fizeable Bullets or Swan Shot, and Three ſpare Flints, a Worm and Picker; under the Penalty, if at a private Muſter, the Sum of Two Shillings and Six Pence, if at a General Muſter, Five Shillings; to be levied by a Warrant of Diſtreſs, from the Captain of the Company, directed to the Serjeant of the ſame; who is hereby impowered to execute the ſaid Warrant, and diſtrain for the ſaid Fines and Penalties, in the ſame Manner as Sheriffs are impowered to diſtrain for public Taxes, and ſhall make Return thereof to the Captain; which Serjeant ſhall deduct One Shilling and Four Pence, out of every Fine ſo levied: And in Caſe ſuch Serjeant or Serjeants ſhall neglect or refuſe to ſerve any Warrant or Warrants to him or them ſo directed, he or they for ſuch Neglect or Refuſal, ſhall be fined Twenty Shillings; to be recovered by a Warrant from the Captain, directed to any other Serjeant; under the ſame Penalty; to be accounted for, and applied as other Fines in this Act directed.

Pen. for not appearing at Muſters, properly accounted.

Proviſo, for Abſentees to make their Excuſe.

III. *PROVIDED always*, That every Abſentee ſhall be allowed till the next ſucceeding Muſter to make his Excuſe, before the Captain ſhall iſſue his Warrant; unleſs againſt ſuch Defaulters as he may ſuſpect are about removing themſelves out of the County before ſuch ſucceeding Muſter; in which Caſe it ſhall and may be lawful for the Captain to iſſue a Summons to cauſe ſuch ſuſpected Perſon to appear before him, to make his Excuſe for ſuch Abſence; and upon hearing the ſame, or upon the Perſons refuſing to obey ſuch Summons, the Captain ſhall then proceed as to him ſhall ſeem juſt: And every Perſon that ſhall be fined by Virtue of this Act, and ſhall think himſelf injured by his Officers, may appeal to the next Court Marſhal; firſt giving Security in the Sum of Twenty Shillings, Proclamation Money, to appear and abide by the Judgment of the ſaid Court; and if Judgment ſhall be againſt him, that he will then and there pay the Fine, with Two Shillings Coſt.

Right of Appeal.

Perſons exempt from muſtering.

IV. *PROVIDED alſo*, That no Member of his Majeſty's Council, no Member of the Aſſembly, no Miniſter of the Church of *England*, no *Preſbyterian* Miniſter regularly called to any Congregation in this Province, no Juſtice of the Superior Courts, Secretary, practiſing Attorney, no Man who has bore a military Commiſſion as high as that of a Captain, or commiſſioned Officer who has ſerved in the Army, no Juſtice of the Peace, no Clerk of the Court of Juſtice, practiſing Phyſician, Surgeon, Schoolmaſter, having the Tuition of Ten Scholars, Ferryman, Overſeer, having the Care of Six taxable Slaves, Inſpectors, public Millers, Coroners, Conſtables, Overſeers of public Roads, Searchers, or Branch Pilots, ſo

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long as they continue in Office, ſhall be obliged to inliſt themſelves, or appear at ſuch Muſters.

Pen on Overſeers appearing at Muſters.

V. *PROVIDED nevertheleſs*, That in Caſe any ſuch Overſeer, having the Care of Six taxable Slaves, ſhall be ſeen in the Muſter Field on the Days of general or private Muſters, they ſhall be liable to a Fine of Forty Shillings; to be levied by a Warrant from the Colonel or Commanding Officer, and applied as other Fines in this Act directed.

Perſons incapable of providing Arms exempt from the Pen and to be ſupplied out of the Fines.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if the Captain, Lieutenant, or 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, every ſuch Perſon ſhall be exempt from the Fines and Forfeitures impoſed by Virtue of this Act, until ſuch Arms, Ammunition, and Accoutrements, ſhall be provided for and delivered him by the Court Martial; to be paid for out of the Fines already collected, and that may hereafter be collected; ſuch Court Martial firſt taking Security for the ſafe-keeping, and returning ſuch Arms, Ammunition, and Accoutrements, when required.

Clerk, Serjeants, Corporals, and Drummer, to be appointed to every Company.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Captain of every Company within this Province, ſhall, and they are hereby required to chuſe a Clerk, three Serjeants, three Corporals, and a Drummer, for the ſaid Company: Which ſaid Clerk ſhall give his Attendance, with his Sword by his Side, on every

Clerk's Duty.

Muſter Day, and call over the Roll of the Company, and take Notice of the Perſons who are abſent on each of the ſaid Muſter Days; and return, upon Oath, a true Liſt of the Abſentees to his Captain; and ſhall alſo, before the Company proceed to their Exerciſe, read diſtinctly, and with an audible Voice, at the Head of his Company, this Act, and if the Clerk, Serjeants, or Corporals, or any of them ſo choſen, ſhall refuſe to act in the Office he is appointed to, he ſhall forfeit and pay the Sum of Forty Shillings.

In Caſe of Invaſion, Governor may raiſe the Militia.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe of any Inſurrection within this Province, or Invaſion, it ſhall and may be lawful for the Governor or Commander in Chief for the Time being, or any Field Officer by him directed, to raiſe all, or 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, Ammunitian, and Accoutrements as aforeſaid.

Pen. for neglecting to appear on Alarm given, or to march againſt the Enemy, &c.

IX. *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 or other Officer, ſhall forfeit and pay Ten Pounds, Proclamation Money; to be levied by a 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, Proclamation Money; to be recovered by Action of Debt, in any Court of Record in this Province: 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 ſuch Captain or other Officer; or ſhall quit his Poſt, deſert his Colours, or Mutiny, it ſhall and may be lawful for One Field Officer, or more, three Captains, three Lieutenants, and three Enſigns, or the Majority of them, openly to hold a Court Martial; firſt taking the following Oath:

Court Martial's Oath.

YOU ſhall ſwear, well and truly to try and determine, according to your Evidence, in the Matter now before you, between our Sovereign Lord the King, and the Priſoner to be tried. SO HELP YOU GOD.

AND

AND on Tryal and Conviction, to punish the Offender according to martial Law, as the Nature of the Offence may require (Death excepted) and for Want of such Number of Officers to compleat a Court Martial, the Offender shall be put under a Guard, until such Time as there are a sufficient Number to hold a Court Martial as aforesaid. *A. D.* 1768. To punish Offenders.

X. *AND be it further Enacted, by the Authority aforesaid*, That the respective Officers of the Militia, and the private Men, when in actual Service, shall, from the Day they are ordered on Duty, be paid according to the Rates following, *to wit.*

	£.	s.	d.
A Colonel *per* Day,	0	12	6
A Lieutenant Colonel *per* Day,	0	10	0
A Major, *per* Day,	0	10	0
A Captain, *per* Day,	0	7	6
An Adjutant, *per* Day,	0	7	6
A Lieutenant and Chirurgeon, each, *per* Day,	0	5	0
An Enfign, *per* Day,	0	4	6
A Serjeant, *per* Day,	0	4	0
A Corporal and Drummer, each, *per* Day,	0	3	0
Every private Man, *per* Day,	0	2	0

And Eight Pence *per* Day, to the Commanding Officer for victualing each Man. Pay of the Militia, when in actual Service.

XI. *AND be it further Enacted, by the Authority aforesaid*, That every Captain of a Company shall, once within every Four Months, at such Times and Places within their several Districts, as their respective Colonels shall appoint, muster his Company; and see that every Soldier in his said Company be furnished with such Arms, Ammunition, and Accoutrements, as in and by this Act is directed; under the Penalty of Three Pounds, for each Muster he shall neglect; to be levied by a Warrant of Distress from the Colonel or Commanding Officer of the County, in Manner aforesaid, and be applied as by this Act is directed; and that each and every Company shall consist of not less than Fifty Men, exclusive of Officers. Captains to muster their Companies.

XII. *AND be it further Enacted, by the Authority aforesaid*, That all Officers of the Militia shall be resident in the County for which they are appointed Officers. Officers to be resident in the County.

XIII. *AND be it further Enacted, by the Authority aforesaid*, That if any Soldier shall, during the Time of Muster, resist his Commanding Officer, or refuse his lawful Commands, such Soldier shall be punished at the Discretion of his Officer, by being tied Neck and Heels, not exceeding Fifteen Minutes, picqueted, or ride the Wooden Horse: And if any Officer or Soldier shall refuse to carry such Commands into Execution, he or they so offending, shall forfeit and pay the Sum of Five Pounds; to be levied by a Warrant from any Field Officer in the Regiment, and applied as other Fines mentioned in this Act. Pen. on Soldiers resisting their commanding Officers.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That if any Number of Men, not less than Thirty, nor exceeding Sixty, including Officers, belonging to any of the Regiments within this Province, shall desire to form themselves into a Troop of Horse, it shall and may be lawful for such Persons, by and with the Assent of the Colonel of the Regiment, to form themselves into a Troop; and give a List of their Names to the Colonel; who shall forthwith return the same, under his Hand and Seal, to the Governor or Commander in Chief of this Province for the Time being: And it shall and may be lawful for the said Governor or Commander in Chief, to appoint and commissionate a Captain, Lieutenant, and Cornet, to the said Troop; and when the Commanding Officers of the said Troop are ready, and shall exercise the said Troop, and not before, the Persons so enrolled in the said Troop shall be, and are exempt from their Service in the Foot Companies: And the Officers and private Men of the said Troop, shall afterwards be subject to muster as many Times, as well with Regard to private Musters as to General Musters Troop of Horse may be formed.

of

A. D. 1768. of the County, and under the ſame Penalties, as in and by this Act before directed for the Foot Muſter.

Troopers Accoutrements.

XV. *AND be it further Enacted, by the Authority aforeſaid,* That every Trooper ſhall be provided with a good ſerviceable Horſe, not leſs than Fourteen Hands high, with a good Bridle, Saddle, Houſing, Holſters, Breaſtplate, and Crupper, a Caſe of good Piſtols, a good broad Sword, Twelve Charges of Powder, Twelve ſizeable Bullets, a Pair of Shoe Boots, with ſuitable Spurs, and a Carbine well fixed, with a good Belt, Swivel and Bucket.

General Muſters once a Year.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That the Colonels of each and every Regiment, ſhall, once in every Year, cauſe a general Muſter to be made of their reſpective Regiments, at the Court Houſe of their County; which, if any of them ſhall fail or neglect to do, and fail to appear at ſuch Muſters (Sickneſs or Accident excepted) he or they ſo offending ſhall forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; one Half thereof to ſuch Perſon who ſhall ſue for the ſame, and the other Half to be applied as other Fines in this Act directed.

Court Martial to be held.

XVII. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for the Field Officers and Captains of every County, or the major Part of them, whereof the Colonel, Lieutenant-Colonel, or Major, ſhall be one; and they are hereby directed and required to meet at the Court Houſe of their reſpective Counties, on the Day next following their reſpective general Muſters which ſhall be in their Counties; then and there to hold a Court Martial; which ſaid Court ſhall have full Power to enquire into the Age and Abilities of all Perſons inliſted, and to exempt ſuch as they ſhall judge incapable of Service; and of all Neglects and Omiſſions, as well by any Officers as Delinquents; and to hear and determine all Appeals which ſhall be made to the Court from any Officer or Soldier who may think himſelf unjuſtly fined by his Captain, and to order and diſpoſe of all Fines; in the firſt Place for buying Drums, Colours, and other Neceſſaries for the Uſe of the Company from whence the ſame ſhall ariſe, and afterwards with ſupplying the Militia with Arms; and the ſaid Court is hereby directed and required, to keep a Regiſter of all their Proceedings; and for that Purpoſe to appoint a Clerk, and to allow him a reaſonable Salary out of the Fines.

Court Martial may call to Account Perſons owing them Monies.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That the Court Martial of every County ſhall have full Power, from Time to Time, to call the Sheriff, or any other Perſon or Perſons whatſoever, to account, on Oath, who ſhall pay to them the Monies in the Hands of him or them belonging to their reſpective Regiments, that have accrued, or ſhall or may become due by Virtue of this or any former Militia Act: And if any Sheriff or other Perſon ſhall refuſe or neglect to appear, account, and pay as aforeſaid, he ſhall forfeit and pay the Sum of One Hundred Pounds; to be recovered with Coſts, by the Colonel of the Regiment to which ſuch Money is or may become due, by Action of Debt or Information, in any Superior Court; and to be applied to the Uſe of the Regiment: And when any Suit ſhall be brought by the Colonel, and he ſhall happen to die, or be ſuperceeded before ſuch Suit ſhall be determined, the ſame ſhall and may be carried on by the ſucceeding Colonel, in the Name of his Predeceſſor who brought ſuch Suit; and the Death of the Colonel, or his being diſplaced, ſhall not be pleaded in Abatement of ſuch Suit, nor be deemed Matter of Error; any Law or Uſage to the contrary notwithſtanding.

Pen on Officers neglecting to appear at Muſters and Court Martials.

XIX. *AND be it further Enacted by the Authority aforeſaid,* That every Colonel failing to appear at ſuch Court, and every Lieutenant Colonel or Major failing to appear at the general Muſter, or ſuch Court as aforeſaid, for every ſuch Offence, ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money; and every Captain

Captain failing as aforeſaid, ſhall forfeit and pay Three Pounds; and every Lieutenant or Enſign failing to appear at the General Muſter, Forty Shillings; unleſs they ſhall make ſuch Excuſe for their Abſence to the next ſucceeding Court as the ſaid Court ſhall judge ſufficient: And every Captain, or in his Abſence the Clerk of the ſaid Company, ſhall return, on Oath, an exact Liſt of the Perſons who have been fined, and whether for Abſence or Want of Accoutrements; and every Captain ſhall then and there pay into the Court all ſuch Fines as he ſhall have received, under the Penalty of Fifty Pounds, to be levied by a Warrant from the Colonel; which ſaid Fine ſhall be applied as other Fines by this Act are directed. *A. D.* 1768.

Captain to return a Liſt of Fines, and pay the Monies.

XX. *AND be it further Enacted, by the Authority aforeſaid,* That each and every Captain ſhall procure a Copy of this Act, and lodge the ſame with the Clerk of his Company, and be allowed for the ſame out of the Fines.

Captains to procure a Copy of this Act.

XXI. *AND be it further Enacted, by the Authority aforeſaid,* That no Officer or Soldier ordered and 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 is directed to appear, in any reaſonable Time, either in going to, continuing at, or returning home from the Place appointed to muſter, but every ſuch Arreſt is hereby declared to be *ipſo facto* void; and all Officers are hereby required to take Notice thereof; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Militia exempt from Proceſs on Muſter Days.

XXII. *AND be it further Enacted, by the Authority aforeſaid,* That every Perſon liable to appear or muſter, going to, or returning from any Muſter, 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, 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, the other Half for the Uſe of the Pariſh wherein the Offence was committed.

And to paſs Ferry free to Muſters.

XXIII. *AND be it further Enacted, by the Authority aforeſaid,* That when it ſhall be thought requiſite to ſwear any Perſon or Perſons upon any Trial before any Captain, about any Fines or Penalties in this Act directed, it ſhall and may be lawful for the ſaid Captain to adminiſter any ſuch Oath.

Captain may adminiſter an Oath.

XXIV. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall be and continue in Force for and during the Term of Five Years, and no longer.

Continuance of the Act.

CHAP. IV.

An Act to direct Sheriffs in levying Executions, and the Diſpoſal of Lands, Goods, and Chattels, taken thereon. EXP.

CHAP. V.

An Act to amend and explain an Act, intituled, An Act for dividing this Province into Six ſeveral Diſtricts; and for eſtabliſhing a Superior Court of Juſtice in each of the ſaid Diſtricts, and regulating the Proceedings therein; and for providing adequate Salaries for the Chief Juſtice, and Aſſociate Juſtices of the ſaid Superior Courts. *(a)*

IV. AND *be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for any Aſſociate Juſtice of the ſaid Superior Courts to receive the ſame Fees and Perquiſites which the

Aſſociates Fees for Services done out of Court.

(a) The firſt three Sections of this Act, for allowing a Salary to the Aſſociates, expired.

A. D. 1768.

the Chief Juſtice might take, or would be intitled to receive, for taking the Probate or Acknowledgment of any Deed, Letter of Attorney, Private Examination of Feme Coverts, making Orders, taking Affidavits, adminiſtering Oaths, and granting Certificates, or any other cuſtomary Matter or Thing, which the Chief Juſtice of this Province may or can lawfully do out of Court by Virtue of his ſaid Office.

No Clerk to hold two Appointments.

V. *AND be it further Enacted, by the Authority aforeſaid*, That no Clerk of any Inferior Court ſhall be appointed to, or hold the Office of Clerk of any Superior Court in this Province.

Method of proſecuting Suits, where Plaintiff lives out of the Province.

VI. AND whereas a Number of litigious Suits have been commenced and proſecuted in the different Courts in this Province, by Perſons Inhabitants of, and Reſidents in neighbouring Colonies; which Suits the Plaintiff, after occaſioning great Charges and Expence to the Defendant, either neglect to proſecute, or are caſt in, from the Want of a ſufficient Cauſe of Action; and being out of the Juriſdiction of the Court, the Defendant is without Remedy for ſuch his Coſts and Charges: *Be it therefore Enacted, by the Authority aforeſaid*, That no Council, or Sollicitor, or Attorney, ſhall, for the future, commence or proſecute any Suit or Action for any Perſon or Perſons, Inhabitants of, or Reſidents in any other Province, againſt any Inhabitant or Reſident of this Province, until he ſhall have firſt filed in the Clerk's Office of the Diſtrict or County a Bond, with ſufficient Security, payable to the Defendant; with Condition for the Payment and Satisfaction of all ſuch Sums of Money as the ſaid Plaintiff ſhall be chargeable with by Reaſon of the Proſecution of the ſaid Suit, whether the ſame be due to the Defendant, Officers of the Court, Jurors, Witneſſes, or Surveyors; to be recovered on a *Scire Facias*, in the ſame Manner as Judgments are recovered on Bail Bonds: And in Caſe any Councillor, Sollicitor, or Attorney, ſhall bring any Suit, without taking and lodging ſuch Bond as aforeſaid, he ſhall be liable to ſuch Coſts and Charges as may accrue or ariſe in the Inſtances aforeſaid.

Repealing Clauſe.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing 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.

CHAP. VI.

An Act to relieve ſuch Perſons who have purchaſed Lands ſold by Execution, and have not obtained Titles to the ſame.

Preamble.

I. WHEREAS by an Act of the General Aſſembly, paſſed at *Wilmington*, in the Year One Thouſand Seven Hundred and Sixty Four, declaring Lands, and other real Eſtate in this Province, liable for the Payment of Debts, and ſubject to be taken in Execution and ſold for that Purpoſe, and Conveyances under ſuch Sale to be made by the Sheriff ſelling the ſame; and in Caſe of his Death, or Removal from Office, the Conveyance to be made by his Succeſſor in Office: And whereas many Tracts of Land, in Virtue of the ſaid Act, have been formerly taken in Execution and ſold; but by Reaſon of the Death of the Sheriff ſelling the ſame, and the Doubts of the ſucceeding Ones, Titles have not been made to the fair and open Purchaſers, who have paid the Conſideration of ſuch Sales at the Time of ſelling, which Doubts have ariſen from the Publication here of his Majeſty's Royal Diſallowance of that Act: That the fair Purchaſer may be remedied herein,

Sales of Lands ſold on Execution declared good.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That any Perſon or Perſons who heretofore, and until the Publication of the Diſallowance of the Act aforeſaid, have actually purchaſed any Lands ſold by any Sheriff as aforeſaid, and have *bona fide* paid the full Conſideration Money for the ſame to the Sheriff, for the Purpoſes for which the ſame was ſold, and hath not, from the Obſtructions aforeſaid, obtained a proper Conveyance of the Title of ſuch Lands from the Sheriff, according to the Directions of the ſaid Act, may, and are hereby authorized, to demand of the Sheriff now in Office, or the Sheriff for the Time being, of the County wherein ſuch Lands lie, a proper Deed of Conveyance for the ſame Lands: And ſuch Sheriff is hereby authorized and required, on Application of the Purchaſer as aforeſaid; and in Caſe of his or her Death, on the Application of the Heir, Executors, Legatees, or Aſſignees of ſaid Deceaſed (where of Right it ought to be done) to make ſuch ſufficient Deed or Conveyance in Law, of the Lands ſo ſold, as the Sheriff, at the Time of making the Sale, in Virtue of the Act aforeſaid, could or ought to have done; and all Deeds or Conveyances made and executed as aforeſaid, in Virtue hereof, are hereby declared to be good and valid; and ſhall be as effectual in Law for conveying the legal Title of the Lands therein mentioned to the Purchaſer thereof, his or her Repreſentative as aforeſaid, as if the ſame Conveyance had been made at the Time of the Sale on Execution, by the Sheriff ſelling the ſame.

CHAP. VII.

An Act to enlarge the Time for Sheriffs to ſettle their Accounts with the Juſtices of the Inferior Courts of Pleas and Quarter Seſſions of the Counties therein mentioned. (a)

III. AND

(a) The 1ſt and 2d Clauſes of this Act provided for, by allowing further Time for the Sheriffs of thoſe Counties to ſettle their Accounts, by Acts Dec. 1770, Chap. 38, Nov. 1771, Chap. 8.

A. D. 1768.

III. AND whereas no Proviſion is made by the before recited Act for the Sheriffs, in Caſe they ſhould be prevented by Weather, Sickneſs, Non-Attendance of the Juſtices at the Time of holding the Inferior Court, between the Firſt Day of *October* and the Firſt Day of *January*, or other Accident, whereby a Settlement may be prevented: And whereas by Reaſon of the Shortneſs of the Time limited by the before recited Act for the Sheriffs of the ſeveral Counties in this Province to ſettle and account with the Juſtices of their reſpective Counties; and alſo, by Reaſon of the great Scarcity of Currency, it hath been found impracticable for the ſeveral Sheriffs to ſettle for their Collection of Public Taxes, ſo as to intitle them to the Benefit, Privileges, and Advantages, which by ſaid Act they would be intitled to, could they ſettle and account with the Juſtices of their reſpective Counties, at the Inferior Court to be held between the Firſt Day of *October* and the Firſt Day of *January*: For Remedy whereof, *Be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſeveral Counties within this Province, at any Inferior Court held between the Firſt Day of *October* and the Tenth Day of *April*, in each Year, to ſettle and account with the Sheriff of the reſpective Counties for the County Tax: And any Sheriff ſettling and accounting with the Juſtices at any Inferior Court, held in the County whereof he is, or has been Sheriff, between the Firſt Day of *October* and the Tenth Day of *April*, as aforeſaid, for his Collection of Taxes in the preceding Year, ſhall be intitled to the ſame Allowance, Benefits, and Advantages, as if ſuch Settlement had been made between the Firſt Day of *October* and the Firſt Day of *January*; any Thing contained in the afore-mentioned Act, to the contrary, notwithſtanding.

Further Time allowed for ſettling Sheriffs Accounts.

IV. AND whereas there are many Counties within this Province wherein the Public Taxes, for Want of an acting Sheriff in ſuch Counties, have not been collected, to the great Loſs and Injury of the Public: To remedy which Evil and Inconvenience, *Be it Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Governor, or Commander in Chief for the Time being, and he is hereby authorized and impowered, to appoint, and by his Commiſſion, to conſtitute any Freeholder of ſuch County, of ſufficient Circumſtances and Abilities, Collector of the Public and County Taxes, of ſuch County as have been, or hereafter ſhall be deſtitute of a Sheriff, to collect the Public Taxes now due, or that hereafter may become due from ſuch County; ſuch Collector firſt entering into Bond, and ſufficient Security, for the true and faithful collecting of, and accounting for, the Public and County Taxes by him to be collected, in the ſame Manner, and under the ſame Regulations, as by Law acting Sheriffs are required to do.

Governor may appoint Collectors of Taxes.

V. *AND be it further Enacted, by the Authority aforeſaid*, That ſuch Collector ſhall have, uſe, and exerciſe, the ſame Power and Authority, to make Diſtreſs for Levies, and be intitled to the ſame Commiſſions and Allowance, as by Law Sheriffs may have or are intitled to.

Their Power and Allowance.

CHAP. VIII.

An Act to amend an Act, for eſtabliſhing Public Warehouſes in the Towns of Halifax *and* Campbleton, *for the Inſpection of Hemp and Flax, and other Purpoſes.*

Preamble.

I WHEREAS by the above-mentioned Act it is, amongſt other Things, directed, that the Hemp and Flax to be received by the Inſpectors ſhall be prized into Bales or Bundles, and in that Manner delivered out to the Exporter; and the Oath in the ſame Act enjoins them, amongſt other Things, "That they ſhall not change, alter, or give out, any Hemp or Flax, other than that "for which the Receipt to be taken in was given;" which Directions and Reſtrictions have, on Experience, been found very inconvenient and uſeleſs:

Manner of prizing Hemp.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and immediately after the paſſing this Act, the Inſpector at each of the ſaid Warehouſes ſhall, and is hereby directed, to prize all Hemp and Flax by them received, and all ſuch as they ſhall hereafter receive, into good, ſubſtantial, and well hooped Hogſheads, of not more than Four Feet in Length, and Thirty Inches in Diameter at the Heads within the Croze; which Hogſheads, when prized, ſhall be well lined and nailed, fit for Exportation: And the ſaid Inſpectors, in Diſcharge of their Notes, as by the Rules in the ſaid Act preſcribed, ſhall pay out the ſame in Hogſheads as aforeſaid, of Six Hundred Weight nett each at leaſt, if required of that Weight by the Owner or Exporter: And the Perſon receiving out any ſuch Hogſheads of Hemp or Flax for Exportation ſhall, for each Hogſhead, pay to the Inſpector delivering the ſame, Six Shillings and Three Pence, Proclamation Money, for the Caſk; and alſo, for every Hundred Weight of Hemp or Flax therein, the Sum of Two Shillings, like Money, for Inſpection, Prizing, and Nails, and Four Pence *per* Hundred for Warehouſe Rent; which laſt Sum of Four Pence *per* Hundred, to be paid by the Inſpector to his County Court, as by ſaid Act is directed; and inſtead of the Oath by ſaid Act directed, the ſaid Inſpectors ſhall take the Oath following, *to wit*,

Fees to the Inſpector.

Inſpectors Oath.

YOU ſhall ſwear that you will carefully view and examine all Hemp and Flax brought to the Warehouſe where you are appointed Inſpector; that you will not receive any Hemp or Flax that is not in your Judgment bright, clear, and merchantable; but that you will, in all Things, well and faithfully diſcharge your Duty in the Office of an Inſpector, according to the beſt of your Skill and Judgment, and according to Law, without Fear, Favour, Affection, Malice, or Partiality; and that you will take no Fee or Reward for any Thing done by you as Inſpector, other than the Fees appointed by this Act.

SO HELP YOU GOD.

A. D. 1768. Act continued.

III. AND whereas the Act for granting a Bounty on Hemp and Flax cultivated in this Province is now near expiring, and it being greatly to the Advantage of this Province to encourage the raiſing thoſe valuable Articles of Commerce; *Be it Enacted*, That the ſaid Act, intituled, *An Act to encourage the Culture of Hemp and Flax, and other Purpoſes*, or ſo much thereof as remains unaltered by ſubſequent Acts, ſhall be and remain in full Force for and during the Term of Four Years, to be accounted from the Time at which, by the Tenor thereof, it would otherwiſe expire.

Repealing Clauſe.

IV. *AND be it further Enacted*, That ſo much of the Act firſt above mentioned, as is within the Purview of this Act, is, and ſtands hereby repealed and made void.

CHAP. IX.

An Act to amend an Act, intituled, An Act to reſtrain the keeping of too great a Number of Horſes and Mares, and for amending the Breed.

Preamble.

I. WHEREAS by an Act of Aſſembly, paſſed at *Edenton*, on the Twenty Third Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Twenty Three, intituled, *An Act to reſtrain the keeping of too great a Number of Horſes and Mares, and for amending the Breed*; it is Enacted, among other Things, that no Perſon whatſoever ſhall ſuffer, or let go at large, any Stone Horſe or Horſes, of Two Years old, unleſs ſuch Horſe or Horſes ſhall be at leaſt Thirteen Hands in Height, under certain Penalties and Forfeitures in ſaid Act ſpecified: And whereas the ſuffering Horſes of that Age and Size is found prejudicial to the Breed;

Stone Horſes under 14 Hands, not to run at large.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, no Perſon whatſoever in this Province ſhall ſuffer, or let go at large, any Stone Horſe or Horſes, of Two Years old or upwards, unleſs ſuch Horſe or Horſes ſhall be at leaſt Fourteen Hands in Height, upon Penalty of forfeiting ſuch Horſe or Horſes, or the Sum of Twenty Shillings, to the Taker up of every ſuch Stone Horſe, provided the ſame be found running at large not within the Confine of any Fence, Water, Marſh, or Swamp; any Thing contained in the aforeſaid Act, to the contrary, notwithſtanding.

CHAP. X.

An Act for dividing the County of Mecklenburg, *and other Purpoſes.*

Preamble.

I. WHEREAS by Reaſon of the large Extent of the County of *Mecklenburg*, it is greatly inconvenient for the Inhabitants to attend the Courts of the aforeſaid County, and other public Duties by Law required:

Mecklenburg divided, and Tryon County erected.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Tenth Day of *April* next, the ſaid County of *Mecklenburg* ſhall be, and is hereby divided into Two diſtinct Counties and Pariſhes, by a Line beginning at Earl *Granville*'s Line, where it croſſes the *Catawba* River; and the ſaid River to be the Line to the *South Carolina* Line; and that all that Part of the ſaid County which lies to the Eaſtward of the ſaid dividing Line ſhall be a diſtinct County and Pariſh, and remain and be called by the Name of *Mecklenburg* County, and *St. Martin*'s Pariſh; and that all that Part of the County lying to the Weſtward of the ſaid dividing Line ſhall be one other diſtinct County and Pariſh, and be and remain by the Name of *Tryon* County, and *St. Thomas*'s Pariſh.

Courts when held.

III. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Tenth Day of *April* next, the Court for the ſaid County of *Mecklenburg* ſhall be conſtantly held by the Juſtices thereof at the Court-Houſe in the ſaid County, on the Third *Tueſday* in *April*, *July*, *October*, and *January*; and alſo that the Court for the ſaid County of *Tryon* ſhall be conſtantly held by the Juſtices thereof at ſuch Place as ſhall be laid off and agreed upon by the Commiſſioners herein after named, for the directing and agreeing with Workmen for building the public Buildings for the ſaid County of *Tryon*, upon the Fourth *Tueſday* in *April*, *July*, *October*, and *January*, in every Year, as by the Laws of this Province is or ſhall be provided, and by Commiſſion ſhall be directed to the Juſtices of the ſaid Counties reſpectively.

Court-Houſe, Priſon, & Stocks, to be built.

IV. AND whereas the Court-Houſe of the ſaid County of *Mecklenburg* already built is not central, *Be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful (at any Time after the Expiration of Seven Years from the paſſing of this Act) for the Juſtices, with the Conſent of the Majority of the Freeholders of the ſaid County, to ſell and diſpoſe of ſuch Court-Houſe, Priſon, and Stocks, already built, and to erect and build another Court-Houſe, Priſon, and Stocks, at any other Place in the ſaid County more central: And the Juſtices of the ſaid County are hereby authorized and impowered to apply the Money ariſing from the Sale of the old Court-Houſe, Priſon, and Stocks, towards building ſuch new Court-Houſe, Priſon, and Stocks; and alſo to lay a Tax on each and every taxable Perſon in the ſaid County, ſufficient to erect and finiſh ſuch new Court-Houſe, Priſon, and Stocks; to be collected by the Sheriff of the ſaid County, and accounted for and paid to the Juſtices of the ſaid County, in the ſame Manner as he is by Law to account for and pay other County Taxes;

to

to be applied by the Juſtices of the ſaid County towards erecting and building the ſaid Court-Houſe, Priſon, and Stocks, according to the true Intent and Meaning of this Act. A. D. 1768.

V. *AND be it further Enacted, by the Authority aforeſaid,* That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Mecklenburg*, as it now ſtands undivided, to make Diſtreſs for any Levies, Fees, or other Duties, that ſhall be due from the Inhabitants of the ſaid County on the ſaid Tenth Day of *April*, in the ſame Manner as he might have done by Law, if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Duties, ſhall be accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding. Sheriff to make Diſtreſs for Taxes as before the Diviſion of the County.

VI. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, of granting Letters of Incorporation to the ſaid County of *Tryon*; and of ordering, appointing, and directing, the Election of Members to repreſent the ſame in Aſſembly; and granting Markets and Fairs to be kept and held in the ſaid County; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made. Royal Prerogative of incorporating the County ſaved to his Majeſty.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That *Thomas Neal*, *Henry Clark*, *William Yancey*, *Daniel Warlock*, *Jacob Forney*, *John Gordon*, and *William Watſon*, and the Survivor or Survivors of them, be, and are hereby appointed Commiſſioners; and are hereby impowered and directed to agree and contract with Workmen for erecting and building a Court-Houſe, Priſon, and Stocks, for the Uſe of the ſaid County of *Tryon*. Commiſſioners appointed for building a Priſon, &c.

VIII. AND for reimburſing the ſaid Commiſſioners the Money they ſhall expend in erecting the ſaid Buildings, *Be it further Enacted, by the Authority aforeſaid,* That a Poll-Tax of Two Shillings, Proclamation Money, *per Annum*, ſhall be levied on each taxable Perſon in the ſaid County of *Tryon*, for Two Years, next after the ſaid Tenth Day of *April*: And that all Perſons who ſhall neglect to pay the ſaid Tax till after the Tenth Day of *March*, in each Year, ſhall be thereafter liable to the ſame Diſtreſs as for Non-Payment of Public Taxes; and the Sheriff of the ſaid County is hereby required and directed, on or before the Tenth Day of *June* in the ſaid Years, reſpectively, to account for, and pay the Money ſo by him collected, to the Commiſſioners aforeſaid, after deducting Eight *per Cent.* for his Trouble in collecting the ſame; and in Caſe of Failure or Neglect therein by the Sheriff, he ſhall be liable to the ſame Penalties, as by Law may be had againſt Sheriffs who neglect or refuſe to account for and pay Public Taxes. Tax laid for the ſame.

IX. *PROVIDED nevertheleſs*, That if the Money ſo to be collected ſhall be more than ſufficient to anſwer the Purpoſes aforeſaid, the Commiſſioners ſhall account for, and pay the Overplus thereof to the Juſtices of the ſaid County of *Tryon*, to be applied towards defraying the contingent Charges of the ſaid County. Surplus appropriated.

X. *AND be it further Enacted, by the Authority aforeſaid,* That the Sheriff of the County of *Tryon* for the Time being, after the ſaid Tenth Day of *April*, ſhall account with, and pay to the public Treaſurer of the Southern Diſtrict of this Province, all Public Taxes by him collected; under the like Rules and Reſtrictions, Pains, Penalties, Proceſs, and Remedy, as other Sheriffs are by Law ſubject to in like Caſes. Sheriff of Tryon when to account for the Taxes.

XI. *AND be it further Enacted, by the Authority aforeſaid,* That after the ſaid Tenth Day of *April* the County of *Tryon* ſhall be, continue, and remain Part of the Diſtrict of the Superior Court for the Diſtrict of *Saliſbury*: And the Juſtices of the ſaid Inferior Court of *Tryon* ſhall, and they are hereby directed, before every Superior Court held for the Diſtrict aforeſaid, to nominate and appoint Six Freeholders to ſerve as Grand and Petit Jurors at ſuch Superior Court; a Liſt of which Jurors ſo nominated, ſhall be delivered by the Clerk of ſuch Court to the Sheriff, who ſhall, and is hereby required, to ſummon the Perſons ſo nominated to ſerve as Jurymen at the ſaid Superior Court; which Jurymen ſo nominated, ſhall have and receive the ſame Allowance, and ſhall be under the ſame Rules, Fines, and Reſtrictions, as other Jurymen in the reſpective Counties of this Province. Tryon Part of Saliſbury Diſtrict. Jurymen to be appointed.

XII. AND whereas the Number of Jurors to ſerve at the Superior Court in *Saliſbury*, for the County of *Mecklenburg*, were formerly Seven Grand and Seven Petit Jurors; *Be it Enacted, by the Authority aforeſaid,* That the Juſtices of the County of *Mecklenburg* ſhall, for the future, appoint only Four Perſons to ſerve as Grand Jurors, and Four Perſons to ſerve as Petit Jurors, at the ſaid Superior Court of *Saliſbury*; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Number of Jurors for Mecklenburg.

XIII. *AND be it further Enacted, by the Authority aforeſaid,* That the Freeholders of the ſaid Pariſhes of *St. Martin* and *St. Thomas*, reſpectively, ſhall, on next *Eaſter Monday*, meet at the Places where the Inferior Courts of the Counties of *Mecklenburg* and *Tryon* are held, then and there to chooſe and elect Veſtrymen for the ſaid Pariſhes of *St. Martin* and *St. Thomas*; which Veſtrymen ſhall be choſen, and inveſted with the ſame Powers and Authorities, and liable to the ſame Rules, Reſtrictions, and Penalties, as the Veſtries are by Law ſubjected to: Which Veſtrymen ſo choſen and elected, ſhall be and remain the Veſtries of the ſaid Pariſhes of *St. Martin* and *St. Thomas*, until the Time by Law appointed for the Election of Veſtrymen throughout this Province. Veſtries to be choſen for the Pariſhes of St. Martin and St. Thomas.

A. D. 1768.

CHAP. XI.

An Act for eſtabliſhing a Town in Mecklenburg County.

Preamble.

I. WHEREAS it hath been repreſented to this Aſſembly that Three Hundred and Sixty Acres of Land was granted to *John Frohock*, *Abraham Alexander*, and *Thomas Polk*, as Commiſſioners, in Truſt for the County aforeſaid, for erecting a Court-Houſe, Priſon, and Stocks, for the Uſe of ſaid County; which ſaid Three Hundred and Sixty Acres of Land was afterwards by them laid off into a Town and Common; and that Part of the ſaid Three Hundred and Sixty Acres of Land hath likewiſe been laid out into Lots, of Half an Acre each, on ſome of which good habitable Houſes have been erected; and that by Reaſon of the Healthineſs of the Place aforeſaid, and convenient Situation thereof for Trade, the ſame might ſoon become conſiderable, if it was erected into a Town by lawful Authority; to which the ſaid *John Frohock*, *Abraham Alexander*, and *Thomas Polk*, Commiſſioners aforeſaid, who are now ſeized in Fee of the ſaid Three Hundred and Sixty Acres, and thoſe who claim under them, having conſented:

Town of Charlotte eſtabliſhed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Three Hundred and Sixty Acres of Land, ſo laid off by the Commiſſioners or Truſtees as aforeſaid, be, and the ſame is hereby conſtituted, erected, and eſtabliſhed, a Town and Town Common, and ſhall be called by the Name of *Charlotte*.

Truſtees appointed for building it.

III. *AND be it further Enacted, by the Authority aforeſaid*, That *John Frohock*, *Abraham Alexander*, *Thomas Polk*, *Richard Berry*, Eſquires, and *George Allen*, and every of them, be, and are hereby appointed Directors and Truſtees, for directing the building and carrying on the ſaid Town; and they ſhall ſtand ſeized of an indefeaſible Eſtate, in Fee, in the ſaid Three Hundred and Sixty Acres of Land, to and for the Uſes, Intents and Purpoſes, hereby expreſſed and declared; and they, or the Majority of them, ſhall have full Power and Authority to meet, as often as they ſhall think neceſſary, and cauſe an exact Plan of One Hundred Acres of the ſaid Land to be made, as near as may be, agreeable to the Streets and Lots already laid out, and the Reſidue thereof ſhall be and remain for a Common thereto; and that the ſaid Directors ſhall inſert a Mark or Number on each Lot; which ſaid Plan ſhall be kept in ſome convenient Place in the ſaid Town, for the View of ſuch Perſons who have, or incline to have a Lot or Lots in the ſame.

To execute Deeds for Lots therein.

IV. AND whereas Eighty Lots, already laid off in the ſaid Town, have been purchaſed; *Be it therefore Enacted, by the Authority aforeſaid*, That the ſaid Directors, or the Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid Eighty Lots to the Purchaſers, their Heirs and Aſſigns, for ever; and alſo to every other Perſon who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the Coſt and Charges of the Grantee to whom the ſame ſhall be conveyed, he or they paying to the Treaſurer herein after appointed, the annual Rent of One Shilling, for each and every Lot; and every Perſon claiming any Lot or Lots by Virtue of any ſuch Conveyance, ſhall and may hold the ſame in Fee-Simple.

Proviſo, for ſaving Lots in ſaid Town.

V. *PROVIDED nevertheleſs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, or hereafter to be conveyed, ſhall, within three Years next after the Date of the Conveyance for the ſame, erect and build on each Lot ſo conveyed, one well framed ſawed or hewed Log Houſe, twenty Feet in Length, and ſixteen Feet wide, and ten Feet high in the Clear, with a Brick or Stone Chimney or Chimnies, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have two or more Lots in ſaid Town: And if the Owner of any Lot ſhall not purſue and comply with the Directions in this Act preſcribed, for building and finiſhing a Houſe thereon, then ſuch Lot upon which ſuch Houſe ſhall not be built and finiſhed, ſhall be reveſted in the ſaid Directors; and they, or the Majority of them, may, and are hereby impowered and authorized, to ſell ſuch Lot for the beſt Price that can be had, to any Perſon applying for the ſame, in ſuch Manner, and under ſuch Reſtrictions, as they could or might have done if ſuch Lot had not before been ſold or granted; and the Money ariſing by ſuch Sale to be applied as the Directors, or the Majority of them, ſhall think proper, for the Uſe of the Town.

Treaſurer of the Town appointed.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That *Thomas Polk* be, and is hereby appointed Treaſurer of the ſaid Town; who ſhall enter into Bond, with ſufficient Security, to the Directors of the ſaid Town, in the penal Sum of Five Hundred Pounds, that he will well and truly account with and pay the Monies he ſhall receive in Virtue of his Office, to ſuch Perſon or Perſons as by this Act he is directed: And on the Death, or Removal out of the County of the ſaid Treaſurer, the remaining Directors, or the Majority of them, by Certificate under their Hands and Seals, ſhall nominate and appoint one other of the ſaid Directors to be Treaſurer of the ſaid Town; and ſo in like Manner, from Time to Time, as often as the ſaid Office ſhall become vacant as aforeſaid; and ſuch Treaſurer or Treaſurers ſhall enter into Bond, with Security, in the ſame Manner as the Treaſurer by this Act appointed.

Succeſſion of Directors kept up.

VII. *AND 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 the Majority of them, ſhall, and are hereby impowered, from Time to Time, by Inſtrument of Writing, under their reſpective Hands and Seals, to nominate ſome other Perſon, being an Inhabitant or Freeholder in ſaid Town, in the Place of him ſo dying, or refuſing to act, or removing out of the ſaid County; which Director ſo nominated and appointed ſhall, from thenceforth, have the like Power and Authority, in all Things in the Matters herein contained, as if he had been expreſſed by Name, and appointed by this Act.

CHAP.

CHAP. XII.

A. D. 1768.

An Act for eſtabliſhing a Town on the Land of Benjamin Wynns, *on* Chowan *River.*

Preamble.

I. WHEREAS it hath been repreſented to this Aſſembly, that the Land of *Benjamin Wynns*, lying on the *Southweſt* Side of *Chowan* River, in *Hertford* County, where the Court Houſe and other public Building are erected, is a healthy, pleaſant Situation, well watered, and commodius for Commerce; and the ſaid *Benjamin Wynns* having ſignified his free Conſent, by a Certificate, under his Hand and Seal, to have One Hundred Acres of the ſaid Land laid off for a Town and Fifty Acres for Town Common; which will greatly promote the Trade and Navigation of the ſaid River:

Town of Winton eſtabliſhed.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Directors or Truſtees hereafter appointed, or the Majority of them, ſhall, as ſoon as may be, after the paſſing of this Act, cauſe the ſaid One Hundred Acres to be laid off in Lots of Half Acres each, with convenient Streets, Lanes, and Alleys; which Lots ſo laid off, according to the Directions of this Act, is hereby conſtituted, erected, and eſtabliſhed a Town; and ſhall be called by the Name of *Winton*.

Truſtees for building ſaid Town appointed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *Henry Hill*, *William Marſee*, *John Baker*, *Mathias Brickill*, *Joſeph Dickenſon*, *Henry King*, and *Benjamin Wynns*, be, and they, and every of them, are hereby conſtituted Directors and Truſtees, for the deſigning, building, and carrying on the ſaid Town; and they ſhall ſtand ſeized of an indefeaſible Eſtate, in Fee-Simple, of the ſaid One Hundred and Fifty Acres of Land, to and for the Uſes, Intents, and Purpoſes, hereby expreſſed and declared; and they, or any Four 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 have taken Subſcriptions for Eighty 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 the ſaid Lots; which ſhall be done by Ballot, in a fair and open Manner, by the Direction, and in the Preſence of the Majority of the ſaid Directors, at leaſt; and ſuch Subſcriber ſhall be intitled to the Lot and Lots which ſhall happen to be drawn for him, and correſpond with the Mark or Number contained in the Plan of the ſaid Town: And the ſaid Directors, or the Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred Acres of Land, in Half Acres as aforeſaid, to the Subſcribers, their Heirs and Aſſigns, for ever; and alſo, to every other Perſon 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; 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.

To take Subſcription for Lots, and have them drawn for by Ballot.

Proviſo, for ſaving Lots in ſaid Town.

IV. *PROVIDED neverthelefs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, ſhall, within Three Years, next after the Date of the Conveyance for the ſame, erect, build, and finiſh, on each Lot ſo conveyed, one well framed, or Brick Houſe, Sixteen Feet ſquare at the leaſt, and Ten Feet Pitch in the Clear, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have two or more Lots contiguous: And if the Owner of any Lot or Lots ſhall fail to comply with the Directions in this Act preſcribed, for building and finiſhing a Houſe thereon, then ſuch Lot or Lots upon which ſuch Houſe ſhall not be built and finiſhed as aforeſaid, ſhall be reveſted in the ſaid Directors; and the ſaid Directors, or a Majority of them, may, and they are hereby impowered and authorized, to ſell ſuch Lot or Lots for the beſt Price that can be had, to any Perſon applying for the ſame, and grant and convey ſuch Lot or Lots to ſuch Perſon or Perſons, under the like Rules,

A. D. 1768. Rules, Regulations, and Reſtrictions, as the ſame was, or were formerly granted; and the Money ariſing from ſuch Sale, be applied by the ſaid Directors, or a Majority of them, for the Benefit and Improvement of the ſaid Town.

Subſcribers to pay the Purchaſe Money to the Directors.

V. *AND be it further Enacted, by the Authority aforeſaid*, That each reſpective Subſcriber who ſhall ſubſcribe 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 one of them, the Sum of Fifty Shillings, Proclamation Money, for each Lot by him ſubſcribed for: And in Caſe of the Refuſal or Neglect of any Subſcriber to pay the ſaid Sum, the ſaid Directors ſhall and may commence and proſecute a Suit, in their own Name, 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 to the ſaid *Benjamin Wynns*, his Heirs or Aſſigns, the Sum of Forty-five Shillings, Proclamation Money, for each Lot, in full Satisfaction for the ſaid Land; and the other Five Shillings ſhall be applied towards defraying the Expence of laying off and improving the ſaid Town, as a Majority of the Directors ſhall think proper.

Succeſſion of Directors kept up.

VI. AND for continuing the Succeſſion of the Directors, until the ſaid Town ſhall be incorporated; *Be it further Enacted, by the Authority aforeſaid*, In Caſe of the Death, Refuſal to act, or Removal out of the County, of any of the ſaid Directors, the ſurviving Directors, or the Majority of them, ſhall aſſemble, and are hereby impowered, from Time to Time, by Inſtrument of Writing, under their reſpective Hands and Seals, to nominate ſome other Perſon, being a Freeholder of the 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 like Power and Authority, in all Things in the Matters herein contained, as if he had been expreſsly named and appointed in and by this Act.

Lots ſet apart for the Proprietor.

VII. *PROVIDED neverthelefs*, That the ſaid *Benjamin Wynns* ſhall have, to his own Uſe, the Dwelling-Houſe, and other Out Houſes thereon, with ſuch Lots as he ſhall chooſe adjoining them, not exceeding Eight Lots, excluſive of the ſaid One Hundred Acres: And the Court of the ſaid County, or their Succeſſors, ſhall not have Power to appoint a public or other Ferry at the ſaid Town, in Prejudice to the ſaid *Benjamin Wynns*; but that the keeping of the ſaid Ferry from his own Land, on the *North* Side of the ſaid River, to the ſaid Town; and from the ſaid Town to the *North* Side of the ſaid River, ſhall be and remain unto the ſaid *Benjamin Wynns*, his Heirs and Aſſigns, until he or they ſhall refuſe to comply with the Terms by Law preſcribed for erecting and keeping public Ferries.

And Ferries veſted in the Proprietor.

CHAP. XIII.

An Act to amend an Act, intituled, An additional Act to an Act, intituled, *An Act to prevent killing Deer at unſeaſonable Times; and for putting a Stop to many Abuſes committed by White Perſons, under Pretence of hunting.*

Preamble.

I. WHEREAS by the before recited Act, Perſons who have no ſettled Habitation, or not tending Five Thouſand Cornhills, are prohibited from hunting, under the Penalty of Five Pounds, and Forfeiture of his Gun; which, by Experience, has been found not to anſwer the Purpoſes intended by the ſaid Act; many diſorderly and diſſolute Perſons, having no Habitation of their own, ſtill continue to hunt on the King's Waſte, and the Lands of other Perſons, and kill Deer, and leave the Carcaſes in the Woods; by which Means the Wolves, Bears, and other Vermin, are fed and raiſed; to the great Damage of many of the Inhabitants of this Province; and the Fines being difficult of Recovery, by Means of Perſons, having no Property of their own, aſſembling in great Numbers, and camping in the Woods, and kill Deer, burn and deſtroy the Range, burn Fences, and commit

commit many other Injuries to the Inhabitants of this Province; and aſſociate, for the mutual Protection and Defence of each other, againſt any Perſon or Perſons who ſhall attempt to execute any Precept on any of them: For Remedy whereof; *A. D.* 1768.

What Perſons allowed to Hunt.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the Firſt Day of *January* next, no Perſon whatſoever (Maſters of Slaves excepted) not having a Freehold of One Hundred Acres of Land within this Province, or tending Ten Thouſand Cornhills, at leaſt, Five Feet Diſtance each, ſhall hunt or kill Deer; under the Penalty of Ten Pounds, Proclamation Money, for every Offence; and moreover ſhall forfeit his Gun, or the Value thereof; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, by any Perſon who will proſecute for the ſame; wherein, upon Conviction, over and above the ſaid Penalty and Forfeiture as aforeſaid, the Defendant ſhall be committed to Gaol, by Order of the Court; there to remain, without Bail or Mainprize, for one Month.

Special Bail to be given in Actions on this Act.

III. *AND be it further Enacted, by the Authority aforeſaid*, That upon Action of Debt, Information or Indictment, being proſecuted for the above Penalty, the Sheriff who ſhall execute the Writ, ſhall take two ſufficient Securities for the Defendant's Appearance, at the Court to which the ſame, by the Tenor thereof, is made returnable; which Bail ſo taken, ſhall be ſubject and liable as in other Caſes; and on Failure thereof, or an Exception being taken to the ſaid Bail, the ſame ſhall be deemed inſufficient, then, and in that Caſe, the Sheriff ſhall ſtand and be taken as ſpecial Bail.

Proviſo, for Sheriff to ſurrender the principal.

IV. *PROVIDED nevertheleſs*, That the Sheriff may ſurrender the Defendant in Diſcharge of himſelf, at any Time before final Judgment had againſt the Defendant.

Proviſo, for Overſeers to hunt.

V. *PROVIDED alſo*, That nothing herein contained, ſhall extend to bar or hinder an Overſeer of a Slave or Slaves from hunting and killing Deer with a Gun on his Employers Lands, or the waſte Lands of the King, or Lord *Granville*, within Five Miles of the Reſidence of ſuch Overſeer.

Defendant failing to give Bail, to be committed to the Superior Crt. Gaol.

VI. AND whereas by Reaſon of the Inſurrections of many illegal Proceedings of ſundry of the Inhabitants of this Province, the County Gaols are become almoſt uſeleſs; many Perſons who are committed thereto being releaſed by Force, the ſaid Gaols being remote from the Reſidence of the Sheriffs, who might prevent ſuch Breakings as aforeſaid, by raiſing ſufficient Force for that Purpoſe: Therefore *Be it Enacted, by the Authority aforeſaid*, That upon Suit being commenced on Action of Debt, Information, *&c.* in a Superior Court, if the Defendant ſhall fail to give ſuch Security as aforeſaid, that then the Sheriff ſhall commit the Defendant to the Gaol of the Superior Court for the Diſtrict to which the ſame is made returnable.

Sheriffs Fees.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff ſhall have, for the Services he ſhall perform in a Suit brought as aforeſaid, the ſame Fees and Allowances as in other Caſes on Action brought, Information, or Indictment proſecuted, and ſubject and liable for taking greater Fees, in the ſame Manner as in other Caſes.

Pen. for hunting on any Perſons Lands without Leave.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That no white Perſon whatſoever ſhall, on any Pretence, preſume to hunt with Dogs, or otherwiſe, or drive or kill any Deer or Game on any Perſons Lands, without Leave of the Owner of ſuch Land; under the Penalty of Five Pounds, Proclamation Money, for each Offence; to be recovered by Action of Debt, in the Inferior Court of the County wherein the Offence ſhall be committed, by the Owner of the ſaid Land.

CHAP.

A. D. 1768.

CHAP. XIV.

An Act for preventing the frequent Abuſes in taking up and ſecreting of Stray Horſes, in the Counties of Orange, Granville, Bute, Rowan, Anſon, Mecklenburg, Johnſton, Dobbs, Halifax, Edgcomb, Northampton, Hertford, Tyrrel, Craven, *and* Pitt. *(a)*

Preamble.

I. WHEREAS it is common for Horſes to ſtray away from their reſpective Owners; by Reaſon whereof the Owners are often ſubject to much Loſs, Difficulty, and Expence, before they can regain the Poſſeſſion of ſuch Horſes:

Method to be taken with ſtray Horſes, when taken up.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That every Freeholder within the Counties before-mentioned, who, from and after the paſſing of this Act, ſhall take up any ſtray Horſe, Mare, Gelding, or Colt, ſhall, within Ten Days after the taking up of ſuch Stray, the Owner of ſuch Stray being unknown to him, lead the ſame before the Ranger of the County, appointed by his Excellency the Governor or Commander in Chief for the Time being, where taken up, and make Oath before ſuch Ranger to the Time of taking up the ſame, and that it was taken up on his Land; and alſo, to the Marks and Brands it then had, and that the ſame have not been altered or defaced ſince the taking up thereof; whereupon ſuch Ranger is required to iſſue his Summons to any Two honeſt Freeholders of the Neighbourhood, who, after taking an Oath before the Ranger to that Purpoſe, who is hereby authorized to adminiſter any Oath by this Act directed, ſhall view and appraiſe ſuch Stray; which Appraiſement, with a particular and exact Deſcription of the Marks, Brands, Stature, and Age of ſuch Horſe, Mare, Gelding, or Colt, together with the Time of taking up of ſuch Stray, and Place of Abode of the Perſon taking up the ſame, ſhall, by ſuch Ranger, be entered in a Book to be by him kept for that Purpoſe; and thereupon the ſaid Ranger ſhall have paid to him by the Perſon taking up the Stray, Five Shillings, Proclamation Money: And the Perſon taking up ſuch ſtray Horſe, Mare, Gelding, or Colt, for his Trouble and Expence in taking the ſame to the Ranger, and paying as aforeſaid, for the Services to be done by the Ranger, may demand, take, and receive, of the Perſon claiming the Property of the ſaid Horſe, Mare, Gelding, or Colt, Ten Shillings, Proclamation Money.

Strays after 10 Days, may be uſed

III. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for the Perſon taking up any Stray, to keep Poſſeſſion of the ſame; and at the Expiration of Ten Days, after Appraiſement as aforeſaid, and no Property proved by the Owner thereof, moderately to uſe the ſame; provided the ſaid Horſe, Mare, or Gelding, ſhall not be ſent or rode at any Time out of the County where taken up.

Method to be taken with Strays after Appraiſement.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Property of every ſtray Horſe, Mare, Gelding, or Colt, after ſuch Appraiſement, ſhall be deemed to be veſted in the Perſon taking up the ſame; nevertheleſs, it ſhall and may be lawful for the former Owner thereof, at any Time within Twelve Months after ſuch Appraiſement as aforeſaid, on proving his Property to ſuch Stray, by his own Oath, or otherwiſe, either to demand and recover ſuch Stray, or the Valuation Money, at the Election of the Owner, deducting therefrom the Reward hereby allowed for taking up the ſame, and the Money by him paid the Ranger for his Services: And in Caſe the former Owner ſhall not, within Twelve Months from the Time of taking up of the ſame, make Claim to ſuch Horſe, Mare, Gelding, or Colt, and prove, on Oath, or otherwiſe, the Property therein, the ſame ſhall belong to, and is hereby declared to be the abſolute Property of the Perſon taking up of ſuch Stray; but it ſhall, in like Manner, be lawful for the former Owner thereof, at any Time afterwards, upon proving his Property by the Oath of One or more indifferent Witneſſes, to demand and recover of the Perſon taking up the ſame,

(a) See Act Nov. 1771, Chap. 6, for amending and further continuing this Act.

ſame, the appraiſed Value of ſuch Horſe, Mare, Gelding, or Colt, deducting therefrom the Ranger's Fee, and the Reward for taking up of the ſaid Stray. A. D. 1768.

V. *PROVIDED always*, That if after the Appraiſement of any Stray, and Entry made thereof, with the Ranger aforeſaid, ſuch Stray ſhould happen to die before the Owner thereof ſhall make Claim, and prove his or her Right, the Perſon taking up ſuch Stray ſhall not be anſwerable for the ſame, unleſs ſuch Death appears to have been occaſioned by ill Uſage or Abuſe. Proviſo where they die before being claimed.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon not being a Freeholder, ſhall preſume to take up any Stray; or if any Freeholder ſhall take up any ſuch Stray, at any other Place than on his own Land, he or ſhe ſo offending, ſhall, for every ſuch Offence, forfeit and pay Five Pounds, to the Owner thereof; to be recovered with Coſts, before any Juriſdiction, having Cognizance thereof, and be further liable to the Action of the Party grieved. Pen. on Perſons, not being Freeholders, taking up Strays.

VII. *PROVIDED nevertheleſs*, That nothing herein contained ſhall extend to prevent any Freeholder, or other Perſon, from taking up any ſtray Horſe, Mare, Gelding, or Colt, and carrying the ſame immediately to the Owner thereof. *(a)* Proviſo, for carrying Strays immediately to their Owners.

IX. AND to the End that Horſes heretofore ſtrayed away may be recovered by their reſpective Owners; *Be it further Enacted, by the Authority aforeſaid*, That all and every Perſon who hath at any Time within Three Years before the paſſing of this Act, taken up any ſtray Horſe, Mare, Gelding, or Colt, and hath not as yet diſcovered the Owner thereof, and returned the ſame; ſuch Perſon ſhall, within Three Months after the paſſing of this Act, take ſuch Stray before the Ranger of the County where taken up; and thereupon the ſame Proceedings ſhall be had, and the like Rules obſerved, under the ſame Rewards, and liable to the ſame Forfeitures, as in and by this Act is directed to be had and obſerved concerning of Strays hereafter to be taken up. Proceedings with Strays taken up within three Years.

X. *AND be it further Enacted, by the Authority aforeſaid*, That for the more ſpeedy Recovery of Strays, it ſhall and may be lawful for any Perſon, at all Times hereafter, to look over and ſearch the Entry Book, by this Act directed to be kept by the Ranger of each County in this Act named, for Information of any Horſe Mare, Gelding, or Colt, which heretofore has, or hereafter may ſtray away from the Owner thereof; the Perſon requeſting ſuch Search firſt paying Eight Pence, Proclamation Money, therefor, to the Ranger keeping ſuch Book. Perſons may ſearch the Ranger's Book for Information of Strays.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That every Ranger appointed in Virtue of this Act, within the Counties aforeſaid, ſhall, immediately after his appointment to ſaid Office, advertiſe the ſame at the Door of the Court Houſe, and at each Church and Chapel within the County whereof he is appointed Ranger. Rangers to advertiſe their appointment.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That all and every Act and Acts heretofore made concerning taking up of ſtray Horſes, within the Purview of this Act, is, and ſtands hereby repealed. Repealing Clauſe.

XIII. *AND be it further Enacted by the Authority aforeſaid*, That this Act ſhall continue in Force, for and during Three Years, from and after the paſſing thereof, and till the End of the next Seſſion of Aſſembly, and no longer. Continuance of the Act.

CHAP. XV.

An Act to encourage the Importation of Britiſh *Copper Halfpence, and for making them a Tender for the Payment of ſmall Debts.* Repealed by his Majeſty in Council.

(a) Section 8, relative to the Penalty, for uſing Strays, altered, by Act Nov. 1771, Chap. 6.

A. D. 1768.

CHAP. XVI.

An Act to appoint Commiſſioners to build a Priſon, Pillory, and Stocks, on the Lot whereon the Court-Houſe now ſtands, in Duplin *County.*

Preamble.

I. WHEREAS the Priſon in the County of *Duplin* being lately burnt down, and it being neceſſary a new Priſon ſhould be erected in ſaid County;

Commiſſioners appointed for building Priſon, &c.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Hon. *John Sampſon*, Eſquire, *Felix Kennan*, Eſquire, and Mr. *David Thompſon*, be, and are hereby appointed Commiſſioners; and they, or the Majority of them, ſhall and may, and they are hereby required, within Six Months after the paſſing of this Act, to agree and contract with Workmen for the building and erecting a new Priſon, Pillory, and Stocks, in and for the Uſe of the County aforeſaid, on the Lot whereon the Court-Houſe now ſtands: And if any of the Commiſſioners appointed by this Act ſhould die, remove out of the County, or refuſe to act, the remaining Commiſſioners ſhall appoint another Commiſſioner or Commiſſioners, in the Room or Stead of ſuch Commiſſioner or Commiſſioners ſo dying, removing, or refuſing to act; and the Commiſſioners ſo appointed ſhall have the ſame Powers as the Commiſſioners appointed by this Act.

Monies appropriated.

III. AND whereas there is a conſiderable Sum of Money belonging to the ſaid County in the Hands of the Sheriff, unappropriated; *Be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners ſhall and may demand and receive, of and from the Sheriff of the County of *Duplin*, ſo much Money, not exceeding One Hundred and Twenty Pounds, as they ſhall think neceſſary, for compleating the Buildings aforeſaid; and ſhall by the ſaid Commiſſioners be applied to the Diſcharge of their Contracts for the building and finiſhing the ſame.

Commiſſioners to account for the Monies they receive.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners, after the Buildings aforeſaid ſhall be erected and finiſhed, ſhall render an Account of the Monies by them received of the Sheriff by Virtue of this Act, together with that of their Diſburſements, to the Inferior Court of *Duplin* County, for the Inſpection and Approbation of the Juſtices thereof.

CHAP. XVII.

An Act to continue an Act, intituled, An Act to amend an Act, intiuled, *An Act for the Regulation of the Town of* Wilmington. EXP.

Rep. by his Majeſty in Council.

CHAP. 18. *An Act for declaring certain Lots in the Town of* Newbern, *taken up by the Truſtees for promoting the Public School in the ſaid Town, ſaved and improved according to Law; and to impower the ſaid Truſtees to collect the Subſcriptions due to the ſaid School.*

19. *An Act for deſtroying Crows and Squirrels in the ſeveral Counties therein mentioned.* EXP.

CHAP. XX.

An Act for altering the Times of holding the Inferior Courts of the Counties therein mentioned.

Preamble.

I. WHEREAS the Days heretofore appointed by Law for holding the Inferior Courts in the Counties of *Rowan*, *Anſon*, *Granville*, *Halifax*, and *Hertford*, have been found inconvenient for thoſe whoſe Buſineſs it is to attend ſuch Courts:

Courts when held.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing of this Act, the Inferior Courts of Pleas and Quarter Seſſions for the ſeveral Counties aforeſaid ſhall be held on the Days following, inſtead of the Days heretofore appointed for holding ſuch Courts, *to wit*, *Anſon*, on the Second *Tueſday* in *January*, *April*, *July*, and *October*; *Granville*, on the Third *Tueſday* in *January*, *April*, *July*, and *October*; *Rowan*, on the Second *Tueſday* in *February*, *May*, *Auguſt*, and *November*; *Hertford*, on the Third *Tueſday* in *February*, *May*, *Auguſt*, and *November*; *Halifax*, on the Third *Tueſday* in *February*, *May*, *Auguſt*, and *November*, in each Year, for and during the Space of Four Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer; any Thing contained in any Act of Aſſembly, paſſed this preſent, or any former Seſſion, to the contrary, notwithſtanding.

Proceſs continued to the Court Days in this Act mentioned.

III. *AND be it further Enacted, by the Authority aforeſaid,* That all Actions, Suits, Writs, Proceſs, Petitions, Indictments, Informations, and Preſentments whatſoever, heretofore commenced in, iſſued from, or returnable to, the reſpective Courts aforeſaid, the Time for holding of which is altered by this

this Act, ſhall be, and are hereby continued to the particular Days and Times hereby appointed: And all Subpœnas for Witneſſes, and Recognizances for the Appearance of Perſons at the ſaid Courts, ſhall be as effectual as if the particular Days for holding any of the ſaid Courts had been mentioned therein; and the Perſons ſummoned as Witneſſes, and entering into ſuch Recognizances, ſhall be bound to appear accordingly. *A. D.* 1768.

IV. AND whereas ſome Doubts have ariſen whether certain Inferior Courts within this Province, not named in an Act, intituled, *An Act to amend and continue an Act, intituled, An Act to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province*, are continued by the ſaid Act; *Be it therefore Enacted, by the Authority aforeſaid, and it is hereby declared*, That the ſaid Inferior Courts of Pleas and Quarter Seſſions within this Province, not named in the aforeſaid Act, and all Proceſs, Pleas, and Proceedings therein, of what Nature or Kind ſoever, are, and ſhall be continued to the reſpective Days and Times for holding the ſame, ſpecified in an Act, intituled, *An Act to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province*, for and during the Continuance of the ſaid Act herein laſt mentioned: And that all Proceedings heretofore had in ſuch Inferior Courts, held on the reſpective Days and Times ſo ſpecified as aforeſaid, are hereby declared valid, to all Intents and Purpoſes, as if the ſame Courts had been expreſsly mentioned in the ſaid Act herein firſt mentioned. Courts not mentioned in the Inferior Court Act, declared valid.

V. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of an Act of Aſſembly, intituled, *An Act to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province*; and of another Act, intituled, *An Act to amend and continue an Act, intituled, An Act to eſtabliſh Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province*; as comes within the Purview of this Act, is, and ſhall be from henceforth repealed and made void. Repealing Clauſe.

CHAP. XXI.

An Act for making Proviſion for the Payment of the Forces raiſed to ſuppreſs the late Inſurrection on the Weſtern Frontiers, providing for the Public Claims, and for the more eaſy collecting the annual Taxes of Government.

I. WHEREAS from a late dangerous Inſurrection in the Weſtern Frontier Counties in this Province, for the Suppreſſion whereof his Excellency the Governor was obliged to raiſe Detachments of the Militia, a large Debt is become due for the Payment and Subſiſtence of thoſe Troops; and the great Scarcity of Money rendering it impoſſible to raiſe a ſufficient Sum to pay off that Debt, or to diſcharge the large Sums due from the Public, for running the dividing Line between this Province and the *Indian* Hunting Grounds, and other Claims on the Treaſury; it is but juſt and equitable that thoſe Troops, as well as the other Creditors of the Public, ſhould have their Demands ſecured by Certificates on the Public Treaſury. Preamble.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Perſons herein after named may, and they are hereby authorized and impowered, to make and ſign Certificates or Notes, on the Public Treaſury, of ſuch Denominations as they ſhall think convenient, not exceeding the Amount of Twenty Thouſand Pounds, Proclamation Standard. Notes on the Treaſury to be iſſued.

III. AND for diſcharging the ſame, *Be it Enacted, by the Authority aforeſaid*, That a Poll Tax of Two Shillings, Proclamation, ſhall be levied on each taxable Perſon in this Province, to commence for the Year One Thouſand Seven Hundred and Seventy One, and continue until the Sum for the above mentioned Certificates be fully raiſed; which Tax ſhall be paid into the Public Treaſury, annually, by the Sheriffs; under the ſame Penalties, Rules, and Reſtrictions, and with the ſame Allowances, as for other Public Taxes, either in the Commodities as herein after rated, Proclamation Bills, or Gold and Silver; and the Produce of the ſaid Tax ſhall be applied in Payment of the ſaid Certificates; which Certificates ſhall be in the Form following, *viz.* Tax laid to pay them off.

"THE Province of *North Carolina* is indebted to the Poſſeſſor hereof Proclamation "Money, to be paid out of the Public Treaſury, on Demand, at any Time after the Tenth "Day of *June*, One Thouſand Seven Hundred and Seventy Two, according to Act of Aſſembly, "paſſed *December*, 1768." Form of the Notes.

IV. *AND be it further Enacted*, That the Honourable *James Haſell*, and *Lewis De Roſſett*, Eſqrs. *Richard Caſwell*, and *Thomas Clifford Howe*, Eſqrs. ſhall make and ſign the Certificates, in the Form aforeſaid, to the Value afore-mentioned; for which they ſhall be allowed One *per Cent.* and after making and ſigning the ſaid Certificates, they ſhall forthwith deliver the ſame to the Public Treaſurers; who are hereby ordered and impowered to give and deliver to ſuch Perſon or Perſons reſpectively, to whom the Public ſhall ſtand indebted at the Time of paſſing this Act, ſo much in Value in the ſaid Certificates as ſhall amount to their reſpective Demands, to ſerve as a Teſtimony and Security of the Debt ſo due, till the ſame ſhall be paid off and diſcharged, by the Taxes as herein ordered to be levied and collected for that Purpoſe. Commiſſioners appointed to iſſue them to the Treaſurers, who are to pay them to the Public Creditors.

V. AND the better to enable the induſtrious Poor of this Province to diſcharge their annual Taxes (except the ſinking Taxes heretofore laid) *Be it Enacted, by the Authority aforeſaid*, That Inſpectors Promiſſory Notes or Receipts for the following Commodities, being good and merchantable, and inſpected Taxes to be paid in Commodities, and Manner of paying them.

A. D. 1768.

ſpected and paſſed as ſuch, at the Inſpections by Law eſtabliſhed, ſhall be received by the Sheriffs, or other Collectors of the Public Taxes, in Diſcharge of ſuch Taxes, at the Rates following, *viz.* Tobacco, at Fifteen Shillings *per* Hundred Weight; Hemp, intitled to a Bounty, at Forty Shillings *per* Hundred Weight; Rice, at Twelve Shillings *per* Hundred Weight; Indigo, at Four Shillings *per* Pound; Bees Wax, at One Shilling *per* Pound; Myrtle Wax, at Eight Pence *per* Pound; Tallow, at Six Pence *per* Pound; *Indian* dreſſed Deer Skins, not weighing leſs than One Pound each, at Two Shillings and Six Pence *per* Pound. And all Sheriffs, and other Collectors of Taxes, are hereby required to receive ſuch Inſpectors Notes, from any Perſon offering the ſame in Payment of Taxes (except on the ſinking Taxes herein before excepted) at the Rates above ſpecified, ſo that they be tendered between the Firſt Day of *January* and the Tenth Day of *March*, in each Year, and not after; and ſo that the Commodity for which the Inſpectors Promiſſory Note, ſo tendered, was given, ſhall have been duly inſpected and paſſed within three Months of the Time of tendering the ſame to the Sheriff or Collector: And every ſuch Officer who ſhall receive any ſuch Inſpectors Notes for Taxes, ſhall, at the Firſt Court for his County after the Tenth Day of *March*, in each Year, on the Second Day of the Court, between the Hours of Twelve and Three o'Clock in the Afternoon, due Proclamation thereof being firſt made, expoſe to Sale, at Public Vendue, at the Court-Houſe Door, all ſuch Commodities as he ſhall have received in Virtue of this Act, for the moſt that can be got for the ſame: And at the Time by Law appointed for ſettling with the Public Treaſurer of his Diſtrict, ſuch Sheriff ſhall pay over to the ſaid Treaſurer, the Monies ariſing from ſuch Sale; and alſo deliver to him an authenticated Account of the Number of Poll for whoſe Taxes he received the ſaid Commodities, with the Account of the Sales of the ſame.

Commiſſioners to give Bond.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Honourable *James Haſell*, and *Lewis De Roſſett*, Eſqrs. *Richard Caſwell*, and *Thomas Clifford Howe*, Eſqrs. ſhall, before they make and ſign any of the Certificates aforeſaid, enter into Bond, with ſufficient Securities, to our Sovereign Lord the King, in the Sum of Twenty Thouſand Pounds Sterling, with Condition for their honeſt, true, and faithful Diſcharge of the Truſt aforeſaid; and that they will not make and ſign any other, or to a greater Amount of the ſaid Certificates, than is herein before directed; and ſhall alſo make Oath, on the Holy Evangeliſts, before ſome Magiſtrate, to the ſame Purpoſe; which Bond ſhall be lodged in the Secretary's Office, and ſhall not be void on a firſt Recovery, but may be put in Suit on every different Breach of the Condition thereof: And if any Perſon ſhall make and ſign any Certificates in the Likeneſs and Similitude of thoſe by this Act appointed, or in any Manner alter, counterfeit, or forge any ſuch, or ſhall paſs, or attempt to paſs, any ſuch altered, forged, or counterfeit Certificates, knowing it to be ſuch, ſhall, on Conviction thereof, be deemed a Felon, without Benefit of Clergy, and ſhall be adjudged and ſuffer accordingly.

Penalty for counterfeiting Notes.

SIGNED by

WILLIAM TRYON, Eq; Governor.
James Haſell, Preſident.
John Harvey, Speaker.

Read Three Times, and ratified in open Aſſembly, the 5th Day of Dec. 1768.

ANNO

A. D. 1769.

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

NONO.

At an ASSEMBLY, begun and held at *Newbern*, the Twenty-third Day of *October*, in the Ninth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thouſand Seven Hundred and Sixty-nine: Being the Firſt Seſſion of this preſent Aſſembly. WILLIAM TRYON, Eſq; Governor.

CHAP. I.

An Act for appointing an Agent to ſolicit the Affairs of this Province at the ſeveral Boards in England. EXP.

CHAP. 2. *An Act for confirming the Qualification of* Henry Lockey, *Sheriff of* Beaufort *County*. Had its Effect.

CHAP. III.

An Act to encourage the deſtroying of Vermin in the ſeveral Counties therein mentioned. (a)

I. WHEREAS the Counties of *Mecklenburgh*, *Rowan*, *Tryon*, *Carteret*, *Bute*, and *Granville*, are much infeſted with Wolves, and other Vermin, to the great Prejudice of the Inhabitants: Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Perſon who ſhall kill any of the Vermin herein after-mentioned, within Ten Miles of any ſettled Plantation in any of the ſaid Counties, ſhall be entitled to a Claim on the County where ſuch Vermin ſhall be killed, to the ſeveral Rewards as follows; For every Wolf, Seven Shillings and Six-pence. And for every Panther, Seven Shillings and Six-pence; to be be paid as herein after directed. Premium for killing Vermin.

III. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon who ſhall have a Claim for killing any of the aforeſaid Vermin, are hereby directed to produce the Scalp of the aforeſaid Vermin, with both Ears, before a Magiſtrate, who is to adminiſter an Oath to ſuch Perſon claiming the ſame, that it was taken and killed within the Bounds of ſuch County where the Claim ſhall be made: And if any Slave or Indian that ſhall kill any Vermin, of which the Head or Scalp ſhall be produced as aforeſaid, the Maſter or Owner of ſuch Slave or Indian, or he that makes Claim for ſuch Scalp or Scalps, in Behalf of any Slave or Indian, ſhall make Oath before ſuch Magiſtrate, that he verily believes the ſame was taken and killed within How recovered.

(a) This Act further continued by Act Nov. 1771, Chap. 13.

A. D. 1769. within the County wherein the ſame was claimed; which Oath being adminiſtered, the Magiſtrate is hereby directed to give a Certificate for the ſame, and immediately cauſe ſuch Scalp to be deſtroyed.

And paid. IV. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon having a Certificate from any ſuch Magiſtrate, ſhall, upon producing the ſame to the Court of the County where ſuch Certificate was obtained, be entitled to the Sum or Sums due upon ſuch Certificate; which ſeveral Sums ſo paid, ſhall be allowed by the Court, out of the County Tax.

Tax laid for paying the ſame. V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Juſtices of the Inferior Courts of Pleas and Quarter Seſſions within the ſaid Counties, are hereby required, authorized, and impowered, to lay a Tax on the ſeveral taxable Perſons within their reſpective Counties for diſcharging the ſaid Claims.

Continuance of the Act. VI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force, for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. IV.

An Act to impower the Juſtices in the ſeveral Counties therein mentioned, to eſtabliſhing free Ferries and Bridges in their reſpective Counties; and lay a Tax for defraying the Charges thereof.

Preamble. I. WHEREAS by Reaſon of the ſeveral Rivers running through the Counties of *Hertford*, *Paſquotank*, *Rowan*, *Mecklenburg*, *Pitt*, and *Tyrrel*, the Ferries and Bridges over which it is neceſſary for many of the Inhabitants to paſs, to attend the Courts and other public Meetings at the Court Houſes in the ſaid reſpective Counties, are expenſive and burthenſome to ſuch Inhabitants:

Ferries and Toll Bridges to be free. II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Juſtices of the ſaid reſpective Counties, or any Seven or more of them, be, and are hereby impowered to agree with the Owner or Owners, Keeper or Keepers of any Ferry or Ferries, Toll Bridge or Bridges, within their reſpective Counties, as they ſhall think neceſſary, for ſuch Sum or Sums of Money as ſhall appear to them reaſonable, to ſet over ſuch Ferry or Ferries, or let paſs over ſuch Toll Bridge or Bridges, any of the Inhabitants of the ſaid reſpective Counties requiring the ſame, free from any Charges whatſoever, on any of the Days of the Sitting of the Courts, Election of Members of Aſſembly, or Veſtrymen, Meeting of the Veſtry, or General Muſters of the ſaid Counties.

Tax laid for paying the Owners. III. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid Counties are hereby authorized and required, yearly, and every Year, at the ſame Time that they lay the County Levy, to lay a Tax, not exceeding Six-pence, Proclamation Money, on each and every taxable Perſon in their reſpective Counties; to be collected and accounted for by the Sheriffs with the Juſtices of the reſpective Counties, in the ſame Manner as other County Taxes, and by them applied to the Diſcharge of the ſeveral Contracts to be made in Virtue of this Act; and the Overplus (if any) to the contingent Charges of the County.

Pen. for Neglect to ſet over Perſons. IV. *AND be it further Enacted, by the Authority aforeſaid*, That each and every Ferryman, Owner or Owners of any ſuch Toll Bridge or Bridges, with whom the Juſtices ſhall agree as aforeſaid, ſhall be, and they are hereby obliged to ſet over, Ferriage free, or ſuffer to paſs over ſuch Toll Bridge or Bridges, without Toll, any of the Inhabitants of the reſpective Counties, on the Days and Times aforeſaid; under the Penalty of Twenty Shillings, Proclamation Money, for every Offence; to be recovered by the Party grieved, before any Juſtice of the Peace, and applied to his own Uſe.

Bond to be given. V. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſaid reſpective Counties, to take Bond and Security of all ſuch Ferry keepers or Owners of any Toll Bridge or Bridges, with whom they ſhall agree as aforeſaid, in the Sum of Twenty Pounds, for the due and faithful Performance of the Duty enjoined them by this Act.

Public Ferry appointed. VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Ferry croſſing the *Yadkin* River, where the Trading Path croſſes below the Iſland, where the Ferry is now kept in *Rowan* County, be, and is hereby declared to be a public Ferry; and that no other Ferry ſhall be kept on the ſaid River within Four Miles above or below the ſame.

Continuance of the Act. VII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Ten Years, after the paſſing thereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

ANNO

A. D. 1770.

ANNO REGNI

GEORGII III.

REGIS

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

UNDECIMO.

At an ASSEMBLY, began and held at *Newbern*, the Fifth Day of *December*, in the Eleventh Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thouſand Seven Hundred and Seventy; being the Firſt Seſſion of this preſent Aſſembly. WILLIAM TRYON, Eſq; Governor.

CHAP. I.

An Act for preventiug Tumults and riotous Aſſemblies, for the more ſpeedy and effectual puniſhing the Rioters, and for reſtoring and preſerving the Public Peace of this Province. EXP.

CHAP. 2. *An Act to encourage the further Settlement of this Province.* Repealed by Proclamation.

3. *An Act for founding, eſtabliſhing, and endowing of* Queen's *College, in the Town of* Charlotte, *in* Mecklenburg *County.* Repealed by Proclamation.

CHAP. IV.

An Act for an Addition to, and Amendment of an Act, intituled, An Act for appointing a Militia.

I. WHEREAS there are in divers Parts of this Province ſeveral of the People called Quakers, who demean themſelves in a quiet and peaceable Manner, and from a religious Principle, are conſcientiouſly ſcrupulous of bearing Arms, or appearing or anſwering to their Names in Muſter Fields, and therefore ſubject to many Fines and Diſtreſſes to be made upon their Goods, to their great Hurt and Prejudice: For the Relief of ſuch, Preamble.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing of this Act, the People called Quakers ſhall not be obliged to appear and muſter at any general or private Muſter within this Province, nor be liable to any Fines or Penalties for not appearing and muſtering; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Quakers not obliged to muſter.

III. *PRO-*

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But to be inlisted under a Captain; and on Insurrections obliged to serve, or find Substitutes, on Pen. of 10 l.

III. *PROVIDED nevertheless, and be it Enacted, by the Authority aforesaid,* That the Colonel, or chief commanding Officer of the Militia in every County, shall list all Male Persons of the People called Quakers, between the Age of Sixteen and Sixty, within his County, under the Command of such Captain as the Governor, or Commander in Chief for the Time being, shall think fit: And if, upon any Invasion or Insurrection, the Militia of the Counties to which such Quakers belong shall be drawn out into actual Service, and any Quakers so inlisted shall refuse to serve, or provide an able and sufficient Substitute in his Room, if thereto required by the Colonel, or chief Officer of the Militia of his County; in such Case, every Quaker so refusing to serve, or provide a Substitute as aforesaid, shall forfeit and pay Ten Pounds; to be recovered before any Justice of the Peace of the County, upon Complaint of the Colonel or chief Officer; and to be levied by Distress and Sale of the Estate of the Quaker so refusing; which Sum shall be applied, by the said Colonel or chief Officer, towards providing a Substitute in the Room of such Quaker, upon whom the same shall be levied as aforesaid.

Not to exceed the Proportion the Number of Quakers bear to the whole Militia.

IV. *PROVIDED always,* That the Number of Quakers required by the Colonel or chief Officer of any County to serve, or find Substitutes as aforesaid, shall not exceed the Proportion the whole Number of Quakers bear to the whole Number of Militia upon the Muster Rolls of the said County.

Nor exempt from mustering without a Testimonial of his being a Quaker.

V. *PROVIDED also, and be it further Enacted, by the Authority aforesaid,* That no Man under the Denomination of a Quaker shall be exempted from Musters and bearing Arms, or from paying such Fines and Forfeitures as by Law inflicted, in Case of Refusal or Neglect, without producing, if required by the Colonel or chief Officer of the Militia, a Testimonial or Certificate from the Monthly Meeting, that he is considered and accepted as a Member of that Society.

Fathers or Mothers, Masters or Mistresses, liable for the Fines of their Children or Servants.

VI. WHEREAS by the before recited Act, sundry Fines are directed to be paid by Persons who neglect or refuse to appear at Musters, or on Call or Alarm given, to appear at such Times and Places as shall be appointed; and there being no Provision made in the said Act how, or by whom the Fines are to be paid, of such Persons who are under Age, or are Apprentices or Servants: *Be it therefore Enacted, by the Authority aforesaid,* That the Father, or where there is no Father living, the Mother of each and every Person under the Age of Twenty One Years, shall be liable to the Payment of the Fines becoming due from their respective Sons so under Age: And the Master, and where there is no Master, the Mistress of all such Apprentices and Servants, shall be liable to the Payment of all such Fines becoming due from their respective Apprentices and Servants; and shall and may be proceeded against by the Officers of the Militia to recover the same, in the same Manner as is directed by the said Act against other Persons for the Recovery of the Fines imposed by the said Act.

No Person liable to muster till been an Inhabitant 6 Months.

VII. *AND be it further Enacted, by the Authority aforesaid,* That no Person whatsoever shall be obliged to appear at any general or private Muster, until he has been an Inhabitant of this Province Six Months; any Thing in the before recited Act to the contrary notwithstanding.

Continuance of the Act.

VIII. *AND be it further Enacted,* That this Act shall continue and be in Force for and during the Space of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAP. V.

An Act to ascertain Attornies Fees.

Preamble.

I. WHEREAS it is necessary to ascertain what Fees Attornies may lawfully take and receive for their Trouble in conducting Causes in the respective Courts in this Province:

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same,* That it shall and may be lawful for each and every Attorney at Law to take and receive from their respective Clients, the following Fees, *to wit.*

Attornies Fees.

	£.	s.	d.
For every Action in the Superior Court, except where the Title or Bounds of Lands come in Question, the Sum of	2	10	0
For every such Action in any Inferior Court,	1	5	0
For every real Action, or such as respects the Title of Lands,	5	0	0
For every Petition for the Recovery of Legacies, filial Portions, or distributive Shares of Intestates Estates, if in the Superior Court,	3	10	0
If in the Inferior Court,	1	15	0
For every Opinion or Advice in Matters cognizable in the Superior Court, where no Suit is or shall be brought, and prosecuted or defended by the Attorney giving such Advice, but not otherwise,	1	0	0
For every Opinion or Advice in Matters cognizable in the Inferior Court, where no Suit is or shall be brought, and prosecuted or defended by the Attorney giving such Advice, but not otherwise,	0	10	0

Pen. for taking other Fees.

And every Lawyer exacting, taking, receiving, or demanding, any greater Fee, or other Reward, for any of the above Services, shall forfeit and pay Fifty Pounds for every Offence; one Half to our Sovereign Lord the King, towards defraying the contingent Charges of Government, and the other Half to the Person who shall sue for the same; to be recovered by an Action of Debt, in any Court of Record in this Province, having Cognizance thereof.

AND

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What Fee Clerks may take.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Clerk of each reſpective Court within this Province is hereby directed and required to tax in every Bill of Coſts, where an Attorney ſhall have been actually employed by the Party who ſhall recover, or be otherwiſe entitled to receive, ſuch Fee as is by this Act allowed, and no more.

Attornies guilty of Neglect, to pay all Coſts.

Bonds for greater Fees Void.

IV. *AND be it further Enacted,* That if any Attorney, in any Superior or Inferior Court, ſhall wittingly or willingly be guilty of any Neglect in any Cauſe, the Court before whom ſuch Cauſe ſhall be depending, on Complaint and Proof thereof made within Six Months after ſuch Neglect, ſhall have full Power and Authority to order ſuch Attorney to pay all Coſts occaſioned by ſuch Neglect. And every Bill, Bond, Promiſe, or other Engagement, of what Denomination ſoever, for the Payment of any other or larger Fees than before enumerated, ſhall be utterly void and of no Effect; any Uſage to the contrary notwithſtanding.

After Suits, Clients may make their Lawyers greater Compenſations.

V. *PROVIDED neverthelefs,* That it may be lawful for any Perſon, after the Determination of his Suit, to make his Lawyer a larger Compenſation for his Trouble, if he thinks he has merited the ſame; any Thing herein contained to the contrary notwithſtanding.

CHAP. VI.

An Act to amend an Act, intituled, An Act for appointing Sheriffs, and directing their Duty in Office.

Preamble.

I. WHEREAS many Hardſhips and Inconveniences have ariſen from Sheriffs leaving this Province before they had accounted for the Public, County, and Pariſh Taxes, whereby their Securities have become liable for the ſame; and no Proviſion having been made in the ſaid Act for the Relief of ſuch Securities;

Sheriffs removing themſelves, before finiſhing their Collections, their Securities may collect the Arrears of Taxes.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That every Sheriff who hath already removed himſelf, or hereafter may remove himſelf out of this Province, and ſhall not have accounted for the Public, County, and Pariſh Taxes, whereby the Securities of ſuch Sheriffs have or may become liable for the ſame, it ſhall and may be lawful for ſuch Securities their Heirs, Executors, or Adminiſtrators, to receive and collect all the Arrears of Taxes which ought to have been collected by ſuch Sheriffs, and if any Perſon or Perſons, liable to pay ſuch Taxes, ſhall or may fail to pay the ſame to the Sheriffs Securities as aforeſaid, it ſhall and may be lawful for ſuch Securities, their Heirs, Executors, or Adminiſtrators, to make Diſtreſs for all ſuch Arrears of Taxes, in the ſame Manner as Sheriffs are by Law impowered to diſtrain.

To make no Diſtreſs, until Ten Days Notice.

III. *PROVIDED always,* That no ſuch Diſtreſs ſhall be made until public Notice be firſt given to the Inhabitants of the County, by advertiſing the ſame at the Court Houſe, and ſeveral Chapels, within ſaid County, at leaſt one Month next before ſuch Diſtreſs is intended to be made.

CHAP. VII.

An Act to prevent the Exportation of unmerchantable Commodities.

Commodities to be inſpected.

I. BE *it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Time Inſpectors are to be appointed by Virtue of this Act, no Flax Seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, tanned Leather, or Deer Skins, ſhall be expoſed to Sale for Exportation, or any Indigo paid in Diſcharge of Taxes, until the ſame ſhall be duly inſpected, under the Regulations herein after expreſſed; and the Juſtices of the Inferior Court in every County within this Province, are hereby authorized and required, at the Firſt or Second Court to be held in each County after the paſſing of this Act, and on the Firſt Court in each County, reſpectively, which ſhall be held next after the Firſt Day of *January* in each ſucceeding Year, to nominate and appoint, in open Court, one or more fit or proper Perſon or Perſons, reſiding in the ſaid County, to attend at ſuch Times and Places as are by this Act appointed and directed (except at *Wilmington*, in *New-Hanover* County, where there ſhall be two Inſpectors, and no more) to inſpect all ſuch Hemp, Flax Seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, Staves, Heading, Shingles, Lumber, tanned Leather, and Deer Skins, and Indigo, within the reſpective Counties, according to the Directions of this Act: And every Inſpector ſo appointed, ſhall, before he enters upon, or executes his Office, enter into Bond, with two or more good and ſufficient Securities, in the Penalty of Five Hundred Pounds, Proclamation Money, for the true and faithful Diſcharge of his Office, according to the Directions of this Act (which Bond and Securities every ſuch Court, reſpectively, is hereby impowered and required to demand and take, and cauſe to be acknowledged before them in open Court, and recorded) which Bond ſhall be made payable to the Governor or Commander in Chief for the Time being, and ſhall be in Force for the Term of Three Years after ſuch Inſpector ſhall be out of Office; and that in the Name of the Governor or Commander in Chief for the Time being, any Perſon or Perſons injured, may and ſhall, at his, her, or their Coſts and Charges, commence and proſecute a Suit or Suits on ſuch Bond againſt the Parties therein bound, their Executors or Adminiſtrators, and ſhall and may recover all Damages which he, ſhe, or they, may have ſuſtained by Reaſon of the Breach of the Condition thereof; and the ſaid Bond ſhall not become void upon the firſt Recovery, or if Judgment ſhall be given againſt any Plaintiff or Plaintiffs who ſhall ſue

Inſpectors to be appointed.

Who are to give Bond,

Which, on Breach of the Condition, may be ſued for the Benefit of the Party injured.

A. D. 1770.

Judgment for the Inſpector, Plaintiff to pay double Coſts.

on ſuch Bond, but may be put in Suit, and proſecuted from Time to Time, for the Benefit of the Party or Parties injured, until the whole Penalty expreſſed in ſuch Bond ſhall be recovered. *Provided always*, That if any Verdict or Judgment ſhall paſs for ſuch Inſpector, or his Security, the Perſon or Perſons at whoſe Inſtance ſuch Suit ſhall be proſecuted, ſhall pay double Coſts; and every ſuch Inſpector ſhall alſo take the following Oath, *to wit*,

Inſpector's Oath.

I A. B. *do ſwear that I will faithfully, impartially, and diligently, execute the Office of Inſpector, and that I will not, for Favour, Affection, Prejudice, or Partiality, brand for any Perſon whatſoever, any Flax Seed, or any Barrel of Pork, Beef, Rice, Flour, Tar, Pitch, or Turpentine, Caſk or Firkin of Butter, Barrel or Caſe of Indigo, or paſs any Staves, Heading, Shingles, Lumber, Tanned Leather, or Deer Skins other than ſuch as are declared lawful by an Act of Aſſembly, intituled*, An Act to prevent the Exportation of unmerchantable Commodities, *according to the beſt of my Skill and Judgment.*

SO HELP ME GOD.

Inferior Courts Power over Inſpectors.

II. *AND be it further Enacted, by the Authority aforeſaid*, That the Inferior Courts of the reſpective Counties ſhall be, and are hereby authorized and impowered, at any Time, to diſcharge any Inſpector from his ſaid Office who ſhall miſbehave himſelf, and act contrary to his Duty therein; the Party complaining giving ſuch miſbehaving Inſpector Ten Days previous Notice, in Writing, of the Complaint againſt him, with the Particulars thereof; and at the Death, or on the Diſability of any of them, to appoint another to ſucceed ſuch dead, diſabled, or miſbehaving Inſpector; and if any ſuch Death ſhould happen in the Vacation of ſuch Courts, it ſhall then be lawful for any Three Juſtices of ſuch Court, whereof the Chairman, or firſt in Commiſſion who has qualified ſhall be one, to nominate and appoint ſome other fit and proper Perſon as Inſpector, till the next ſucceeding Court for ſuch County: Or if any Inſpector ſhall be rendered incapable of performing his Duty by Sickneſs, or other Accident, it ſhall then be lawful for the Inſpector ſo diſabled, or rendered incapable of performing his Duty as aforeſaid, by and with the Conſent of Three Juſtices, to appoint ſome other Perſon as an Aſſiſtant, during the ſaid Inſpectors Sickneſs or other Diſability; which Conſent ſhall be certified under their Hands, and lodged with the Clerk of the Inferior Court of the County wherein the Inſpector reſides; and the Perſon ſo appointed ſhall take the ſame Oath as Inſpectors appointed by the Courts; and the Inſpector ſhall be liable to the ſame Fines and Penalties for the ſaid Aſſiſtants bad Conduct and Miſbehaviour, as he is liable to for his own.

Proceedings in Caſe of their Death.

Places of Inſpection appointed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Places and Landings hereafter mentioned, ſhall be, and hereby appointed for the Inſpection of Flax Seed, Pork, Beef, Rice, Flour, Indigo, Butter, Tar, Pitch, and Turpentine, Staves, Heading, Lumber, and Shingles; to which Places all of the ſaid Commodities, before ſold or exported, ſhall be brought, examined, and inſpected, according to the Directions herein after mentioned; that is to ſay, In *New-Hanover* County, at the Town of *Wilmington*, and *New-Topſail* Sound. In *Brunſwick* County, at the Town of *Brunſwick*. In *Onſlow* County, at *Bear Inlet*, *New-River*, at *Week's*, *Todd's*, and *French's* Landings, and *Bogue Inlet*. In *Carteret* County, at *Beaufort* Town, *Fort Point*, and *Portſmouth*. In *Craven* County, at *Newbern* Town, *Clubfoot's* Creek, and *Lower Broad* Creek. In *Beaufort* County, at *Bath* Town, *James Bonner's*, *Warrick's* Landing, and *Maul's* Mill. In *Pitt* County, at *William Spiers*, *Simpſon's*, at *Tyſon's* Landing, at the *Red Banks*, and *Salter's*. In *Hyde* County, at *Woodſtock* Town, *Wyſocca*, the Mouth of *Pantego* Creek, and *Sylveſter's* Landing. In *Tyrrel* County, at *Hog* Town, *Mill* Landing, *Gardner's*, *Dayley's*, *Welche's* Creek, *Kindrick's* Creek, *Scuppernong* River, *Squawvaſque*, *Little Allegator*, *Richard Lurry's*, *Meacon's* Landing, *Hill's* Landing, and *Dawſon's*. In *Chowan* County, at *Edenton*, *Old Town* Landing, *Bennet's* Creek, at the Bridge, and *John Simon's* Landing, and at *Thomas Ward's*, ſenior's, Landing. In *Bertie* County, at *Salmon's* Creek, *Maul's Haven*, on *Roanoke* River, at *Windſor*, and at *Lockhart's*, and *Whitmill's* Landings. In *Hertford* County, at the Warehouſe on *Chowan* River, *Vanpelt's*, *Wycacon's* Creek, and *Catharine's* Creek, *Hill's* Ferry, *Murphey's* Landing, and *Manney's* Landing, *Bennet's* Creek Bridge, at *Mount Sion*, and *Winton*. In *Northampton* County, the *Pitch* Landing, *Pace's* Warehouſe, *Jones's* Warehouſe, and the Place where *Ragland's* Warehouſe formerly ſtood. In *Halifax* County, at *Whitmel Hill's* Plantation, at *Kahuky*, *Barns's* Landing, Mr. *Blake Baker's* Landing, and the Town of *Halifax*. In *Edgcomb* County, at *Tarborough* Town. In *Perquimons* County, at *Cypreſs* Bridge, at *Hertford*, *Saunders's* Landing, up the Narrows, *John Barrow's*, *Yopim* Creek, at *Seth Summer's* Landing, at *Little* River Bridge, *Sanderſon's* Landing *Benjamin Harvey's* Landing, at *John Barcliff's*, on *Deep* Creek, at Capt. *Joſeph Sutton's*, *on Sutton's* Creek. In *Paſquotank* County, at *Nixonton*, at *M'Kell's*, at *Newbegun* Creek, at *Windfield*, at the Narrows of *Paſquotank* River, at the Mouth of the River, at *Seaburn's* Landing, *North* River, *Plank* Bridge, on *Sawyer's* Creek, at *Aranuſe*, and at River Bridge. In *Currituck* County, the *South* Side of *Tulley's* Creek Bridge, at *Joſeph Sanders's*, at *Moyock*, at *Indian Town* Bridge, at *Chiconocomick*, at *Thomas Pain's* Landing, the Head of *Tulley's* Creek Bridge, at *Etheridge's* Creek, and *Currituck* Court Houſe. In *Dobbs* County, at *Fellow's* Ferry, *Shepherd's* Landing, on *Cotentney*, and *Kingſton*. In *Cumberland* County, at *Campbleton*.

Inſpector may be called to any Landing, to inſpect Commodities.

IV. *PROVIDED neverthelefs*, That any Perſon or Perſons, having at any Landing, which is not by this Act appointed a Place of public Inſpection, a Quantity of Merchandize for Exportation, and being deſirous to ſhip the ſame directly on board a Veſſel, for Exportation, from ſuch Landing, it ſhall and may be lawful for ſuch Perſon or Perſons intending to ſhip and export the ſaid Merchandize as aforeſaid, to call any Inſpector; who is hereby required to inſpect and brand the ſame, under the Rules and Directions herein mentioned; any Thing in this Act contained to the contrary notwithſtanding.

V. *AND*

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Inſpectors for Towns to reſide therein.

V. *AND be it further Enacted, by the Authority aforeſaid,* That where any ſuch Inſpection ſhall be appointed by this Act, to be held in any Town, that ſends a Repreſentative to the Aſſembly, the Inferior Court of the County wherein ſuch Town is, ſhall not nominate or appoint any other Inſpector or Inſpectors for any ſuch Inſpection, but ſuch Perſon or Perſons who ſhall, during his Continuance in ſaid Office, reſide in ſuch Town.

Pen. on Maſters of Veſſels taking on Board unin-ſpected Commodities.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That no Maſter or Commander of any Ship or Veſſel ſhall take on Board his Ship or Veſſel, any ſuch Caſk or Barrel, or other inſpectable Commodity as aforeſaid, without being inſpected and branded, as by this Act required, under the Penalty of One Hundred Pounds, for each Offence; one Half to the Informer, and the other Half to the Churchwardens of the Pariſh wherein the Offence ſhall be committed, to the Uſe of ſuch Pariſh; to be recovered with Coſts, by Action of Debt, Bill, Plaint, or Information, in any Court of Record, having Cognizance thereof.

Pen. on Collectors entering Veſſels before the Maſter takes This Oath.

VII. *AND be it further Enacted,* That no Collector ſhall enter any Ship or Veſſel before the Maſter or Commander of ſuch Ship or Veſſel ſhall have taken the following Oath, *to wit,*

YOU ſhall ſwear that you will not, this preſent Voyage, export in the Ship or Veſſel whereof you are Maſter or Commander, any Flax Seed, Barrel of Pork, Beef, Rice, Flour, Caſk or Firkin of Butter, Tar, Pitch, or Turpentine, that ſhall not have an Inſpectors Brand thereon, or any tanned Leather, without an Inſpectors Stamp thereon according to Law, except ſuch as ſhall be neceſſary for the Veſſel's Uſe.

SO HELP YOU GOD.

Which he is to adminiſter.

Which Oath the Collector of the Port, or his Deputy, is hereby impowered and required to adminiſter; and ſhall and may take and receive of ſuch Maſter for adminiſtering the ſaid Oath, One Shilling, Proclamation Money; neither ſhall any Collector clear out any Ship or Veſſel until the Maſter ſhall produce a Certificate or Certificates, from under the Hands of the Inſpector or Inſpectors, of his Cargoes being inſpected agreeable to this Act; under the Penalty of Fifty Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by the Churchwardens of the Pariſh where ſuch Offence ſhall be committed, for the Uſe of ſuch Pariſh: And in Caſe any of the ſaid Commodities have been put on Board any Ship or Veſſel, without being firſt inſpected as this Act directs, it ſhall and may be lawful for any Two Juſtices, on Information made to them, on Oath, to iſſue a Warrant, directed to the Sheriff, or any Conſtable of any County wherein ſuch Veſſel ſhall be, to cauſe Search to be made on Board ſuch Ship or Veſſel; and on finding any ſuch Commodities not inſpected according to the Intent and Meaning hereof, the ſame ſhall be forfeited, and applied as herein after directed.

Pen on him for clearing Veſſels, without Inſpectors Certificate.

Veſſels may be ſearched.

Collectors to give Certificates to Maſters of Veſſels.

VIII. *AND be it further Enacted,* That every Collector, or his Deputy, ſhall grant a Certificate to the Maſter or Commander of any Ship or Veſſel, of his having taken ſuch Oath, under the Penalty of Ten Pounds for each Neglect or Refuſal; to be recovered by Bill, Plaint, or Information, in any Court of Record in this Province; the one Half to him or them who ſhall ſue for the ſame, the other Half to the Churchwardens, for the Uſe of the Pariſh where ſuch Offence ſhall be committed; for which Certificate the Collector ſhall and may receive Two Shillings and Eight Pence.

Their Fee for the ſame.

Inſpectors to attend, and provide a Brand.

Pen. for Neglect of Duty or branding unmerchantable Commodities, or empty Barrels, or lending his Brand.

IX. *AND be it further Enacted,* That every ſuch Inſpector ſhall conſtantly attend at the Places for which he ſhall or may be appointed, at ſuch Times as required for the Inſpection of the ſaid Commodities within his Diſtrict; and ſhall provide an Iron to brand any of the Commodities, bearing the Name of the Inſpector, and his Place of Reſidence: And if any Inſpector, ſo appointed and ſworn, ſhall neglect his Duty, or brand or ſtamp any of the Commodities contrary to this Act, or brand any empty Barrel, or lend his Brand to any Perſon or Perſons whatſoever, he ſhall forfeit and pay, for every Caſk of Flax Seed, and for every Barrel, Box or Caſe of Indigo, Five Pounds; for every Barrel of Pork, Beef, Rice, Flour, Caſk or Firkin of Butter, Three Pounds; for every Barrel of Tar, Pitch, or Turpentine, Ten Shillings; and for branding any empty Barrel, or lending his Brand, Forty Pounds, Proclamation Money; to be recovered by Action of Debt, before any Juriſdiction having Cognizance thereof, with Coſts, by the Informer: And every other Perſon or Perſons that ſhall, by any Ways or Means, brand, or procure to be branded, any Caſk of Flax Seed, or Barrel, Half Barrel, Caſk, Firkin, Half Firkin, Box or Caſe as aforeſaid, than by the Inſpector, or by his Aſſiſtant, he or they ſo offending, ſhall forfeit and pay for ſuch Offence, the ſame Fines and Penalties as Inſpectors are by this Act liable to pay for Breach of their Duty or Miſbehaviour.

Pen. for counterfeiting Inſpectors Brand.

Guage and Quality of Beef and Pork Barrels.

Quantity and Quality of Meat to be packed in them.

To be branded, and Certificate given the Owner.

X. *AND be it further Enacted, by the Authority aforeſaid,* That all Pork or Beef, packed within this Province for Sale or Exportation, ſhall be put in good and ſufficient new White Oak Caſks, which ſhall not contain more than Thirty One Gallons and an Half, Wine Meaſure, each Barrel, and Fifteen Gallons and Three Quarts each Half Barrel; and all Barrels and Half Barrels ſhall be made of Timber ſeaſoned at leaſt Six Months after the riving; the Staves not leſs than Half an Inch thick in the Bilge when wrought; the Heading not leſs than Three Quarters of an Inch thick, and well dowelled; Twelve good ſubſtantial Hoops on each Caſk, and the whole to be tight, fit to hold Pickle, and Workman like, and ſhall contain at leaſt Two Hundred and Twenty Pounds of good, clean, ſound, and merchantable Meat, properly ſorted, and well ſalted, with at leaſt Half a Buſhel of Salt to each Barrel, and nailed and packed; and no more than two Heads in one Barrel of Pork, and not any Boars Fleſh in any Barrel of Pork; or any Heads, Bulls Fleſh, or more than two Shanks, in any Barrel of Beef: And every Caſk of Rice ſhall be filled with ſound and well cleaned Rice; and after the ſame has been inſpected, found good and merchantable, and paſſed by the Inſpector, every ſuch Barrel ſhall be by him branded as aforeſaid, and a Certificate or Certificates thereof given to the Owner, bearing Date in Words at Length, the ſame Day ſuch Commodity or Commodities were inſpected and paſſed;

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paſſed; and every Hogſhead of Flax Seed ſhall hereafter contain ſeven Buſhels and one Eighth of a Buſhel of well cleaned and merchantable Flax Seed.

Commodities, after lying 60 Days, to be re-inſpected.

Pen. for ſhipping them otherwiſe.

XI. AND whereas Pork, Beef, Rice, Flour, and Butter, may, by Reaſon of its being long kept, become not good, ſound, and merchantable; *Be it further Enacted, by the Authority aforeſaid*, That none of the ſaid Commodities ſhall be laden or put on Board any Ship or Veſſel, if the ſame have been kept Sixty Days after they have been inſpected, until the ſame ſhall have been again inſpected and paſſed by the Inſpector, and Certificate or Certificates granted, in the ſame Manner as if ſuch Commodities had never been inſpected; any Thing herein contained to the contrary notwithſtanding: And every Perſon who ſhall preſume to lade or put on Board, or cauſe to be laden or put on Board, any Ship or Veſſel, any Pork, Beef, Rice, Flour, or Butter, for Exportation as aforeſaid, any Time after the Expiration of Sixty Days from the Time that the ſame ſhall have been viewed and inſpected as aforeſaid, ſhall forfeit and pay the Sum of Three Pounds, Proclamation Money, for every ſuch Barrel of Pork, Beef, Rice, Flour, and Caſk or Firkin of Butter, ſo laden or put on Board any Ship or other Veſſel; to be recovered by Action of Debt, with Coſts; one Half to the Informer, and the other Half to the Uſe of the Pariſh wherein ſuch Offence ſhall be committed, before any Juriſdiction having Cognizance of the Sum or Sums ſo forfeited; and the Maſter or Commander of ſuch Ship or Veſſel ſhall be liable to the ſame Penalty as for lading Pork, Beef, Rice, Flour, or Butter, without being branded; and the Juſtices and Collector ſhall, and are hereby required, to uſe the ſame Method of Proceeding, to compell the Payment of the ſaid Penalty, as in that Caſe is before directed to be obſerved.

Guage of Pitch and Turpentine Barrels.

Fraudulent Pitch forfeited.

Guage of Tar Barrels.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That every Barrel of Pitch or Turpentine ſhall contain Thirty-two Gallons, and be well filled, free from any fraudulent Mixture, and in good and ſufficient Caſks, made of good ſeaſoned Staves, at leaſt three Quarters of an Inch thick, and not exceeding four Inches in Breadth; and in Turpentine Barrels there ſhall not be any Sap in the Staves, and each to be hooped with twelve good Hoops at leaſt, and before it be branded by the Inſpector ſhall be weighed in his Preſence; and every Three Hundred and Twenty-two Pounds Weight of ſuch Pitch or Turpentine, including the Caſk, and ſo in Proportion, ſhall be counted a lawful Barrel of Pitch or Turpentine: And if any Pitch or Turpentine ſhall be found by the Inſpector to be fraudulently mixed, the ſame ſhall be condemned, and forfeited to the Uſe of the Pariſh where the ſame ſhall be, and may by the Churchwardens thereof be cleanſed and ſold for ſuch Uſe: And every Barrel of Tar ſhall be the Guage of Thirty-two Gallons, Wine Meaſure; and every Barrel of Tar of leſs Size, or in bad or inſufficient Caſks, fewer than Twelve Hoops, ſhall be put in merchantable Order, at the Expence of the Owner; and when full bound, no more than one third Part of the Staves ſhall be left bare; and every Barrel of Tar, Pitch, and Turpentine, after the ſame ſhall be inſpected, guaged, found clean, well filled, and truly made merchantable, and paſſed by the Inſpector, ſhall be by him branded.

Makers of Tar, &c to brand their Barrels.

Inſpectors to keep a Book for Commodities.

His Fee for branding Makers Barrels.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That every Maker of Pitch, Tar, or Turpentine, ſhall mark or brand, or cauſe to be marked or branded, every ſuch Barrel of Pitch, Tar, or Turpentine, with the initial Letters of his or her Name, not leſs than one Inch long, and Breadth in Proportion; under the Penalty of One Shilling, Proclamation Money, for every Barrel as may not be ſo branded, to be paid to any one who may demand the ſame, or, on Refuſal, to be recovered by Warrant before any ſingle Magiſtrate; and that no Inſpector ſhall paſs or brand any Barrel or Barrels of Tar, Pitch, or Turpentine, that does not contain full Thirty-two Gallons Wine Meaſure, and in every other Manner agreeable to the ſeveral Rules and Reſtrictions, and under the ſeveral Penalties, as are provided for in this Act: And every Inſpector ſhall keep a Book for Beef, Pork, Rice, Pitch, Tar, and Turpentine, in which ſhall be fairly entered the Maker's Name and Mark, the Number of Barrels landed, the Number of Barrels inſpected of the ſame Mark, the Merchant or Shipper's Name cauſing the ſame to be inſpected, and the Time of Inſpection; and ſhall give a Certificate of any Parcel to any Perſon requiring the ſame, on Payment of One Shilling: And any Perſon failing or neglecting to mark or brand his, her, or their Caſks, according to the Directions of this Act, ſhall pay One Halfpenny *per* Barrel to the Inſpector for marking the ſame with the initial Letters of the Maker's Name; which Fee ſhall be paid by the Perſon paying the Fees of Inſpection, and by him may be charged to the Maker.

Proviſo, for Tar, &c. to be reinſpected, after lying 20 Days.

XIV. *PROVIDED always*, That if any Tar, Pitch, or Turpentine, ſhall remain Twenty Days, or more, after the ſame has been inſpected and paſſed, in Manner aforeſaid, before the ſame ſhall be laden or put on Board ſome Ship or Veſſel for Exportation, it ſhall not be lawful for the Exporter to lade or put the ſame on Board any Ship or Veſſel as aforeſaid, until the ſame ſhall have been again inſpected and paſſed by the Inſpector, and Certificate or Certificates granted for the ſame, in the ſame Manner as if ſuch Commodities had never been inſpected; any Thing herein contained to the contrary notwithſtanding. And every Perſon who ſhall preſume to take or put on Board any Ship or Veſſel, any Tar, Pitch, or Turpentine, for Exportation as aforeſaid, at any Time after the Expiration of Twenty Days from the Time that the ſame ſhall have been viewed and inſpected as aforeſaid, ſhall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for every ſuch Barrel ſo laden or put on Board any Ship or other Veſſel; to be recovered by Action of Debt, with Coſts; one Half to the Informer, and the other Half to the Uſe of the Pariſh wherein ſuch Offence ſhall be committed, before any Juriſdiction, having Cognizance of the Sum or Sums of Money ſo forfeited: And the Maſter or Commander of ſuch Ship or Veſſel ſhall be liable to the ſame Penalty as for lading Beef, Pork, Rice, Tar, Pitch, or Turpentine, without being branded; and the Juſtices and Collectors ſhall, and are hereby required, to uſe the ſame Method of Proceeding to compell the Payment of the ſaid Penalty, as in that Caſe is directed to be obſerved.

XV. AND

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XV. AND FORASMUCH as it is difficult in warm and rainy Weather to ſeparate Tar from Water, *It is hereby declared*, That Water ſhall not be accounted a fraudulent Mixture in any Tar; but that in ſuch Caſes, the Barrel ſhall not be branded by the Inſpector, until the ſame is as free from Water as it can be made; any Thing herein contained to the contrary notwithſtanding.

Water in Tar, not a fraudulent Mixture.

XVI. AND whereas alſo it is difficult for Merchants, and other Perſons, buying Quantities of Pork, and Beef, to get good Caſks to put it in; *It is hereby Enacted*, That from and after the paſſing of this Act, no Cooper, or other Perſon whatſoever, making Caſks, ſhall expoſe to Sale any Barrel or Half Barrel, for the holding of Pork or Beef, other than ſuch as are by this Act directed to be made for that Uſe. And every Cooper, or other Perſon, making Barrels or Half Barrels, before they deliver or expoſe the ſame to Sale, ſhall ſet his or her proper Brand upon every Barrel or Half Barrel; which Brand he or they ſhall cauſe to be recorded in the Office of the Clerk of the Court of the County where he or they ſhall reſide. And every Cooper, or other Perſon, expoſing to Sale any Caſk not agreeable to the Directions of this Act, ſhall, for every ſuch Caſk, forfeit and pay Six Shillings and Eight-pence, Proclamation Money; and for not recording his Brand, the Sum of Five Pounds, Proclamation Money, one Half to the Churchwardens, for the Uſe of the Pariſh where the Offence ſhall be committed, and the other Half to him or them who ſhall ſue for the ſame; to be recovered before any Juriſdiction having Cognizance thereof, with Coſts, provided the ſame be ſued for within ſix Months after the Offence committed; and every Barrel for Tar, Pitch, and Turpentine, ſhall be branded in Manner aforeſaid, by the Cooper, under the Penalty of Five Shillings.

Caſks to be made agreeable to Law, and Coopers to brand them, and record their Brand.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That every Seller or Exporter of Flax Seed, Pork, Beef, Rice, Flour, Butter, Tar, Pitch, or Turpentine, packed or filled in this Province, and branded, ſhall produce the Certificate of the Inſpector who inſpected the ſame, and make Oath (or if one of the People called Quakers, then an Affirmation) if required, before a Juſtice of the Peace, on Delivery of the Goods ſold or exported, that the ſeveral Commodities intended by him to be ſold or exported are the ſame that were inſpected and paſſed, and do contain the full Quantity mentioned in ſuch Certificate, without Embezzlement, to his Knowledge; which Oath or Affirmation the Juſtice ſhall, and is hereby required to certify on the Back of ſuch Certificate, which Certificate the Seller ſhall deliver to the Buyer, if ſuch Commodities be ſold; and the Perſon exporting ſuch Commodities ſhall deliver ſuch Certificate to the Maſter of the Ship or Veſſel on Board which the ſame ſhall be ſhipped or laden: And if ſuch Seller or Exporter ſhall neglect or refuſe to make Oath or Affirmation, if required, he ſhall for every ſuch Offence forfeit and pay the Sum of Ten Pounds Proclamation Money, to the Informer; to be recovered with Coſts, in any Court of Record, by Action of Debt, Bill, Plaint, or Information.

Exporter of Commodities to produce Inſpectors Certificate, on Oath, to Maſters of Veſſels.

XVIII. *AND be it further Enacted by the Authority aforeſaid*, That it may be lawful for every Inferior Court within this Province, wherein there are not public Warehouſes by Law erected, for the Reception and Inſpection of Tobacco, at the Expence of ſuch County, to erect or rent a Warehouſe at or near ſome public Landing, on a navigable River or Creek; for the Inſpection, Reception, and Safe keeping of all Indico, at any Time after to be paid, or tendered in Payment of Public, County, or Pariſh Taxes; and ſhall appoint and direct at what Time the Inſpector or Inſpectors ſhall attend to inſpect and receive the ſame: And every Inſpector that ſhall be appointed by Virtue of this Act, ſhall find Labourers equally with the Owner, to aſſiſt in weighing the ſeveral Commodities he ſhall inſpect and weigh; and alſo, ſhall find and provide proper Steelyards or Scales, of the lawful Standard, for that Purpoſe.

Warehouſes may be rented, or erected.

Inſpectors to find Labourers, and provide Scales.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That all Indico paid in Diſcharge of Public, County, or Pariſh Taxes, by Virtue of any Law of this Province, ſhall be firſt brought to one of the public Warehouſes appointed by Act of Aſſembly for the Inſpection of Tobacco, to be erected or rented by Virtue of this Act as aforeſaid, and there inſpected: And any Inſpector of the County wherein ſuch Warehouſes are appointed, or ſhall be erected or rented as aforeſaid, on Notice given, ſhall attend according to the Directions of the Inferior Court, and carefully view and examine all ſuch Indico; and if it is dry, free from Duſt, Sand, and every fraudulent Mixture, and is, in the Opinion of ſuch Inſpector, good and merchantable, and ſuch as will intitle the Exporter thereof to the Bounty allowed by Act of Parliament, ſuch Inſpector ſhall weigh the ſame, and be obliged to deliver to the Perſon or Perſons bringing the ſame, as many Promiſſory Notes, under the Hand of ſuch Inſpector, as ſhall be required, for the full Quantity of Indico received by him; which Indico ſuch Inſpector ſhall carefully ſecure in Barrels, Boxes, or Caſes; and the ſaid Promiſſory Notes are hereby declared to be current and transferrable in Payment of all Public, County, and Pariſh Taxes, at the Rate or Price of Four Shillings, Proclamation Money, per Pound, and ſhall be paid and ſatisfied by ſuch Inſpector who ſigned the ſame, upon Demand: And every ſuch Inſpector ſhall be obliged, and is hereby required, to pack and ſecure all Indico by him received, in Barrels, Boxes, or Caſes; and for every Barrel, Box, or Caſe, by him paid away in Diſcharge of any Promiſſory Note or Notes by him given, and containing Two Hundred Pounds Weight Nett, and branded with the Groſs, Tare, and Nett Weight, and Name of the Inſpector, and nailed and ſecured fit for ſhipping; there ſhall be paid by the Perſon receiving the ſame, the Sum of Five Shillings and Sixpence, to the Uſe of ſuch Inſpector, and ſo proportionably for Barrels, Boxes or Caſes, containing leſs; and ſuch Inſpector ſhall alſo have an Allowance of Three *per Cent.* for all Indico he ſhall pay away in Diſcharge of any ſuch Note or Notes for Shrinkage and Waſte: And if any Inſpector by whom ſuch Note ſhall be given, ſhall refuſe or delay to ſatisfy the ſame when demanded, he ſhall forfeit and pay for every ſuch Refuſal or Neglect, the double Value of ſuch Indico ſo refuſed or neglected to be paid; to be recovered before any Juriſdiction having Cognizance thereof, with Coſts, to the Uſe of the Party grieved:

Indico paid for Taxes, to be inſpected.

Inſpectors to give Notes for it; which ſhall be current in Payment of Taxes.

Inſpector to ſecure it in Caſes, &c.

His Fee for the ſame.

Allowed 3 per Cent. for Shrinkage.

Pen. on him for refuſing to pay his Note.

A. D. 1770.

Payment of Taxes in Indico, to be in Inſpectors Notes, tendered by 10th March. Indico refuſed, Owner to ſort it at the Warehouſe.

XX. *AND be it further Enacted*, That no Tender of Public, County, or Pariſh Taxes, in Indico, ſhall be accounted lawful, unleſs the Payment of the ſame be tendered in Inſpectors Notes as aforeſaid; and ſuch Payment be tendered on or before the Tenth Day of *March*, in the Year that they are or ſhall be payable.

XXI. *AND be it further Enacted*, That when any Indico ſhall be brought to any Inſpection, and ſhall be refuſed by the Inſpector there officiating, the Owner ſhall immediately ſort and ſeparate the bad and unmerchantable from ſuch as is by this Act declared to be good and merchantable, at the Warehouſe where the ſame was refuſed; and the Inſpector ſhall receive ſo much thereof as in his Opinion is good and merchantable, and give a Note or Notes for the ſame.

Pen. on Inſpector neglecting to attend.

XXII. *AND be it further Enacted*, That every Inſpector who ſhall be appointed by Virtue of this Act, to inſpect Indico, ſhall give conſtant Attendance at the Times and Places by the Inferior Court ordered and apointed; under the Penalty of forfeiting, to the Party grieved, Five Shillings Proclamation Money, for every Day he ſhall neglect or fail to attend; to be recoved by a Warrant, with Coſts, before a Juſtice of the Peace, unleſs good Cauſe ſhewn for ſuch Neglect or Failure.

Diſpute about any Contract for Indico, neareſt Inſpector to be called to inſpect the ſame.

His Fee.

XXIII. *AND be it further Enacted*, That if any Perſon or Perſons ſhall ſell or contract for any Indico, as good and merchantable, according to the Directions of this Act, and any Diſpute ſhall ariſe between the Buyer and Seller, concerning the Quality of the Indico offered or tendered in Diſcharge of ſuch Contract, it ſhall and may be lawful for the Parties, or either of them, to call the neareſt Inſpector of the County wherein ſuch Indico is tendered, or offered as aforeſaid; who is hereby required to obey ſuch Call, and inſpect the ſame, and if it is, in the Opinion of ſuch Inſpector, good and merchantable, and of Quality to entitle the Exporter to the Bounty allowed by Act of Parliament, he ſhall paſs the ſame, or otherwiſe refuſe it; and ſuch Inſpector ſhall be paid for his Trouble, by the Party againſt whom he ſhall give Judgment, Five Shillings and Fourpence, Proclamation Money.

Pen for counterfeiting Inſpectors Notes, exporting Commodities with forged Brand, or packing them in branded Barrels.

XXIV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon whatſoever ſhall forge or counterfeit any Note of any Inſpector, or tender in Payment, or expoſe to Sale, any ſuch forged or counterfeit Note, knowing the ſame to be ſuch; or cauſe to be exported any Hogſhead of Flax Seed; or Barrel of Pork, Beef, Rice, Flour, Butter, Tar, Pitch, or Turpentine; or Barrel, Box, or Caſe of Indico, or expoſe the ſame to ſale Sale, knowing the Brand thereon to be forged or counterfeited; or ſhall put or pack any Pork, Beef, Rice, Flour, Butter, Tar, Pitch, Turpentine, or Indico, into any Barrel, Firkin, Box or Caſe, branded by any Inſpector as aforeſaid, on Purpoſe to evade this Act, and to ſell or export ſuch Commodity without being inſpected, every Perſon ſo offending, and being thereof lawfully convicted before any Court of Record, having Cognizance thereof, ſhall, for the firſt Offence, by Order of ſuch Court, have and receive, on his or her bare Back, Thirty-nine Laſhes, well laid on, and ſhall ſuffer one Month's Impriſonment, without Bail or Mainprize; and for the ſecond Offence ſhall be adjudged guilty of Felony.

Proceed. where Inſpectors Notes are loſt.

XXV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Inſpectors Note as aforeſaid, ſhall be caſually loſt, miſlaid, or deſtroyed, the Perſon or Perſons intitled to receive the Indico by Virtue of any ſuch Note, ſhall and may go before any Juſtice of the Peace, and make Oath, in the Manner by Law directed concering Inſpectors Notes or Receipts for Tobacco being loſt, miſlaid, or deſtroyed; and thereupon ſhall have the like Remedy and Relief, and be ſubject and liable to the ſame Penalties and Puniſhments for making falſe Oaths therein, or producing forged Certificates knowing the ſame to be forged, as Perſons in the like Caſes are by the ſaid Law made liable and ſubject to.

Dimenſions of Lumber.

Lumber marked too much, to be forfeited.

Quality of Boards, Plank, And Deer-Skins.

XXVI. *AND be it further Enacted, by the Authority aforeſaid*, That all Staves, Heading, Shingles, Boards, Plank, Joiſts, and ſquare Timber, which ſhall be ſold, or ſhipped on Board any Ship or Veſſel for Exportation, ſhall be of the following Dimenſions; otherwiſe ſhall not be deemed merchantable, and ſhall be forfeited to the Uſe herein after mentioned, *to wit*, Butt Staves ſhall be five Feet nine Inches long, four Inches broad, and an Inch thick on the Heart or thin Edge, and clear of Sap. Pipe Staves, four Feet eight Inches long, four Inches broad, and three quarters of an Inch thick on the Heart or thin Edge, and free from Sap. Hogſhead Staves ſhall be three Feet ſix Inches long, four Inches broad, and three quarters of an Inch thick on the Heart or thin Edge, and free from Sap. Barrel Staves ſhall be two Feet nine Inches long, four Inches broad, and three quarters of an Inch thick on the Heart or thin Edge, and free from Sap, for the *European* Market; and thoſe to be exported to the *Northern* Colonies, only thirty Inches long, and of the ſame Breadth and Thickneſs with thoſe for the *European* Market. White Oak Hogſhead Heading ſhall be thirty-two Inches long, ſix Inches broad, and one Inch thick on the Heart or thin Edge, and clear of Sap. Barrel Heading ſhall be nineteen Inches long, ſix Inches broad, and three quarters of an Inch thick on the Heart or thin Edge, and clear of Sap. Shingles ſhall be eighteen and an half Inches long, five Inches broad, and five eighths of an Inch thick; which ſaid ſeveral Sorts and Kinds ſhall be of the Dimenſions aforeſaid, at the leaſt, and well got of good, ſound, and merchantable Timber: And every Board, Plank, Piece of Scantling, or other ſquare Timber, being marked with the Number or more Feet than they contain, ſhall be forfeited to the Churchwardens, for the Uſe of the Pariſh: And no Boards or Plank ſhall be deemed merchantable, or paſſed by any Inſpector, that is not free from any Split twelve Inches long, hath no Edge leſs than half an Inch thick, and is not free from Holes: That all Deer Skins that ſhall hereafter be expoſed to Sale, ſhall be clean and free from Fleſh, and the Claws and Skulls taken therefrom, and otherwiſe merchantable.

Lumber & Deer Skins not to be inſpected, unleſs required.

XXVII. *PROVIDED nevertheleſs*, That no Staves, Headind, Shingles, Boards, Plank, ſquare Timber, or Deer-Skins, ſhall be inſpected, unleſs required. XXVIII. *PRO-*

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XXVIII. *PROVIDED alſo*, That when any Diſpute ariſes between the Seller and Purchaſer of any Boards, Plank, or other Lumber intended for the *Engliſh* Market, the Inſpector ſhall inſpect the ſame, agreeable to the *Engliſh* Act of Parliament, if called on for that Purpoſe.

Lumber to be inſpected agreeable to the Engliſh Act of Parliament.

XXIX. *AND be it further Enacted*, That when any Diſpute ſhall ariſe between the Buyer and Seller of any Staves, Heading, Shingles, Boards, Scantling, Plank, or Timber, or Deer Skins, as aforeſaid, in Reſpect of the Quality, Dimenſions, and Quantity thereof, it ſhall and may be lawful for either Party to call on the neareſt Inſpector of the County; which Call he is hereby required to obey, to view, inſpect, and meaſure the ſame, and to paſs ſo much thereof as he ſhall be of Opinion is good and merchantable, according to the Directions of this Act, and refuſe the reſt.

Neareſt Inſpector to be called, on any Diſpute about Lumber.

XXX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Inſpector to be appointed by this Act, ſhall receive or take, directly or indirectly, any Fee, Gift, Gratuity, or Reward whatſoever, of any Perſon for reſigning or giving up his Office of Inſpector, he ſhall not only be for ever thereafter diſabled from holding or executing the ſaid Office, but for ſuch Offence ſhall forfeit and pay the Sum of Forty Pounds, Proclamation Money; to be recovered with Coſts, in any Court of Record, to the Uſe of the Informer, by Action of Debt, Bill, Plaint, or Information: And every Perſon offering and paying, directly or indirectly, any Gratuity or Reward whatſoever, to any Inſpector to reſign or give up his ſaid Office, ſhall, for his ſaid Offence, be for ever diſabled from holding the ſaid Office of Inſpector in this Province.

Pen. for Inſpector taking Fee for giving up his Office.

And on the Perſon offering ſuch Fee.

XXXI. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon holding any Poſt or Place of Profit by Deputation, or otherwiſe, ſhall be appointed to the Office of Inſpector, or ſhall, during his Continuance therein, be capable of being elected Member of the Aſſembly: And if any Member of Aſſembly ſhall accept of the ſaid Office during his being ſuch, he ſhall be, and is hereby declared, from thenceforth, to be diſabled to ſerve as a Member of Aſſembly, and ſhall not ſit, vote, or act in Aſſembly; but ſhall be, to all Intents and Purpoſes, incapable, as if he had never been returned or elected a Member of Aſſembly: And if any Perſon ſhall be appointed to ſuch Office, and ſhall accept of any Poſt or Place of Profit after ſuch Appointment, he ſhall be rendered incapable to hold his ſaid Office of Inſpector; and the Court ſhall proceed to appoint another Inſpector, in the Room of ſuch Perſon taking upon him ſuch Poſt or Place of Profit, according to the Directions of this Act.

No Perſon holding any Poſt of Profit, to be Inſpector.

Inſpector incapable of ſitting in Aſſembly.

XXXII. *AND be it further Enacted, by the Authority aforeſaid*, That every Inſpector ſhall be intitled to the following Fees, to be paid in Proclamation Money, *to wit*,

Inſpectors Fees.

	l.	*ſ.*	*d.*
For every Buſhel of Flax Seed,	0	0	1
For every Barrel of Pork or Beef,	0	0	8
For every Barrel of Rice inſpected,	0	0	8
For every Barrel of Flour, Caſk or Firkin of Butter,	0	0	4
For every Barrel of Tar, Three Half-pence.			
For every Barrel of Pitch or Turpentine,	0	0	2
For every Thouſand Staves or Heading, reckoning Six Score to the Hundred,	0	1	0
For every Thouſand Shingles,	0	0	4
For every Thouſand Feet, ſuperficial Meaſure, of Boards, Plank, or Scantling,	0	1	0
For every Ton of other Lumber,	0	1	0
For inſpecting and weighing each Deer Skin, One Half-penny.			

XXXIII. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of each and every Inferior Court within this Province, where there is not a Warehouſe already built, for the Inſpection and ſafe-keeping of Tobacco, and where the ſame ſhall be wanting or thought requiſite, to lay ſuch Tax on the taxable Perſons within their ſeveral Counties, as ſhall be thought ſufficient for building any ſuch Warehouſe; and ſhall and may cauſe the ſame to be done at ſuch Place or Places as to them ſhall be deemed moſt convenient for the ſame, and appoint Inſpectors for every ſuch Warehouſe: Which Inſpectors ſhall be intitled to the ſame Fees, and liable to the like Fines and Forfeitures, as other Tobacco Inſpectors are by Virtue of the Laws of this Province.

Tobacco Warehouſes may be erected, by a Tax on the County; and Inſpectors appointed.

XXXIV. AND whereas many Commodities not in this Act mentioned, may hereafter be exported out of this Province; *Be it therefore Enacted, by the Authority aforeſaid*, That whenever any Commodities, not herein mentioned, ſhall be exported out of this Province, the Inferior Courts within their reſpective Counties ſhall regulate the Inſpection thereof, and aſcertain the Fees of the Inſpector therein: And every Inſpector refuſing or neglecting to obſerve ſuch Regulation, or to take greater or other Fees than ſuch as are appointed by his reſpective Inferior Court, ſhall be liable to the ſame Penalties, as are by this Act mentioned for the Neglect or Refuſal of his Duty in inſpecting any of the Commodities herein particularly mentioned.

Courts to regulate the Inſpection of Commodities not mentioned in this Act; and Pen. on the Inſpector neglecting ſuch Regulation.

XXXV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Fines and Forfeitures by this Act inflicted, for which no Method of Recovery or Application is herein before directed, ſhall and may be recovered, with Coſts, before any Juriſdiction having Cognizance thereof; one Half to the Uſe of the Proſecutor, and the other Half to the County wherein ſuch Penalty ſhall be incurred; to be applied by the Juſtices of the Inferior Court towards leſſening the County Tax.

Recovery and Application of Fines and Forfeitures.

XXXVI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Term of Ten Years, after the paſſing thereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

Continuance of the Act.

CHAP.

A. D. 1770.

CHAP. VIII.

An Act for further continuing an Act, intituled, An Act for appointing a Printer to this Province.

Preamble.

I. WHEREAS the above recited Act will expire with the End of this Seſſion of Aſſembly; and it being neceſſary that the ſaid Act ſhould be further continued;

Act continued.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid above recited Act, and every Clauſe and Article thereof, be, and continue in Force for and during the Term of Three Years, from and after the paſſing hereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. IX.

An Act for the Relief of ſuch Perſons who have, or may ſuffer by their Deeds and meſne Conveyances not being proved and regiſtered within the Time heretofore appointed by Law.

Preamble.

I. WHEREAS many Perſons, through Ignorance of the Law, have neglected to have their Deeds and meſne Conveyances proved and regiſtered according to the Directions of the ſeveral Acts of Aſſembly in ſuch Caſe made and provided: For Remedy whereof,

Further Time allowed for regiſtring Deeds.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Deeds and meſne Conveyances of Lands, Tenements, and Hereditaments, not already regiſtered, acknowledged, or proved, ſhall and may, within two Years after the paſſing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by one or more of the ſubſcribing Witneſſes to the ſame, and tendered or delivered to the Regiſters of the Counties where ſuch Lands, Tenements, or Hereditaments are reſpectively ſituated: And all Deeds and meſne Conveyances whatſoever, which ſhall be acknowledged or proved according to the Directions of this Act, though not within two Years after the Date of the reſpective Conveyances, ſhall be good and valid in Law, and ſhall enure and take Effect, as fully and effectually, to the Uſe and Behoof of the Grantees, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged or proved, and regiſtered agreeable to the Directions of any Act of Aſſembly heretofore made.

CHAP. X.

An Act to prevent hunting for, and killing Deer in the Manner therein mentioned.

Preamble.

I. WHEREAS many Perſons, under Pretence of hunting for Deer in the Night Time by Fire Light, kill and deſtroy Horſes and Cattle, to the great Prejudice of the Owners: To prevent which for the future,

Pen. on Perſons hunting with Fire-light.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That if any Perſon or Perſons ſhall be diſcovered hunting with a Gun in the Night Time by Fire Light, or ſitting at any Lick in the Night, ſuch Perſon or Perſons ſo offending, ſhall forfeit and pay for every Offence the Sum of Five Pounds, Proclamation Money; to be recovered by a Warrant from any Juſtice of the Peace in the County; one Half to the Informer, the other Half to be applied to the Uſe of the Pariſh where ſuch Offence ſhall be committed; and upon due Conviction thereof before ſuch Juſtice on Trial, it ſhall and may be lawful for ſuch Juſtice thereupon to give Judgment, and award Execution againſt the Body or Goods

Goods of the Offender, and to order ſuch Offender to have and receive Thirty-nine Laſhes, on his bare Back, well laid on. A. D. 1770.

III. AND to prevent the concealing ſuch Offences, *Be it Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſee any other Perſon or Perſons hunting in Manner herein before-mentioned, and ſhall not diſcover the ſame, within Ten Days, to ſome Magiſtrate; then, and in ſuch Caſe, ſuch Perſon or Perſons, for not diſcovering the ſaid Crime, ſhall forfeit the Sum of Five Pounds, Proclamation Money, for every Time he ſhall ſee the above Crime committed; to be recovered and applied in the Manner as in and by this Act is before directed. Concealment of ſuch Offences, prevented.

IV. AND in order to diſcourage all Perſons from this pernicious Practice, or the more eaſily to detect them in the Commiſſion thereof; *Be it further Enacted, by the Authority aforeſaid*, That in Caſe any Perſon ſhall, upon Oath, before ſome Magiſtrate of the County, declare that he ſuſpects any Perſon or Perſons to be guilty of hunting with a Gun in the Night Time by Fire Light, it ſhall and may be lawful for ſuch Magiſtrate to iſſue his Warrant to apprehend the Perſon or Perſons ſo ſuſpected, and to bring him or them before him, or ſome other Magiſtrate of the County where the Offence is ſuppoſed to be committed: And in Caſe the Perſon or Perſons ſo apprehended will not, upon Oath, declare, that he or they have not been guilty ſince the paſſing of this Act of hunting in the Manner aforeſaid, ſuch Perſon or Perſons ſhall, in ſuch Caſe, be deemed guilty of the Offence, and be liable to be puniſhed as in this Act is before directed. Proceedings with ſuſpected Perſons.

V. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe any idle diſſolute Perſon or Perſons, of a ſuſpicious Character, ſhould be found hunting privately in any County of which he is no Freeholder, any Juſtice of the Peace of ſuch County ſhall have Power to iſſue his Warrant to apprehend the ſaid Perſon or Perſons, and bring him or them before any Two Magiſtrates of the ſaid County; and if ſuch Perſon or Perſons ſhall not be able to give a fair and ſatisfactory Account of his or their Character, the ſaid Magiſtrate ſhall have Power to order him or them immediately out of the ſaid County; with which if he or they do not comply, but is or are afterwards found hunting within the Bounds of the ſaid County, he or they ſhall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be recovered and applied in the ſame Manner as other Fines in this Act. And that no Perſon may pretend to be ignorant of the Penalties inflicted by this Act, the Clerk of every Inferior Court in this Province ſhall, once a Year, during the ſitting of the Court, read this Act; and every Clerk of the Militia, at leaſt once a Year, read the ſame, to the Company of which he is Clerk, while under Arms, at the General Muſter: And in Caſe of Failure, the Clerk ſo failing ſhall forfeit and pay the Sum of Forty Shillings, Proclamation Money; to be recovered by Warrant, before any Juſtice of the Peace belonging to the County, and to be applied in the ſame Manner as other Fines already mentioned in this Act. Idle perſons found hunting may be apprehended, & Pen. on them. This Act to be read by Clerks of Courts, and Militia.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Two Years, from and after the paſſing thereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer. Continuance of the Act.

CHAP. XI.

An Act for appointing Commiſſioners for erecting and building a Court-Houſe, Priſon, and Stocks, for the County of Tryon.

I. WHEREAS by an Act of Aſſembly, made and paſſed in the Year of our Lord One Thouſand Seven Hundred and Sixty Eight, intituled, *An Act for dividing* Mecklenburg *County, and other Purpoſes, Thomas Neil, Henry Clark, William Yancey, Daniel Warlock, Jacob Forney, John Gordon,* and *Willliam Watſon*, were appointed Preamble.

A. D. 1770. appointed Commiſſioners, and impowered and directed to contract and agree with Workmen for erecting and building a Court-Houſe, Priſon, and Stocks, for the Uſe of *Tryon*; and whereas the ſaid Commiſſioners have neglected to comply with the Directions of the ſaid Act:

Commiſſioners appointed for building Court-houſe, &c.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That *Thomas Neil, William Moore, Robert Adams, Ephraim McLane,* and *John Beard,* or the Majority of them, be, and are hereby appointed Commiſſioners, and inveſted with the ſame Powers and Authorities as the former Commiſſioners; and are impowered and directed to agree and contract with Workmen for erecting and building a Court-Houſe, Priſon, and Stocks, for the Uſe of the ſaid County, in the Room and Stead of the Commiſſioners in the before recited Act appointed; and they are hereby required to agree and appoint a proper and convenient Place whereon to erect the ſaid Buildings, within Three Months, and cauſe the ſame to be erected and built within Twelve Months after the paſſing of this Act; any Law to the contrary notwithſtanding.

CHAP. XII.

An Act to prevent the untimely Deſtruction of Fiſh in Core Sound, Bogue Sound, *and the Streights in* Carteret *County.* EXP.

CHAP. XIII.

An Act to appoint Commiſſioners for finiſhing the Church in Wilmington, *in the Room and Stead of* John DuBois *and* George Wakely, *Eſquires, deceaſed.*

Preamble.

I. WHEREAS *John DuBois* and *George Wakely,* Eſquires, two of the Commiſſioners appointed by an Act of Aſſembly, intituled, *An Act for finiſhing the Church in* Wilmington, are ſince deceaſed;

Commiſſioners appointed for finiſhing the Church.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Honourable *Lewis DeRoſſett,* Eſq; and *Frederick Gregg,* Eſq; be, and they are hereby appointed Commiſſioners, for finiſhing the Church in *Wilmington,* in the Room and Stead of the ſaid *John Du Bois* and *George Wakely,* Eſquires, deceaſed; and the Commiſſioners by this Act appointed are hereby veſted with the ſame Powers and Authorities, and ſhall be ſubject to the ſame Rules and Reſtrictions, as the Commiſſioners appointed by the Act herein before recited were veſted with, and ſubject to.

CHAP. XIV.

An Act to eſtabliſh a public Inſpection of Tobacco in the County of Johnſton.

Preamble.

I. WHEREAS the eſtabliſhing a public Inſpection of Tobacco in the County of *Johnſton* will encourage Commerce, promote Induſtry, and be advantageous to many Planters and others in the ſaid County;

Tobacco Warehouſe to be built.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Juſtices of the ſaid County of *Johnſton* ſhall, and are hereby impowered and directed, to cauſe to be built and erected a Warehouſe, and other Conveniences, fit and neceſſary for the Reception, Inſpection, and ſafe-keeping of Tobacco, at the Ferry, on the Land of Capt. *John Smith,* on *Neuſe* River; and the ſame, when ſo built and erected, ſhall, and is hereby declared to be a Public Warehouſe, for the Reception and Inſpection of Tobacco.

Inſpectors appointed for the ſame.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the Juſtices of the ſaid County of *Johnſton* ſhall, from Time to Time, appoint Inſpectors to attend the ſaid Inſpection, and aſcertain their Salaries, and order and direct how the ſaid Inſpectors ſhall give their Attendance at the ſaid Warehouſe; which ſaid Inſpectors ſhall be under the ſame Regulations, Rules, and Reſtrictions, and intitled to the ſame Emoluments, as are by Law appointed for Inſpectors of Tobacco in this Province.

Poll tax laid for defraying the Expence.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the Juſtices of the ſaid County ſhall and may levy ſuch a Poll-Tax on the taxable Perſons within the ſaid County, as ſhall be neceſſary for defraying the Expences of building the ſaid Warehouſe, and other Conveniences; which ſhall be collected by the Sheriff of the ſaid County, in like Manner as County Taxes are collected and accounted for, to the Court.

CHAP.

CHAP. XV.

A. D. 1770.

An Act for the Relief of such Persons who have or may suffer by the Loss of the Records in Bladen *County, and for the Election of Vestrymen for the Parish of* St. Martin's.

Preamble.

I. WHEREAS the House of Mr. *Maturin Colville*, Clerk of the Court, and Register for the County of *Bladen*, and the Records of the said County, were lately burnt and consumed; whereby the Estates of many Orphans, and other Persons, may be very much perplexed and prejudiced: For Remedy whereof,

Copies of Records, &c to be given in Evidence, where Originals are lost.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, the Copy of any Judgment, Order, Settlement of Orphans and their Estates, or other Record, or other Matter or Thing, transacted or done in the said Court, or Register's Office, in the County of *Bladen*, attested under the Hand of the Clerk or Register who recorded the same (in such Case where the Original is destroyed) shall and may be given in Evidence in any Dispute or Controversy, in any Court whatsoever, and shall have the same Weight and Credit given to it as the original Record might, or ought to have, could it have been produced.

Where Originals are lost, Depositions of Records to be good.

III. *AND be it further Enacted, by the Authority aforesaid*, That where any Persons have neglected taking Copies from the Clerk's Office, or may have lost them, or have neglected taking their Deeds out of the Register's Office, and are desirous to perpetuate the Memory of such Judgment, Order, Probate of any Will, Settlement of an Orphan's Estate, Deed, Mortgage, Bill of Sale, or any other Matter or Thing transacted and done in the said County Court or Register's Office; it shall and may be lawful, upon the Deposition of one or more creditable Person or Persons, taken in Writing, and sworn to in open Court, at any Time within Three Years after the passing of this Act, of the Contents or Substance of such Judgment, Order, Probate of a Will, Settlement of an Orphan's Estate, Deed, Mortgage, Bill of Sale, or other Instrument of Writing whatsoever, and that the original Record was burnt as aforesaid: Which Deposition shall be recorded in the Minutes of the Court, certified by the Clerk, and registered in the Register's Office, in the said County; for which Service the said Clerk or Register shall be allowed a sufficient Reward, at the Discretion of the Justices of the County Court; to be paid out of the County Tax.

Such Records to be given in Evidence.

IV. *AND be it further Enacted*, That such Record so made, shall and may, at all Times hereafter, be pleaded and given in Evidence, and have the same Validity, in any Cause or Court whatsoever, as the Original would have, could it have been produced.

Vestrymen to be elected.

V. AND whereas, for Want of a Sheriff in the said County, no Election of Vestrymen was made in the Parish of *St. Martin's* on *Easter Monday* last; *Be it therefore Enacted, by the Authority aforesaid*, That the Freeholders of the said Parish shall, and are hereby directed, to meet on *Easter Monday* next after the passing of this Act, at the Court-House, or at the usual Place of electing Vestrymen, and then and there choose and elect Twelve Freeholders to serve as Vestrymen; which Vestrymen, after due Qualification, shall be, and are hereby invested with as full Power and Authority, to act and do in all Things, as any Vestrymen elected or chosen in Virtue of any Act of Assembly of this Province.

CHAP. XVI.

An Act for the better settling, regulating, and improving the Town of Beaufort, *in the County of* Carteret; *and for annexing* Ocacock *Island to the said County.*

Preamble.

I. WHEREAS the Laws hitherto made for regulating the Town of *Beaufort*, have been found inconvenient; For Remedy whereof,

Commissioners appointed.

II. *BE it Enacted by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, *William Thompson, William Cole, William Robinson, Joseph Bell*, Jun. and *John Easton*, Gentlemen, shall be, and are hereby appointed Commissioners of the said Town: And in Case of their, or any of them, dying, removing, or refusing to qualify as such, it shall and may be lawful for the remaining Part, or a Majority of them, by and with the Consent and Approbation of the County Court, to nominate and appoint another, in the Room of such dying or removing, or refusing to qualify: And that the said Commissioners, and each of them, shall, before entering upon their said Office, take the following Oath:

Their Oath.

I A. B. *do swear, that I will execute the Office of a Commissioner for the Town of* Beaufort, *faithfully, impartially, and truly, without Favour, Affection, or Prejudice; and that I will, to the utmost of my Power, in all Things, act for the good of the said Town and the well governing of it, to the best of my Skill and Judgment.* SO HELP ME GOD.

To appoint a Treasurer.

Which said Commissioners, after so sworn and qualified, shall proceed to choose one out of the Number, to be a Treasurer of the said Town; into whose Hands all the Monies arising by the Sale of Lots in the said Town, or otherwise howsoever arising or becoming due to the said Town, shall be paid; and there kept till disposed of as herein after directed.

III. *AND*

A. D. 1770.

Who is to give Bond.

III. *AND be it further Enacted, by the Authority aforesaid*, That the said Treasurer, before he enters upon the Execution of his Office, shall give Bond, with two sufficient Securities, in the Sum of Two Hundred Pounds, Proclamation Money, to the Commissioners of the said Town, and their Successors, for the faithful Discharge of his said Office.

Town Lots vested in Commissioners.

IV. AND whereas sundry Disputes may hereafter arise concerning the Titles of Lots in the said Town of *Beaufort*, and the Bounds thereof; *Be it Enacted, by the Authority aforesaid*, That the Commissioners hereby appointed, and their Successors, are declared to have a good, absolute, and indefeasable Estate, in Fee, in the Two Hundred Acres of Land laid out for the said Town of *Beaufort*, in Trust and Confidence, and to and for the Uses, Intents and Purposes, as by an Act, intituled, *An Act for incorporating the Sea Port of* Beaufort, *in* Carteret *Precinct, into a Township, by the Name of* Beaufort, or so much of the said Act as is now in Force: And the Commissioners by this Act appointed, are hereby declared to have a good, absolute, and indefeasible Estate, in Fee, in all such Lots within the said Town, which have not been disposed of by the former Proprietors or Commissioners, and built upon or improved agreeable to Law, in Trust and Confidence, and to and for the Uses in this Act mentioned: And all and every Person and Persons whatsoever, who have heretofore purchased and paid for any Lot or Lots in the said Town, and have fully complied with the Conditions of their Deed or Grant, and the Law for building and improving thereon, or who may hereafter purchase, pay for, and fully comply with the Law for building and improving thereon, are hereby declared to be invested with a good, absolute, and indefeasible Estate, in Fee, to such Person or Persons, and to his and their Heirs and Assigns forever.

And Purchasers secured in their Titles.

Commissioners to grant Lots, on Payment of 30s.

V. AND whereas the Settlement of the said Town of *Beaufort* hath been much retarded by Persons taking up Lots in the said Town, and not building thereon as required by Law; *Be it Enacted, by the Authority aforesaid*, That the Commissioners of the said Town for the Time being, or any of them, are hereby authorized, impowered, directed, and required, to grant, convey, and acknowledge, under the Restrictions and Limitations herein after mentioned, to any Person requiring the same, and to their Heirs and Assigns for ever, in Fee-Simple, any Lot or Lots of Land within the said Town, not already taken up and built on agreeable to the Laws heretofore made for regulating the said Town; or any Lot or Lots that may hereafter be liable to be taken up for Want of building on as is by this Act directed, he or they paying Thirty Shillings, Proclamation Money, for the Purchase; Twenty Shillings of which shall be paid to the Proprietor of the said Land, and Ten Shillings to the Churchwardens of the Parish of *St. John*'s, for and towards building a Church in the said Town.

Lots to be saved within 2 Years, or be granted to other Persons.

VI. *PROVIDED nevertheless*, That where any Person or Persons shall hereafter take up any Lot or Lots in the said Town, and shall not build thereon, or cause to be built, within Two Years from the Date of their Conveyance, a good habitable Brick, Stone, or framed House, with a Brick or Stone Chimney thereon, not of less Dimensions than Twenty Feet long, Fifteen Feet in Width, and Eight Feet in Height, between the first Floor and the Joists, in Proportion for each and every Lot and Lots, or make such Preparations for so doing, as the Commissioners, or a Majority of them, shall judge reasonable to secure the same (except where the Title of such Lot or Lots, before the Expiration of the Time for building thereon, shall fall to a Minor or Minors) every such Conveyance shall, and is hereby declared null and void, and of no Effect, insomuch as if the same had never been made; and the same Lot or Lots shall be free and clear for any other Person to take and purchase, in Manner and Form aforesaid; and all Monies arising by the second or other Sale of the said Lots shall be, and is hereby appropriated and applied for the building of a Church in the said Town.

Bounds of the Town ascertained.

VII. AND whereas the Plan formerly taken of the said Town hath been found inacurate, irregular, and confined; *Be it Enacted, by the Authority aforesaid*, That the Plan produced at the Time of passing this Act, containing the following Courses, *to wit*, Beginning at a Cedar Post in *Pollock* Street, and running along the Water, North Fifty-eight Degrees West, agreeable to that Part of the Plan called the Old Town, and beginning at the Cedar Post, and running South fifty eight Degrees East, agreeable to that Part of the Plan called the New Town, shall be and remain as the proper Plan of the said Town, and lodged in the Registers Office for the said County of *Carteret*, where Persons at any Time may have Recourse to the same: And for defraying the Expence attending the procuring, taking and running out the said Town, Town Lands, and Plan so as aforesaid, the Commissioners shall and may order the Treasurer of the said Town, out of the Monies he shall have in his Hands, to pay such Sum or Sums as they may think reasonable, to the Parties who attended taking the same: And the said Commissioners are hereby impowered to account with, take and receive, for the Use of the said Town, all such Sum or Sums of Money that now are in the Hands of any former Commissioner or Commissioners, Treasurer, or other Person whatsoever, either for the Sale of Lots, or otherwise, and finally to adjust and settle the same: And that from and after the passing this Act, the Treasurer for the Time being shall, and is hereby required, Annually, to account with the Inferior Court of Pleas and Quarter Sessions for the said County, for all such Sums of Money as he shall, for the Sale of Lots, have received; which Money shall be applied in the following Manner; that is to say, Twenty Shillings for each and every Lot, to the Use of the Propretor, his Heirs and Assigns; Ten Shillings for and towards building a Church in the said Town; and the remaining Monies accruing by Means of this Act, after defraying the contingent Charges of said Town, such as the said Commissioners, or the major Part of them, shall think reasonable, shall, in like Manner, be applied towards building a Church, and keeping the same in repair as a foresaid.

Treasurer to account with the County Court.

Hogs not to run at large in Town.

VIII. AND whereas the allowing of Hogs to run at large in the said Town, is found to be a great Nusance to the Inhabitants thereof; *Be it Enacted by the Authority aforesaid*, That none of the Inhabitants of the said Town shall, on any Pretence whatsoever, suffer any Hogs to run at large within the

the Bounds of the ſaid Town; and any Hog or Hogs ſo running at large as aforeſaid, ſhall be forfeited; one Half to the Perſon who ſhall ſeize or kill the ſame, and the other Half to the Churchwardens of *St. John's* Pariſh, for the Uſe of the ſaid Pariſh. *A. D.* 1770.

Male taxables to work on the Streets.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or a Majority of them, ſhall appoint an Overſeer every firſt *Tueſday* in *January*, annually, for the ſaid Town; which Overſeer ſhall ſummons all male Taxables, Inhabitants thereof, to clear, repair, and keep in Order, the Streets, Lanes, and Paſſages belonging to the ſaid Town: And any Perſon refuſing or neglecting to work on ſuch Summons, or to furniſh a good and ſufficient Hand or Hands in his or their Place, with proper Tools to work with, ſhall forfeit and pay Two Shillings and Eight-pence, Proclamation Money, *per* Day, for every Day he or they ſhall ſo refuſe or neglect; to be recovered in the ſame Manner as the Fines and Forfeitures are to be recovered by Overſeers of the Roads; and the Monies ſo recovered, ſhall be applied towards hiring Labourers to clear and repair the Streets, Lanes, and Paſſages, or any other public Work to be done in the ſaid Town: And every Overſeer appointed as aforeſaid, refuſing or neglecting to ſerve as Overſeer of the ſaid Town, ſhall forfeit and pay, for every Day he ſo refuſes or neglects, Ten Shillings, Proclamation Money; to be recovered and applied as above.

Perſons exempted.

X. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon exempted by Law from working on publie Roads, ſhall not be themſelves compelled to work on the Streets, Lanes, or Paſſages, in the ſaid Town; and that the Inhabitants of the ſaid Town ſhall be exempted, and for ever hereafter exeuſed from working on County Public Roads, during the Time they ſhall live in the ſaid Town, and no longer.

Pen. on Tavern-keepers ſuffering tippling in their Houſes on Sundays.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Tavern Keeper, Ordinary Keeper, or Retailer of Liquors, or Keepers of Publie Houſes in the ſaid Town, ſhall ſuffer any Perſon or Perſons whatſoever, to ſit tippling or drinking in his, her, or their Houſe, in the Time of Divine Service, on the Sabbath Day; or ſhall ſuffer any Perſon or Perſons to get drunk in his, her, or their Houſe, ſueh Perſon or Perſons ſo offending, ſhall forfeit and pay Twenty Shillings, Proclamation Money, for every ſuch Offenee; to be recovered by a Warrant, under the Hand and Seal of any Juſtice of the Peace for the ſaid County of *Carteret*, and be paid into the Hands of the Treaſurer of the ſaid Town.

Pen. on Perſon fighting in Town.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That wherever any Perſon or Perſons ſhall be found quarrelling or fighting within the ſaid Town or Townſhip of *Beaufort*, in View of any of his Majeſty's Juſtices of the Peaee, or ſhall be eonvicted thereof, by the Oath of one credible Witneſs, ſhall forfeit and pay, for every ſueh Offence, the Sum of Twenty Shillings, Proclamation Money; and in Default of ſueh Payment, ſhall ſuffer Twenty Four Hours Imprifonment, in the eommon Gaol, or be put into the Stocks for the Space of two Hours, or longer, as the Direction of the Juſtices ſhall ſeem meet: Provided the Information be made within twenty-four Hours after ſuch Offenee ſhall be committed.

Commiſſioners to make Rules and Orders for the Town.

XIII. AND for the better regulating the Town of *Beaufort*, *Be it Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners, or a Majority of them, ſhall have full Power, and lawful Authority, to paſs ſueh neceſſary Rules and Orders, as to them ſhall ſeem meet, for removing all Nuſances within the Bounds of the ſaid Town; for Perſons to remove Dirt and Rubbiſh from before their Doors; to grub and clear their Lots; for pulling down all wooden Chimnies already built in ſaid Town, and prevent the building thereof for the future, in order to prevent Dangers by Fire, provided that Six Months Notice be given to the Owners of ſuch Chimnies as are already built, to pull down the ſame; and for all other Things as may tend to the Advantage of the ſaid Town, ſo as the ſame be not repugnant, but as near as may be agreeable, to the Laws of *England* and this Province.

Fines and Forfeiturs how recovered, and applied.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures in this Act mentioned, the Reeovery of whieh is not otherwiſe directed, ſhall be by a Warrant, under the Hands and Seals of the Commiſſioners, or a Majority of them, directed to any ſworn Offieer of the County of *Carteret*, to convene ſueh Delinquent or Delinquents before them, at a eertain Day mentioned in the ſaid Warrant; and, on Conviction, to give Judgment, and award Execution for ſueh Offieer to levy the ſaid Fine or Forfeiture, by Diſtreſs and Sale of the Offender's Goods and Chattels: Which ſaid Fines and Forfeitures ſuch Offieer ſhall pay into the Hands of the Treaſurer of the ſaid Town, as Part of the eommon Stock, and be applied as in this Act before directed.

Public Buſineſs to be done in Town.

XV. AND for the further Eneouragement of the ſaid Town of *Beaufort*, *Be it Enacted, by the Authority aforeſaid*, That the Regiſter, Clerk, and Sheriff, of the ſaid County of *Carteret*, ſhall, and are hereby directed and required, to keep their reſpective Offiees in the ſaid Town; on Penalty of Ten Shillings, Proclamation Money, for every Week they ſhall neglect the ſame; to be recovered before any Juſtice of the ſaid County of *Carteret*, by any Perſon who ſhall ſue for the ſame: And all Elections, General Muſters, and other Public Buſineſs of the like Nature, belonging or appertaining to the County of *Carteret*, ſhall be held and done in the ſaid Town, and at no other Place whatſoever.

Proviſo where the Records are removed.

XVI. *PROVIDED always*, That nothing herein contained ſhall be eonſtrued, deemed, or taken, to ſubject the Clerk, Sheriff, or Regiſter, to the Penalties before inflicted, in Caſe it ſhall be adjudged neceſſary for the Records of the reſpective Offices to be removed, by Order of the Inferior Court of *Carteret*.

A. D. 1770.

Commiſſioners Power to inforce their Orders.

XVII. AND that due Regard may be paid to the Orders that may be made or given by the Commiſſioners of the ſaid Town of *Beaufort*, *Be it Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town for the Time being, or a Majority of them, ſhall have full Power and Authority to lay ſuch Fine on any Perſon or Perſons that ſhall refuſe or neglect to obey any of the Rules and Orders that ſhall be paſſed by the ſaid Commiſſioners, or a Majority of them, for the better regulating the ſaid Town, as they ſhall think fit, not exceeding Ten Shillings, Proclamation Money; and on Refuſal or Neglect to pay the ſame immediately, to iſſue their Warrant, to any ſworn Officer, to levy the ſame, by Diſtreſs and Sale of the Offender's Goods and Chattels; the like Proceedings being firſt had, as before directed for the Commiſſioners to obſerve in the Recovery of Fines impoſed by this Act.

Hatteras Banks added to Carteret County.

XVIII. AND whereas Part of *Hatteras* Banks, adjoining the Bounds of *Currituck* County, from the Place where *Hatteras* Inlet formerly was, and extending Weſtward to *Occacock* Inlet, is not included in any County within this Province; by which Means the Inhabitants thereof are not liable to pay any Taxes, or perform any public Duties whatſoever: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, all that Part of the ſaid Banks from the Low Beach, which runs acroſs the ſame to the Sea Side, and where *Hatteras* Inlet formerly was, extending Weſtward to *Accomack* Inlet, ſhall be for ever hereafter annexed to the County of *Carteret*, and ſhall be held, taken, and deemed as Part of the ſame; and the Inhabitants thereof ſhall be liable and ſubject to the ſame Duties, Taxes, and Impoſitions, and intitled to the ſame Privileges, Benefits, and Advantages, as the other Inhabitants of the ſaid County of *Carteret*.

Repealing Clauſe.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That all and every other Act and Acts, Clauſe and Clauſes, Article and Articles thereof, heretofore made, or ſo much thereof as relates to any Matter or Thing within the Purview of this Act, are hereby repealed and made void, and of no Effect.

CHAP. XVI.

An Act for the Regulation of the Town of Saliſbury, *ſecuring the Inhabitants in their Poſſeſſions, and to encourage the Settlement of the ſaid Town.*

Preamble.

I. WHEREAS the erecting and eſtabliſhing the Town of *Saliſbury* hath been found highly beneficial and convenient to the Inhabitants of the Weſtern Parts of this Province, and the ſame being a healthy pleaſant Situation, well watered, and convenient for inland Trade;

Bounds of the Town aſcertained.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Town aforeſaid called *Saliſbury*, and the Common belonging to the ſaid Town, lying on each Side of the Weſtern Great Road, leading through the Frontiers of this Province, ſhall be bounded and circumſcribed as by a Plan annexed to a Deed of Conveyance granted by the Agents of the Right Honourable *John* Earl *Granville*, to *William Churton* and *Richard Viggers*, and by them conveyed to *James Carter* and *Hugh Feſter*, as Truſtees, for the Uſe of the Juſtices for the County of *Rowan*, and other Purpoſes in the ſaid Deed expreſſed, containing Six Hundred and Thirty Five Acres of Land, duly recorded and regiſtered in the County of *Rowan* aforeſaid; which Plan ſhall be, for ever hereafter, the true and exact Plan and Boundaries of the ſaid Town.

Public Buſineſs to be done in the Town.

III. *AND be it further Enacted by the Authority aforeſaid*, That after the paſſing of this Act, the Superior Courts of Juſtice, to be held for the Diſtrict of *Saliſbury*, and County Courts, the Election of Repreſentatives to be ſent to the General Aſſembly for the Borough of *Saliſbury*, and County of *Rowan*, the Election of Veſtrymen for the Pariſh of St. *Luke*, and all other Public Elections for the ſaid Borough or County, ſhall be made and held in the Town of *Saliſbury*, and at no other Place; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Sheriff, &c. to keep their Offices there.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County of *Rowan*, the Clerk of the Court for the ſaid County, and the Regiſter of the ſaid County for the Time being ſhall hold and keep their reſpective Offices in the ſaid Town of *Saliſbury*.

Commiſſioners for the Town appointed.

V. *AND be it further Enacted, by the Authority aforeſaid*, That Mr. *William Steel*, Mr. *John Dunn*, Mr. *Maxwell Chambers*, Mr. *John Lewis Beard*, Mr. *Thomas Frohock*, Mr. *William Temple Coles*, Mr. *Matthew Froy*, Mr. *Peter Rep*, Mr. *James Ker*, Mr. *Alexander Martin*, and Mr. *Daniel Little*, be, and are hereby appointed Commiſſioners of the ſaid Town; and they or a Majority of them, ſhall have the ſame Power and Authority, as the Commiſſioners to be choſen by this Act ſhall or may have, and be ſubject to the ſame Penalties.

Male Taxables to work on the Streets.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, are hereby directed to iſſue their Warrant, at ſuch Times as to them ſhall ſeem meet, to the Overſeers of the Roads and Streets within the ſaid Town, and the Town Common, to warn all Male taxables within the Borough of *Saliſbury* aforeſaid, and the Liberties granted the ſaid Borough by Charter, to clear, repair, and pave the Streets: And any Perſon neglecting or refuſing to work as directed in the ſaid Warrant, or to furniſh a good and ſufficient Hand in his or their Place with proper Tools, ſhall forfeit and pay Two Shillings and Eight-pence, Proclamation Money, per Day, for every Day he ſhall ſo refuſe or neglect: And if any Perſon ſo appointed Overſeer, ſhall refuſe or neglect to ſerve as ſuch, he or they ſhall forfeit and pay Forty Shillings Proclamation Money, per Day, for every

Day

Day he ſhall ſo refuſe or neglect; to be recovered by Warrant from under the Hands and Seals of the Commiſſioners, or a Majority of them, wherein ſhall be no Appeal granted; and the Monies ſo recovered, ſhall be applied towards clearing and repairing the Steets, or any other public Work in the ſaid Town. *A. D.* 1770.

Nuſances to be removed from the Streets.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That the Commiſſioners, or the Majority of them, ſhall determine all Complaints of Nuſances lying upon the Streets, Dangers of Fire ariſing from wooden Chimnies, or any ſuch hazardous Buildings, and paſs Orders for the Removal of ſuch Nuſances, and other Matters that ſhall or may incommode, hinder or interrupt, a free Paſſage thro' any of the Streets of the ſaid Town, either for Carriages, Horſe or Footmen: And that no Perſon ſhall lay down, or place any Filth, Straw or Rubbiſh, in any of the ſaid Streets, except Scantling, or Stone, Brick, or Materials for building, which ſhall or may be intended immediately for Uſe; and in ſuch Caſe, ſuch Materials to be placed as near as reaſonably may be to the Foundation of ſuch intended building; on Penalty of forfeiting Ten Shillings Proclamation Money, for each and every Offence; to be recovered and applied in Manner aforeſaid.

Streets to be cleared and railed in.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That the Owner or Owners, or Poſſeſſor of any Lot or Lots or Part of a Lot within the original Plan of the ſaid Town, and adjoining the two Main Streets called *Corbin* Street, and *Innis* Street, and the two other Streets running parallel with the aforeſaid two Main Streets, ſhall grub, clear, open, and incloſe with Rails or Poſts, and rail Fence ſuch their reſpective Lots, at their own Coſts and Charges, within Twelve Months after the paſſing of this Act, and ſhall keep the ſame clean and open; on Penalty of Ten Shillings Proclamation Money, for each and every Offence. And that no Perſon ſhall build or erect any Piazza, Porch, or Balcony, fronting or adjoining the Streets of the ſaid Town, exceeding Six Feet in Width, from the Houſe to which ſuch Piazza, Porch, or Balcony adjoins; on Penalty of Five Pounds Proclamation Money, for each and every Offence; to be recovered by Action of Debt, in the Inferior Court of Pleas and Quarter Seſſions, to be held for the ſaid County, by any Perſon who ſhall ſue for the ſame. Provided ſuch Proſecution be commenced within two Years after the committing ſuch Offence; to be applied as aforeſaid.

Piazzas not to exceed ſix Feet in Width.

Hogs not to run at large in Town.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That no Inhabitants of the ſaid Town ſhall, on any Pretence whatſoever, keep any Hog or Hogs, Shoat or Pigs, running at large within the Bounds of the ſaid Town, on Penalty of forfeiting ſuch Hog or Hogs, Shoat or Pig, and paying the Sum of Twenty Shillings, Proclamation Money, to the Party aggrieved; and further, that it ſhall and may be lawful for any Perſon whatever, after the Tenth Day of *March* next, to ſhoot, kill, or otherwiſe deſtroy ſuch Hog or Hogs, Shoat or Pig, ſo running at large within the ſaid Town.

Houſekeepers to be provided with Leather Buckets.

X. AND to prevent Dangers ariſing by Fire, *Be it Enacted, by the Authority aforeſaid,* That each and every Houſeholder within the ſaid Town of *Saliſbury*, ſhall procure, or cauſe to be procured, two ſufficient Leather Buckets, and a Ladder, and keep the ſame in continual Readineſs againſt any Alarm that may be given, occaſioned by the breaking out of Fire at any Time in the ſaid Town; on Penalty of paying Twenty Shillings Proclamation Money.

Immoderate riding of Horſes, or driving Waggons, thro' the Town, prevented.

XI. AND wherreas the too frequent Cuſtom of immoderate riding of Horſes, and driving of empty Waggons and Carts in and through the ſaid Town, is found to have a very dangerous Tendency: To prevent which, *Be it Enacted, by the Authority aforeſaid,* That no Perſon or Perſons, from and after the paſſing of this Act, on any Pretence whatever ſhall immoderately ride or ſtrain any Horſe or Mare, or drive any empty Waggon or Cart in or through the ſaid Town or any of the Streets thereof; on Penalty of forfeiting and paying the Sum of Five Shillings Proclamation Money, for each and every Offence; to be recovered by Warrant, from under the Hand and Seal of any Juſtice of the Peace of the ſaid County.

Titles of Lots declared good.

XII. AND for the better and more effectual ſecuring the Titles of the ſeveral Lots in the ſaid Town in the Poſſeſſors thereof; *Be it Enacted, by the Authority aforeſaid,* That all Titles heretofore made to any Lot or Lots, or to any Part of a Lot (except one Lot in the ſaid Town, heretofore received, and known by the Name of the Burying Ground,) by *James Carter* and *Hugh Foſter*, Truſtees aforeſaid, to any Perſon or Perſons, the ſame being duly regiſtered; and all Titles made by the ſaid *Hugh Foſter* ſince the Death of the ſaid *James Carter*, and regiſtered as aforeſaid, ſhall and is hereby declared to be good and valid in Law, to any ſuch Purchaſer or Purchaſers, their Heirs and Aſſigns: Any Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

Deeds for Lots regiſtered within 2 Years, deemed good.

XIII. AND whereas the Titles to ſeveral Lots lying and being in the Town *Saliſbury*, have, by Reaſon of the Deeds not being duly regiſtered, and other Circumſtances, been brought into Diſpute; *Be it therefore Enacted by the Authority aforeſaid,* That all Deeds of Lots of Land, lying and being in the ſaid Town of *Saliſbury*, which ſhall be regiſtered within Two Years from the paſſing of this Act, ſhall be good and ſufficient in Law for ſo much as they were intended to convey; and ſhall have every Effect that they could have had if they had been regiſtered within the Time by any Act of Aſſembly directed for the ſaving of the ſaid Lots to the Proprietors.

No Poſſeſſion but under Deeds, to give a Title.

XIV. *AND be it Enacted, by the Authority aforeſaid,* That no Poſſeſſion, except under Deeds from the Commiſſioners of the ſaid Town, ſhall operate to give a Title to any Perſons who have occupied or improved, or who now occupy and improve ſuch Lots, againſt any Perſons who have, *bona fide*, received and taken Deeds from the Commiſſioners of the ſaid Town for the ſame.

XV. *AND*

A. D. 1770.

Burying Ground reſerved.

XV. *AND be it further Enacted, by the Authority aforeſaid,* That the aforeſaid Lot, reſerved and known by the Name of the Burying Ground, be for ever hereafter reſerved for that Uſe only; and the Title thereof veſted in the Commiſſioners of the ſaid Town, for the Time being, for the Uſes and Purpoſes aforeſaid.

Lots to be ſaved within 3 Years.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That each and every Poſſeſſor of any Lot or Lots, or Part of a Lot, within the original Plan or Map of the ſaid Town, and adjoining either Side of the two Streets called *Corbin* and *Innis* Street, who ſhall not, within the Term of Three Years after the paſſing of this Act, erect and build, or cauſe to be erected and built, a Houſe of the Dimenſions of Twenty-four Feet by Sixteen in the Clear, of Brick, Stone, Frame, or hewed Logs, with either a good Brick or Stone Chimney, ſhall forfeit the ſaid Lot or Lots, or Part of a Lot: And that every Poſſeſſor of any Lot or Lots adjoining the two Streets, running parrallel with the ſaid Streets called *Corbin* and *Innis* Street, and within the ſaid Plan, who ſhall fail to build and erect a Houſe of the Dimenſions aforeſaid, with ſuch Chimney, within the Space of Four Years, ſhall likewiſe forfeit ſuch Lot or Lots; and the Commiſſioners aforeſaid ſhall, and are hereby impowered and authorized, to enter upon and ſeize ſuch forfeited Lot or Lots, or Part of ſuch Lot, and to ſell the ſame to any other Perſon who ſhall purchaſe the ſame: And the ſaid Commiſſioners, or the Majority of them, are hereby inveſted with full Power and Authority to convey the ſame to ſome Purchaſer; which Sale ſhall be good and valid in Law to ſuch Purchaſer, his Heirs and Aſſigns, for ever. *Provided always,* That nothing herein contained ſhall be conſtrued, deemed, or taken, to affect or invalidate the Claim or Title of any Infant or Feme Covert.

Number of Commiſſioners kept up.

XVII. *AND be it further Enacted, by the Authority aforeſaid,* That in Caſe of the Death or Removal of any of the Commiſſioners heretofore in this Act mentioned, that then it ſhall and may be lawful for the Juſtices of the Inferior Court of *Rowan* County, to appoint one or more Commiſſioner or Commiſſioners, in the Room of him or them ſo deceaſed or removed; which Commiſſioner or Commiſſioners, ſo appointed as aforeſaid, ſhall, and is hereby declared to have as full Power and Authority, as the Commiſſioners appointed by this Act.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners appointed by this Act, or to be hereafter appointed, before they enter in and upon the Execution of their Office, ſhall take the following Oath, *to wit,*

Their Oath.

I A. B. *do ſwear, that I will execute the Office of a Commiſſioner for the Town of* Saliſbury, *faithfully and truly, without Favour or Prejudice, and in all Things act for the Good of the ſaid Town, and the well governing thereof, to the beſt of my Skill and Judgment, according to Law.*

SO HELP ME GOD.

Free acceſs to the Springs in Town.

XIX. *AND be it further Enacted, by the Authority aforeſaid,* That the ſeveral Inhabitants of the ſaid Town, their Servants and Slaves, Travellers and others, ſhall have free Acceſs to all Springs, and natural Fountains of Water within the ſaid Town, and Town Common, without the Hinderance, Let, or Interruption of the Owner or Owners of ſuch Lot or Lots or Common, whereon ſuch Springs or natural Foutains of Water are ſituate; and that the ſaid Springs and Fountains of Water be, and are hereby declared to be free to all Perſons, to ſupply themſelves with Water therefrom, to ſupply their ſeveral Uſes; and that it ſhall and may be lawful for the Inhabitants of the ſaid Town, their Servants or Slaves as aforeſaid, to cut, ſell, and appropriate, to his or their own Uſe, for Fire Wood or Timber, for building in the ſaid Town, any Tree or Trees now ſtanding or being on the ſaid Town Common, without the Hindrance of any Perſon whatever.

And to the Wood growing on the Common.

Market Place reſerved.

XX. *AND be it furter Enacted, by the Authority aforeſaid,* That the ſaid Commiſſions or the Majority of them, or their Succeſſors, are hereby impowered, to lay out, and appoint a proper Place in the ſaid Town, for erecting and building a Market-Houſe, or other public Buildings in the ſaid Town.

Fines and Forfeitures how recovered.

XXI. *AND be it further Enacted, by the Authority aforeſaid,* That all Fines and Forfeitures that ſhall hereafter be recovered in Virtue of this Act, the Method whereof is not herein before expreſſed, ſhall be by Warrant from under the Hands and Seals of the ſaid Commiſſioners or the Majority of them, and applied as in this Act directed.

CHAP. XVIII.

An Act to amend an Act, intituled, An Act to impower the Inferior Courts of the ſeveral Counties in this Province, to order the laying out of Public Roads; and to eſtabliſh and ſettle Ferries; and to appoint where Bridges ſhall be built, for the Uſe and Eaſe of the Inhabitants of this Province; and to clear navigable Rivers and Creeks.

Preamble.

I. WHEREAS by the before recited Act, among other Things therein contained, it is enacted, that upon Application made to any of the Inferior Courts in this Province, for clearing navigable Rivers and Creeks, in their reſpective Counties, it ſhall and may be lawful for the ſaid Courts,

Courts, and they are hereby directed and required, to appoint ſuch Overſeers of the Roads as live moſt convenient to ſuch Rivers and Creeks, with their Companies, to do and perform the ſame: And whereas the ſaid Act hath been found, by Experience, not to anſwer the ſalutary Purpoſes intended thereby: A. D. 1770.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That each and every Overſeer of any Road in any County in this Province, whoſe Diſtrict is moſt convenient, or adjoins any navigable River or Creek, ſhall, is, and are hereby directed and required, to clear and work on ſuch River or Creek, with his Company, without any Order of Court for that Purpoſe, not exceeding Six Days in every Year: And every Overſeer ſo failing or neglecting to work on ſuch River or Creek, agreeable to the Directions of this Act, ſhall be liable to the ſame Pains and Penalties, and ſubject to the ſame Recoveries, as is directed to be had againſt Overſeers by the before recited Act. Overſeers of Roads to clear Rivers & Creeks.

III. AND whereas the lower *Little River*, in *Cumberland* County, has been found, by Experience, to be navigable; and that Lumber, and other Commodities, have been raſted down the ſaid River; and that it is practicable for Boats to paſs up the ſame a conſiderable Diſtance, the ſaid River being cleared of Logs and Rafts, near Twenty Miles from the Mouth thereof: *Be it Enacted, by the Authority aforeſaid*, That any Perſon who hath built any Mill-Dam, or that may hereafter build, or cauſe to be built, any Kind of Dam or Bridge acroſs the ſaid River, that may obſtruct or prevent the free Paſſage of any ſuch Produce for the future, and ſhall not make, or cauſe to be made, a proper Slip, or other Convenience, in ſuch Manner that any Produce may be carried ſafely, and without Damage or Prejudice to the Owner; ſuch Perſon ſo offending ſhall, for every Offence, forfeit and pay to the Party injured, all ſuch Damages as he ſhall ſuſtain thereby; to be recovered, with Coſts, before any Juriſdiction having Cognizance thereof. Navigation of Little River not to be interrupted.

IV. *PROVIDED neverthleſs*, That no ſuch Owner or Poſſeſſor of ſuch Mill-Dam or Bridge ſhall be obliged to make ſuch Slip, or other Convenience, till after the Firſt Day of *November* next. Dams not to be removed till 1ſt of Nov. next.

V. *PROVIDED alſo*, That this Act, nor any Thing herein contained, ſhall not extend and be in Force in the Counties of *Craven*, *Edgcomb*, *Halifax*, *Pitt*, *Hyde*, *Currituck*, *Duplin*, *Paſquotank*, *Carteret*, *Bute*, *Chowan*, *Hertford*, and *Granville*; any Thing herein contained, to the contrary, notwithſtanding. Counties in which this Act is not in Force.

CHAP. XIX.

An additional and explanatory Act to an Act, intituled, An Act for regulating the ſeveral Officers Fees within this Province, and aſcertaining the Method of paying the ſame; and for taxing Law Suits.

I. WHEREAS frequent Complaints have been made that the Fees of the Clerks of the Superior and Inferior Courts, as regulated by former Acts of Aſſembly, are doubtful and ambiguous: For Explanation whereof, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That for the future the following Fees only ſhall be received by the Clerks of the Superior and Inferior Courts; and no other or greater Fees or Charges whatſoever ſhall be deemed or conſtrued to be allowed by the former Acts of Aſſembly, *to wit*, Clerks Fees regulated.

FOR every Writ or leading Proceſs returned to the firſt Court; and all ſubſequent Proceſs, Appearances, Pleas, Rules, Orders, and other Services neceſſary thereon, until the making up an Iſſue incluſive; and alſo, for Diſmiſſion, or final Judgment, where either happens; or for Confeſſion of Judgment, to the Clerk of the Court, Fourteen Shillings.

FOR every Continuance, or Reference of every Cauſe after the ſecond Court, including all Fees for every Service neceſſary thereon, Four Shillings.

FOR the Court at which the Cauſe is determined, including all Fees for every neceſſary Service thereon, and entering final Judgment incluſive, Eighteen Shillings.

FOR every Subpœna, more than three different and diſtinct Subpœnas, in any Cauſe, the Clerk ſhall be allowed, by the Party praying ſuch Subpœna, Two Shillings

Provided always, That the Parties taking out any one of the Five Subpœnas intended by this Act to be iſſued without Fee, may be at Liberty to inſert in each Subpœna, any Number of Witneſſes, not exceeding Four, Two Shillings. When neceſſary, for every Execution, or Order of Sale, iſſued and returned, including all Services thereon, with taxing Coſts, and Copy, and entering Satisfaction, Five Shillings.

FOR every *Scire Facias* againſt Bail, with making up an Iſſue thereon, or entering Judgment without Plea, including all Fees for every Service neceſſary thereon; provided that the Party paying Coſts ſhall not be ſubject to this, unleſs the *Scire Facias* is requiſite, and required by the Plaintiff; Eight Shillings.

FOR giving a Copy of the Record of any Cauſe when demanded by either of the Parties, Six Shillings.

FOR every Order or Rule of Court, made on Matters foreign to the Suits depending in Court, and Copy thereof when demanded, Two Shillings and Eight Pence.

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FOR entering on the Minutes the Probate of a Will, qualifying Executors, making Certificate, recording the Will, and giving Copy thereof, Ten Shillings and Eight Pence.

FOR granting Adminiſtration, taking Bond, and all other Services thereon, Ten Shillings and Eight Pence.

FOR all Services neceſſary to be done by the Clerk of the Court, towards procuring Letters of Adminiſtration, or Letters Teſtamentary, if he furniſhes the ſaid Letters, including the Governor's, Secretary's, and private Secretary's Fees, Twenty Six Shillings and Eight Pence.

FOR all Services in proving, recording and filing an Inventory, Account Sales, or Account current exhibited by an Executor, Adminiſtrator, or Guardian, or for Search, Copy and Certificate of the ſame, if the Eſtate be under one Hundred Pounds, One Shilling and Four Pence; if above one Hundred Pounds Value, Four Shillings.

FOR every Marriage Licence and Bond, and all the neceſſary Services thereon, Five Shillings.

FOR an Ordinary Licence and Bond, and all the Services neceſſary to be done thereon, Five Shillings.

FOR Tavern Rates, Two Shillings and Six-pence.

FOR ſearching a Record out of Court, Eight-pence.

FOR proving or entering Acknowledgement of a Conveyance of Land, or other Eſtate, and certifying the ſame, with the Order for Regiſtration, and Examination of a Feme Covert without Commiſſion, Two Shillings and Eight-pence.

FOR a Commiſſion to take the Examination of a Feme Covert, or Witneſſes in any Cauſe depending in the Superior Court, the Return thereon, entering, and all other Services neceſſary thereon, Three Shillings.

FOR Guardian and other Bonds taken in Court, and for all neceſſary Services thereon, every Fee relative thereto included, Eight Shillings.

FOR Indentures for binding out Apprentices, making Order thereon, and for filing and recording the ſame, including all Fees for every Service neceſſary, Five Shillings and Four-pence.

FOR a ſpecial *Venire Facias* in an Action of Ejectment, or where the Bounds of Lands ſhall come in Queſtion, when the ſaid Writ ſhall be iſſued, Eight Shillings.

FOR a ſpecial Verdict, Demurrer or Motion in Arreſt of Judgment, and Argument thereon, Four Shillings.

FOR Writ of Error or Appeal, with a Tranſcript of the Record, and all Services thereon, Ten Shillings.

FOR making out Certificates of Witneſſes or Jurymens Attendance, Eight-pence.

FOR recording a Mark or Brand, and granting Certificate thereof, if required, One Shilling and Four-pence.

Clerks allowed no other Fees than by this Act, except by the Inferior Courts.

III. *AND be it further Enacted, by the Authority aforeſaid*, That all the Services neceſſary to be done by the Clerks of the Superior and Inferior Courts within this Province, for which Fees are not provided in this Act, ſhall be deemed and conſtrued to be ex-officio Services, for which the Clerks ſhall demand no Fee or Reward whatever, except what ſhall be allowed ſuch Clerks by the Inferior Court of their reſpective Counties for ſuch Services.

Clerks may iſſue Executions for their Fees.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Clerks of the Superior or Inferior Courts on the Fees not being paid by the Party from whom they are due, to make out Execution, directed to the Sheriff of the County where the Party reſides; and the ſaid Sheriff ſhall levy the ſame, in Virtue of the ſaid Execution, as in other Caſes; and to the ſaid Execution ſhall be annexed a Copy of the Bill of Coſts of the Fees on which ſuch Execution ſhall iſſue, wrote in Words at length, and without any Abbreviation whatſoever; and all Executions iſſuing without the Copy of ſuch Bill of Coſts annexed, ſhall be deemed illegal, and no Sheriff ſhall ſerve or execute the ſame.

When Continuance of a Cauſe is granted, Party praying the ſame to pay all Coſts.

V. *AND be it further Enacted, by the Authority aforeſaid*, That whenever it ſhall be the Opinion of the Court, that the Party praying a Continuance, ſhould not obtain it without Payment of all Coſts attending the ſame, the whole of theſe Coſts ſhall be paid before the Continuance is granted; and the Party paying ſuch Coſts ſhall not be intitled to recover them, although the Judgment of the Court ſhould finally be in his Favour.

Proceed. where Clerks charge more Fees than is allowed by this Act.

VI. *AND be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall hereafter conceive himſelf aggrieved by any Clerk of the Superior or Inferior Courts, in taxing or charging other or greater Fees than by this Act are allowed, it ſhall and may be lawful for ſuch Perſon ſo aggrieved, either by himſelf or his Attorney, to complain to the Court where ſuch Offender is Clerk; and the ſaid Court ſhall, in a ſummary Way, take the Matter under their Conſideration; and if it ſhall appear to them that ſuch Clerk hath taxed and charged other or greater Coſts or Fees than are by this Act allowed, then the ſaid Court ſhall not only order immediate Reſtitution to be made to the Party injured, together with all Coſts and Damages, but alſo may, and they are hereby required, to ſet ſuch Fine as they ſhall think proper on ſuch Clerk, not exceeding the Sum of Five Pounds; and the Court ſhall commit ſuch Clerk to Gaol if he refuſes or delays to obey their Judgments, there to remain until he has ſatisfied the Party injured, agreeable to the Judgment of the Court, and alſo paid the Fine inflicted on him to the Sheriff; which Fine ſhall be applied towards defraying the contingent Charges of the County where ſuch Court ſhall be held, and ſhall be accounted for by the Sheriff, at the ſame Time as he accounts for the County Tax: *Provided*, that ſuch Clerk ſhall have Ten Days Notice in Writing, previous to the ſitting of the Court where ſuch Complaint is intended to be made; and that there ſhall be at leaſt five Juſtices on the Trial of ſuch Complaint, if in the Inferior Court; and the Notice ſhall be in theſe Words, or to this Effect:

I INTEND to complain of you to the next ——— Court, for taking more Fees in the Suit of ——— againſt ——— than the Law allows." *A. D.* 1770.

And a Copy of this Notice, directed to the Clerk, and ſigned by the Complainant, proved by the Oath of the Perſon who ſerved it, with a Copy of the Bill of Coſts, from the Officer who levied the ſame, ſhall be ſufficient for the Court to judge upon, without any other or further Proceſs.

Clerks demanding greater Fees than they are allowed, during the ſitting of Court, to be determined by the Court.

VII. *AND be it Enacted, by the Authority aforeſaid,* That if any Clerk ſhall, during the ſitting of the Court whereof he is Clerk, demand other or greater Fees than by this Act allowed, the Court ſhall immediately, on Complaint being made thereof, determine what Fee or Fees ſhall be paid to the ſaid Clerk by the Party complaining.

Second Conviction of Neglect of Duty in any Clerk, a Misbehaviour in Office.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That if any Clerk of any Court in this Province ſhall hereafter be guilty of any Breach or Neglect of Duty enjoined by this Act, ſuch Breach or Neglect of Duty ſhall, on a ſecond Conviction, be adjudged and deemed a Miſbehaviour in Office, for which ſuch Clerk ſhall be ſuſpended by the ſaid Court, on Complaint.

Right of Appeal.

IX. *PROVIDED nevertheleſs,* That in Caſe the Clerk ſhall be diſſatisfied with the Determination of the Inferior Court, he may appeal to the Superior Court of the Diſtrict, in which Caſe there ſhall be a Trial *de Novo*; where, if the Suſpenſion of the Inferior Court ſhall be confirmed, the ſaid Clerk ſhall ever after be rendered incapable of acting as Clerk in any Court of Juſtice in this Province.

Clerks not liable, till Six Months after paſſing this Act.

X. *PROVIDED always,* That no Clerk ſhall be liable to any Penalty or Suſpenſion for failing to conſtrue and comply with the Directions of this Act, in Relation to his making out and taxing his Bills of Coſts, until Six Months from and after the paſſing of this Act.

Lawſuits taxed.

XI. *AND be it further Enacted, by the Authority aforeſaid,* That there ſhall be paid to the Clerk at the Time of iſſuing any Writ, or any other leading Proceſs, by the Perſon ſuing out the ſame, returnable to the Superior Court, the Sum of Twenty Shillings; and if returnable to the Inferior Court, the Sum of Five Shillings, for the Uſe of the contingent Fund; to be recovered by the Party caſt, in the ſame Manner as other Coſts.

Clerks to account for the Tax.

XII. *AND be further it Enacted, by the Authority aforeſaid,* That the Clerk of each Superior Court ſhall account for, and pay to the Treaſurer of his reſpective Diſtrict, at the ſitting of the Superior Court whereof he is Clerk, or in One Month after, all Monies received by him for the contingent Fund, in Virtue of this Act; and ſhall make and deliver therewith an exact Liſt, on Oath, of every leading Proceſs iſſued by him, or returned by the Court whereof he is Clerk: And the Clerks of the Inferior Courts ſhall, at the Superior Courts of their reſpective Diſtricts, or in One Month after the ſame, account for and pay to the Treaſurer of their reſpective Diſtricts, all Monies received by them for the Uſe of the contingent Fund, in Virtue of this Act; and ſhall alſo make and deliver therewith an exact Liſt, on Oath, of every leading Proceſs by them iſſued or returned to the Court of which they are reſpectively Clerks; which Liſt ſhall be certified by a Magiſtrate, at the Court of the County whereof he is Clerk, immediately preceding the Superior Court at which he is to account.

Suits brought where no Recovery is had, Tax to be returned.

XIII. *PROVIDED nevertheleſs,* That where any Suit ſhall be brought by an Executor, Adminiſtrator, or Guardian, and no Recovery is had on the Trial, the Tax ſhall be returned to the Party paying the ſame; and alſo, when a Writ or other leading Proceſs cannot be executed, and the Plaintiff or Plaintiffs ſhall diſmiſs the ſame, he or they ſhall receive from the Clerk, the Tax paid on ſuch Writ or leading Proceſs; which Sums ſo repaid ſhall be allowed to the Clerk on his Settlement with the Treaſurer, on his producing a Liſt of ſuch Suits, certified by the Court of which he is Clerk; any Thing herein contained, to the contrary, notwithſtanding.

Clerks to tranſmit to the Clerk of the Aſſembly Copies of the Accounts ſettled with the Treaſurer.

XIV. *AND be it further Enacted, by the Authority aforeſaid,* That the Clerks of the reſpective Courts ſhall tranſmit to the Clerk of the Aſſembly, at each Seſſions of Aſſembly, Copies of the Account ſettled with the Treaſurer, preceding ſuch Seſſions of Aſſembly, provided ſuch Copies were not before tranſmitted; and ſhall be allowed by the Treaſurer the Sum of Eight *per Cent.* on all Monies paid by Virtue of this Act, out of the contingent Fund; and the Money received by the Treaſurer in Virtue of this Act, ſhall be by him accounted for as other Monies received for the Uſe of the contingent Fund.

Clerks to give Bond for collecting the Tax.

XV. *AND be it further Enacted, by the Authority aforeſaid,* That the Clerks of the Superior and Inferior Courts ſhall, reſpectively, enter into Bonds, with good and ſufficient Security, in the Sum of Five Hundred Pounds, for the faithful Diſcharge of their Office, in collecting the Tax herein before mentioned; which Bonds ſhall be taken by their reſpective Courts, at the Firſt Court after the Firſt Day of *March* next, and made payable to the Governor, or Commander in Chief for the Time being, and lodged with the Treaſurer of the Diſtrict where ſuch Clerk ſhall reſide.

Repealing Clauſe.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That every Act and Acts of Aſſembly now in Force, allowing Fees to the Clerks of the Superior and Inferior Courts within this Province, and all other Acts laying Taxes on Suits, ſo far as comes within the Purview of this Act, are, and ſhall be henceforth repealed and made void.

Continuance of the Act.

XVII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall be and continue in Force for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP.

A. D. 1770.

CHAP. XX.

An Act for granting a Salary to the Chief Juſtice, out of the contingent Fund.

Preamble.

I. WHEREAS it is neceſſary that the Chief Juſtice for the Time being ſhould be provided for in a Manner ſuitable to his Dignity;

Chief Juſtice's Salary.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That there ſhall be paid to the Chief Juſtice for the Time being, in Lieu of all Manner of other Salaries, Fees, or Perquiſites whatſoever, the Sum of Six Hundred Pounds, Proclamation Money, *per Annum*; and alſo the Sum of Fifty Pounds, Proclamation Money, for each and every Superior Court he ſhall attend, to be certified by the Clerks, and no more; to be paid out of the contingent Fund.

Proviſo, where prevented from attending by Sickneſs.

III. *PROVIDED nevertheleſs,* That if the Chief Juſtice ſhould be prevented by Sickneſs from attending at any of the Superior Courts, and the ſame being made appear, on Oath, he ſhall be paid the ſame Sum as if he was perſonally preſent.

Continuance of the Act.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That this Act, and every Clauſe and Article thereof, ſhall be in Force for and during the Term of Three Years, from the Tenth Day of *June* next, after the paſſing hereof, and no longer.

CHAP. XXI.

An Act to prevent the unreaſonable Deſtruction of Fiſh in the Rivers Roanoke and Dann, and other Water Courſes therein mentioned.

Preamble.

I. WHEREAS many avaricious Perſons, by fiſhing with ſeveral Seins at the ſame fiſhing Place, and by keeping Nets extended acroſs the Rivers *Roanoke*, *Dann*, the *Yadkin* River, the South Fork of the *Yadkin* River, the *Catawba*, the South Fork of the *Catawba*, as high as *Henry Whitener*'s, *Rocky* River, as high as *Moſes Alexander*'s Mill, *Broad* River, as far up as Captain *Bankſton*'s Place, and *County Line* Creek, as far as *George Boyd*'s Place, prevent the Fiſh from paſſing up the ſaid Rivers, ſo that the Inhabitants living on the upper Parts of the ſaid Rivers are deprived from the Benefit of catching Fiſh therein:

Deſtruction of Fiſh prevented.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That it ſhall not be lawful for any Perſon or Perſons whatſoever, from and after the paſſing of this Act, to dray or fiſh with more than one Sein at any one Fiſhing Place, or within One Eighth of a Mile of each other, on the ſaid Rivers, at any Time during the Seaſon for fiſhing; or to keep a Net or Sein extended or fixed acroſs any of them; or to make any Hedges, Stops, or Dams, on the ſame, to hinder or prevent the Fiſh from paſſing up the ſaid Rivers: And if any Perſon or Perſons ſhall offend herein, he or they ſhall, for every ſuch Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered by Action of Debt, by the Informer, in any Court of Record having Juriſdiction thereof.

CHAP. XXII.

An Act, for erecting Part of Johnſton, Cumberland, and Orange Counties, into a ſeparate and diſtinct County, by the Name of Wake County and St. Margaret's Pariſh.

Preamble.

I. WHEREAS the large Extent of the ſaid Counties of *Johnſton*, *Cumberland* and *Orange*, renders it grievous and burthenſome to many of the Inhabitants thereof, to attend the Courts, General Muſters, and other Public Meetings therein:

Wake County erected.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Twelfth Day of *March* next, after the paſſing of this Act, the ſaid Counties of *Johnſton*, *Cumberland*, and *Orange*, be divided by the following Lines; that is to ſay, Beginning at *Edgcomb* Line on *Moccoſon* Swamp, a Mile above *James Lea*'s Plantation, running a direct Line to *Neuſe* River, at the upper End of *John Beddingfield*'s Plantation; then to *David Mimm's* Mill Creek, between *Mimm*'s Mill and *Tanner*'s old Mill; then the ſame Courſe continued to the Ridge which divides *Cumberland* and *Johnſton* Counties; then a ſtraight Line to *Orange* Line, at the lower End of *Richard Hill*'s Plantation, on *Buckhorn*; then the ſame Courſe continued Five Miles; then to the Corner of *Johnſton* County on *Granville* Line; then with the ſame Line and *Bute* Line to *Edgcomb* Line; and along *Edgcomb* Line to the Beginning; be thenceforth erected into a diſtinct County and Pariſh, by the Name *Wake* County, and St. *Margaret*'s Pariſh.

Courts for Johnſton and Wake Counties when held.

III. AND for the due Adminiſtration of Juſtice; *Be it further Enacted, by the Authority aforeſaid,* That after the aforeſaid Twelfth Day of *March* a Court for the aforeſaid County of *Johnſton*, be conſtantly held by the Juſtices thereof, at Capt. *John Smith*'s, upon the laſt *Tueſdays* in *February*, *May*, *Auguſt*, and *November*; and alſo, that a Court for the ſaid County of *Wake*, be conſtantly held by the

the Juſtices thereof, at ſuch Place as ſhall be laid off, and agreed upon, by the Commiſſioners herein after appointed for that Purpoſe or a Majority of them, on the Firſt *Tueſdays* in *March*, *June*, *September*, and *December*, in every Year, as by the Laws of this Province is provided, and ſhall be, by Commiſſion to the ſaid Juſtices reſpectively, directed. *A. D.* 1770.

Sheriffs to make Diſtreſs for Levies as before the Diviſion of the Counties.

IV. *AND be it further Enacted*, That nothing herein contained ſhall be conſtrued to debar the Sheriffs of the Counties of *Johnſton*, *Cumberland*, and *Orange*, as the ſame now ſtand undivided, to make Diſtreſs for any Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid Counties, on the ſaid Twelfth Day of *March*, in the ſame Manner as by Law the ſaid Sheriffs could or might have done if the ſaid Counties had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained to the contrary notwithſtanding.

Johnſton Part of Newbern, and Wake Part of Hillſborough Diſtricts.

V. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Twelfth Day of *March*, the ſaid County of *Johnſton* ſhall be, continue, and remain Part of the Diſtrict of the Superior Court of Juſtice held for the Diſtrict of *Newbern*; and that the ſaid County of *Wake* ſhall be, continue, and remain Part of the Diſtrict of the Superior Court of Juſtice held for Diſtrict of *Hillſborough*.

Sheriff of Wake to account with the Southern Treaſurer.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of the County of *Wake* for the Time being, after the ſaid Twelfth Day of *March*, ſhall account with and pay to the Public Treaſurer of the Southern Diſtrict of this Province 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 Sheriffs in the ſaid Diſtrict.

Commiſſions appointed for erecting Public Buildings for Wake and Johnſton Counties.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That *Joel Lane*, *Theophilus Hunter*, *Hardy Sanders*, *Joſeph Lane*, *John Hinton*, *Thomas Hines*, and *Thomas Crawford*, Eſquires, or a Majority of them, be and are hereby appointed Commiſſioners, to agree upon, appoint and lay off, a proper and convenient Place, for erecting and building a Court-Houſe, Priſon and Stocks, for the Uſe of the ſaid County of *Wake*; and that *Joel Lane*, *James Martin*, and *Theophilus Hunter*, Eſquires, or the Majority of them, or their Survivors, be and are hereby appointed Commiſſioners; and impowered and directed to agree and contract with Workmen, for erecting and building a Court-Houſe, Priſon and Stocks, for the Uſe of the ſaid County of *Wake*: And that *Benjamin Williams*, *John Smith*, Jun. and *William Bryan*, Eſquires, or the Majority of them, or their Survivors, be, and are hereby appointed Commiſſioners, and impowered and directed to agree and contract with Workmen, for erecting and building a Court-Houſe, Priſon and Stocks, for the Uſe of the ſaid County of *Johnſton*.

Tax laid for erecting Court-Houſes &c. for ſaid Counties.

VIII. AND for re-imburſing the Commiſſioners the Money they ſhall expend in erecting the ſaid Buildings; *Be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the Inferior Courts of the ſaid Counties of *Johnſton* and *Wake* reſpectively, be, and are hereby impowered, directed, and required, to lay ſuch a Poll Tax on each taxable Perſon in the ſaid Counties reſpectively, as ſhall be ſufficient to defray the Coſts and Expences neceſſarily laid out and expended in erecting, building, and compleating the ſame; and all Perſons in either of the ſaid Counties, who ſhall neglect to pay the ſaid Tax till after the Tenth Day of *March* in each Year, ſhall thereafter be liable to the ſame Diſtreſs as for Non-Payment of Public Taxes; and the Sheriff of each of the ſaid Counties is hereby required and directed, on or before the Tenth Day of *June*, in the ſaid Years reſpectively, to account for and pay the Money ſo by him to be collected to the Commiſſioners aforeſaid, after deducting Eight *per Cent* for his Trouble in collecting the ſame; that is to ſay, ſo much thereof as ſhall be levied on the taxable Perſons in the County of *Johnſton*, to the aforeſaid *Benjamin Williams*, *John Smith*, and *William Bryan*, the Survivor or Survivors of them; and ſuch Part of the ſame as ſhall be levied on the Taxable Perſons in the County of *Wake*, to the aforeſaid *Joel Lane*, *James Martin*, and *Theophilus Hunter*, the Survivor or Survivors of them; and in Caſe of Failure or Neglect therein by the Sheriff, he ſhall be liable to the ſame Penalties, Reſtrictions, Proceſs, and Remedy, for enforcing the Payment thereof, as by Law may be had againſt Sheriffs who neglect or refuſe to acount for and pay public Taxes.

Juſtices of Johnſton to try Cauſes as before the Diviſion.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of *Johnſton* County Court ſhall and may, and they are hereby authoriſed, impowered, and directed, to hear, try, and determine, all Cauſes which were pending in the ſaid County Court of *Johnſton*, and undetermined, on the ſaid Twelfth Day of *March*, and to give Judgment, and award Execution thereupon, in the ſame Manner, to all Intents and Purpoſes, as the Juſtices of *Johnſton* County Court might or could have done if the ſaid County had remained undivided; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Jurors to be appointed for Johnſton and Wake Counties.

X. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Twelfth Day of *March*, it ſhall and may be lawful for the Juſtices of the Inferior Courts of the Counties of *Johnſton* and *Wake*, to nominate and appoint the following Number of Freeholders, to ſerve as Grand and Petit Jurors, at the reſpective Diſtricts aforeſaid; that is to ſay, *Johnſton* four Jurors, and *Wake* ſix Jurors; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding: A Liſt of which Jurors ſo nominated, ſhall be delivered by the Clerk of the reſpective Counties to the Sheriff, who ſhall, and is hereby required, to ſummons the Perſons ſo nominated to ſerve as Jurymen at the Superior Court of the reſpective Diſtrict; which Jurymen ſo nominated ſhall have and receive the ſame Allowance, and ſhall be under the ſame Rules, Fines, and Reſtrictions, as other Jurymen are in the reſpective Counties of this Province.

A. D. 1770.

Jurors for Dobbs County.

XI. AND whereas by the Laws now in Force, Ten Jurors are ſent to the Superior Court of the Diſtrict of *Newbern* for the County of *Dobbs*, and it being now thought unneceſſary that the ſame Number be hereafter ſent; *Be it Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, ſix Jurors only be ſent to the Superior Court of the Diſtrict of *Newbern* for the ſaid County; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Veſtry of St. Stephen's Pariſh diſſolved.

XII. *AND be it Enacted, by the Authority aforeſaid*, That the Veſtry of the Pariſh of *St. Stephen*, in *Johnſton* County, as the ſame now ſtands undivided and entire, ſhall from henceforth be, and is hereby diſſolved and made void, to all Intents and Purpoſes. *Provided nevertheleſs*, That all Acts of the ſaid Veſtry, heretofore legally made and done, are hereby declared to be as good and valid, as if this Act had never been made.

Veſtrymen for the Pariſhes of St. Margaret and St. Stephen to be choſen.

XIII. *AND be it further Enacted by the Authority aforeſaid*, That the Freeholders of the Pariſh of *St. Margaret*, in the County of *Wake*, ſhall, and they are hereby impowered, required, and directed, to meet at the Place to be appointed by the Commiſſioners, for appointing a proper and convenient Place for building a Court-Houſe, Priſon, and Stocks, in the ſaid County of *Wake*, on *Eaſter Monday* next after the paſſing this Act, then and there to elect and chooſe Twelve Freeholders of the ſaid Pariſh to ſerve as Veſtrymen for the ſaid Pariſh of *St. Margaret's*: And that the Freeholders of the Pariſh of *St. Stephen*, in the County of *Johnſton*, ſhall, and they are hereby impowered, directed, and required, to meet at Capt. *John Smith*'s aforeſaid, on *Eaſter Monday* next after the paſſing hereof, then and there to elect and chooſe Twelve Freeholders of the ſaid Pariſh to ſerve as Veſtrymen of the ſaid Pariſh; which Elections ſhall be made by the Sheriff of *Johnſton* County, as the ſame ſtands now undivided; under the like Rules and Reſtrictions, Pains and Penalties, as well in Reſpect to the ſaid Sheriff as the Freeholders of the ſaid Pariſhes, as other Elections of Veſtries in this Province are by Law appointed to be made: And the Freeholders ſo elected Veſtrymen for the ſaid Pariſhes reſpectively, after taking the Oaths by Law appointed for their Qualification, ſhall be, and they are hereby declared to be from thenceforth the Veſtries of the ſaid Pariſhes reſpectively; and are hereby required to exerciſe and uſe the ſame Powers and Authorities, as other Veſtries in this Province may, can, or ought to exerciſe.

Commiſſioners appointed to run the Line between Johnſton & Wake Counties.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That *Joel Lane*, *John Smith*, *Theophilus Hunter*, *Farquard Campbell*, and *Walter Gibſon*, or any Three of them, be, and they are hereby appointed Commiſſioners, and impowered and required to run the ſaid dividing Line between the Counties aforeſaid, agreeable to the Directions of this Act; which ſaid Lines when run by the Commiſſioners aforeſaid, or any Two of them, ſhall be by them entered on Record in the Court of each of the ſaid Counties of *Johnſton* and *Wake*, and ſhall thereafter be deemed and taken to be the dividing Lines between the ſaid Counties.

Tax laid for defraying the Expence of it.

XV. AND for defraying the Charge of running the ſaid Line, *Be it further Enacted, by the Authority aforeſaid*, That the Inferior Courts of each of the ſaid Counties of *Johnſton* and *Wake* ſhall lay ſuch a Poll-Tax on the Inhabitants of their reſpective Counties (which ſhall be levied in the ſame Manner as other Public Taxes) as ſhall be ſufficient to pay and ſatisfy their reſpective Commiſſioners for the Charge and Trouble in running the aforeſaid Line.

Royal Prerogative of Incorporation, ſaved to his Majeſty.

XVI. *PROVIDED always*, That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid County of *Wake*; of ordering, appointing, and directing, the Election of Members to repreſent the ſame in Aſſembly; in granting Markets and Fairs to be kept and held in the ſaid County of *Wake*; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his Majeſty, his Heirs or Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

CHAP. XXIII.

An Act for veſting the School-Houſe in Edenton *in Truſtees.*

Preamble.

I. WHEREAS the Inhabitants of the Town of *Edenton*, for the promoting the Education of Youth, and Encouragement of Learning, have by voluntary Subſcription purchaſed two Lots, and erected a convenient School-Houſe thereon, in an agreeable and healthy Situation in the ſaid Town: Therefore, for the rendering more uſeful and effectual ſo laudable an Undertaking;

School Houſe veſted in Truſtees.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Houſe, with the ſaid Two Lots of Land, be, and are hereby veſted in *Joſeph Blount*, *Joſeph Hewes*, *Robert Hardy*, *Thomas Jones*, *George Blair*, *Richard Brownrigg*, and *Samuel Johnſton*, Eſqrs. and their Succeſſors, for ever, as Truſtees for the ſeveral Purpoſes herein after mentioned; and on the Death or Removal out of *Chowan* County of any of the ſaid Truſtees, it ſhall and may be lawful for the Majority of the remaining Truſtees, to elect and chooſe another Truſtee or Truſtees, in the Room and Stead of him or them ſo dying or removing.

Impowered to receive Donations, appoint Maſters, and make Rules for the School.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Truſtees, or a Majority of them, are hereby impowered to receive and take all ſuch voluntary Subſcriptions or Donations as any Perſon or Perſons may think proper to beſtow, for enlarging, improving, and endowing the ſaid School;

School; and alſo to agree with, and employ one or more Perſon or Perſons, of approved Morals, and well inſtructed in the Languages, to preſide in, and keep the ſaid School; and on the Miſbehaviour of the ſaid School-Maſter or School-Maſters, to remove him or them, and to appoint another or others in his or their Stead; and, from Time to Time, to make and ordain ſuch other Rules, Orders, and Regulations, for the well ordering and good Government of the ſaid School, as to them ſhall ſeem meet and convenient; provided the ſaid Rules correſpond, and be, as near as may be, agreeable to the Laws of *Great Britain* and this Province. A. D. 1770.

IV. *PROVIDED always*, That no Perſon ſhall be admitted to be Maſter of the ſaid School, but who is of the eſtabliſhed Church of *England*; and who, at the Recommendation of the Truſtees, or a Majority of them, ſhall be duly licenced by the Governor, or Commander in Chief for the Time being. Proviſo for Maſter to be of the eſtabliſh'd Church and licenced by the Governor.

CHAP. XXIV.

An Act for erecting a new County between the Towns of Saliſbury *and* Hillſborough, *by taking Part of the Counties of* Rowan *and* Orange.

I. WHEREAS the great Extent of the reſpective Counties of *Rowan* and *Orange* render the Attendance of the Inhabitants of Part of *Rowan* County, and the Inhabitants of the upper Part of *Orange* County, to do public Duties in their reſpective Counties, extremely difficult and expenſive: For Remedy whereof, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That a Line beginning at a Point Twenty Five Miles due Weſt of *Hillſborough*, running thence North to the *Virginia* Line, then Weſt to a Point due North of the *Painted Springs*, then South to *Anſon* Line, then along *Anſon* and *Cumberland* Lines to a Point due South of the Beginning, then North to the Beginning, be erected into a diſtinct County, by the Name of *Guilford*, and *Unity* Pariſh. Guilford County erected.

III. AND for the due Adminiſtration of Juſtice, *Be it Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *April* next, an Inferior Court of Pleas and Quarter Seſſions be conſtantly held for the ſaid County, on the Second *Tueſdays* in *February*, *May*, *Auguſt*, and *November*, at the Houſe of Mr. *Robert Lindſay*, by Commiſſion to the Juſtices, in the ſame Manner as other Inferior Courts of Pleas and Quarter Seſſions are held within this Province; and the ſaid Inferior Court ſhall take Cognizance of all Matters, Suits, and Things, and is hereby veſted with the ſame Powers, Juriſdictions, and Authorities, as any other Inferior Court ſhall or can have within this Province. Courts for ſaid County when held.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Juſtices to be appointed for the County of *Guilford*, are hereby directed to meet on the Second *Tueſday* in *May* next, at the Houſe of Mr. *Robert Lindſay* aforeſaid, and take the Oaths appointed for their Qualification; and the Juſtices of the ſaid County of *Guilford*, or any Three of them, after being ſo qualified, ſhall hold an Inferior Court of Pleas and Quarter Seſſions, at the Times and Places herein before appointed: And the ſaid Juſtices of the Peace, and every of them, at all Times during their Continuance in Office, as well within the Inferior Courts of Pleas and Quarter Seſſions as without, ſhall have and exerciſe the ſame Powers and Authorities, and be ſubject to the ſame Forfeitures and Penalties, as other Juſtices of the Peace of the ſeveral Counties within this Province are liable. Juſtices to hold Court.

V. *AND be it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of Two Shillings be laid on each taxable Perſon of the ſaid County of *Guilford*, for Three Years, for building a Court-Houſe, Priſon, and Stocks, in the ſaid County; which ſaid Tax ſhall be collected by the Sheriff of the ſaid County, at ſuch Times, and in the ſame Manner, as other Taxes are collected, and ſhall be paid to the Perſon or Perſons who ſhall be impowered to receive the ſame. Tax laid for erecting Public Buildings for ſaid County.

VI. *AND be further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the County of *Rowan*, or the Sheriff of the County of *Orange*, as the ſaid Counties ſtand reſpectively undivided, to make Diſtreſs for any Taxes, Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid Counties on the Firſt Day of *April* next, in the ſame Manner as by Law the ſaid Sheriffs reſpectively might or could do if the ſaid Counties had remained undivided; and the ſaid Taxes ſhall be collected and accounted for in the ſame Manner as if this Act had never been made; any Thing herein contained, to the contrary, notwithſtanding. Sheriffs to make Diſtreſs for Taxes as before the Diviſion.

VII. AND to the End that no Action commenced in *Rowan* County, or *Orange* County, be defeated by the Diviſion aforeſaid; *Be it Enacted, by the Authority aforeſaid*, That where any Action already commenced in *Rowan* County, or *Orange* County, and the Parties or Evidences ſhall be Inhabitants of *Guilford* County, all ſubſequent Proceſs againſt ſuch Parties or Witneſſes ſhall be directed to be executed by the Sheriff of *Rowan*, if ſuch Action was commenced in the County of *Rowan*, or by the Sheriff of *Orange*, if ſuch Action was commenced in the County of *Orange*, to the End and final Determination of the ſaid Cauſes; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Suits began in Rowan or Orange, Sheriff, of thoſe Counties to execute all ſubſequent Proceſs.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act the ſaid County of *Guilford*, ſhall be and continue Part of the Diſtrict of the Superior Court held Guilford Part of Saliſbury Diſtrict.

A. D. 1770.

held for the Diſtrict of *Saliſbury*; and the Juſtices of the ſaid County of *Guilford* ſhall, and are hereby directed, at the Court to be held for the ſaid County next preceeding every Superior Court, to nominate ſix Freeholders to ſerve as Grand and Petit Jurors at ſuch Superior Court, a Liſt of ſuch Jurors ſo nominated ſhall be delivered by the Clerk of ſuch Court to the Sheriff, who ſhall, and is hereby required, to ſummon ſuch Perſons ſo nominated to ſerve as Jurymen at ſuch Superior Court of Juſtice held for the Diſtrict of *Saliſbury*; which Jurymen ſo nominated ſhall have and receve the ſame Allowance, and ſhall be under the ſame Rules, Fines, and Reſtrictions, as other Jurymen are in the reſpective Counties in this Province. And the Sheriff of the ſaid County of *Guilford* ſhall from Time to Time, acount for and pay to the Public Treaſurer of the Southern Diſtrict of this Province, for the Time being, all Public Levies by him collected, or wherewith he ſhall ſtand chargeable, in the ſame Manner, and under the ſame Pains and Penalties, as other Sheriffs of the ſaid Diſtrict.

Numbur of Jurors to be ſent.

Sheriff to acount with the Southern Treaſur.

Jurors for Anſon and Mecklenburg Counties.

IX. AND whereas the Jurors appointed by Law to ſerve at the Superior Court for the Diſtrict of *Saliſbury*, were limited to ten for *Anſon* County, eight for *Mecklenburg*, and ſix for *Tryon* County; *Be it Enacted, by the Authority aforeſaid*, That the Jurors attending the ſaid Superior Court after the paſſing of this Act, ſhall be only ſix for the County of *Anſon*, and ſix for the County of *Mecklenburg*; any Thing in any former Law contained to the contrary notwithſtanding.

Sheriffs for Guilford how appointed, and to account with the ſouthern Treaſurer.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Sheriffs to be commiſſioned for the County of *Guilford* ſhall be in the ſame Manner as is directed for appointing and commiſſioning Sheriffs in the other Counties in this Province; which Sheriffs ſo commiſſioned ſhall account with, and pay to the Treaſurer of the Southern Diſtrict, all Monies which he ſhall or ought to receive, in the ſame Manner as other Sheriffs, and ſhall have the ſame Powers and Authorities, and be liable to the ſame Fines, Forfeitures, and Penalties, as are directed and inflicted by ſeveral Acts of Aſſembly of this Province.

Court-Houſe, &c. to be built.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, herein after appointed, are hereby impowered and directed to employ Workmen for building a Court-Houſe, Priſon, and Stocks, in the ſaid County, for the Uſe of the ſaid County of *Guilford*; and the ſaid Court, and all Cauſes, Matters, and Things, in the ſame depending, after ſuch Court-Houſe ſhall be built, ſhall ſtand adjourned from the Place where the Court ſhould before have been held, to the Court-Houſe.

Commiſſioners for running the Lines, and building a Court Houſe, &c.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That *John Pryor*, *Edmund Fanning*, *Alexander Martin*, *Matthew Locke*, *John Dunn*, *Griffith Rutherford*, and *John Campbell*, Eſquirs, or the Majority of them, be, and they are hereby appointed Commiſſioners for laying off and appointing a Place, and thereon erecting the Court-Houſe, Priſon, and Stocks, for the ſaid County of *Guilford*, and for running the dividing Lines between the ſaid County of *Guilford* and the Counties of *Rowan* and *Orange*, agreeable to the Directions in this Act before mentioned; which ſaid Commiſſioners ſhall be paid their neceſſary Expences for running the ſaid Lines by the County of *Guilford*, out of the County Tax.

Royal Prerogative or Incorporation ſaved to his Majeſty.

XIII. *PROVIDED always*, That nothing hererein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, for granting Letters of Incorporation to the ſaid County of *Guilford*, and the Direction of a Member or Members to repreſent the ſaid County in the General Aſſembly of this Province, of granting Markets and Fairs to be kept and held therein; but that the Right and Royal Prerogative ſhall and may at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample a Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

Veſtry for Unity Pariſh to be elected.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Freeholders of the ſaid Pariſh of *Unity* ſhall, on next *Eaſter Monday*, meet at the Place where the Inferior Court of the County of *Guilford* is held, then and there to chooſe and elect Veſtrymen for the ſaid Pariſh of *Unity*; which Veſtrymen ſo choſen ſhall be inveſted with the ſame Powers and Authorities, and liable to the ſame Rules, Reſtrictions, and Penalties, as other Veſtries are by Law ſubjected to; which Veſtrymen ſo choſen and elected ſhall be and remain the Veſtry of the ſaid Pariſh of *Unity*, until the Time by Law appointed for the Election of Veſtrymen throughout this Province.

CHAP. XXV.

Repealed by Proclamation.

An Act for authoriſing Preſbyterian *Miniſters, regularly called to any Congregation within this Province, to ſolemnize the Rites of Matrimony, under the Regulations therein mentioned.*

CHAP. XXVI.

An Act to amend and continue an Act, For facilitating the Navigation of Port *Bath*, Port *Roanoke*, and Port *Beaufort*.

Preamble.

I. WHEREAS many Ships and Veſſels bound into *Occacock* Inlet are frequently detained on the Outſide of the ſaid Inlet by the Negligence of the Pilots, to the great Injury of the Perſons

Perſons concerned in the ſaid Ships and Veſſels: And whereas the Rates allowed for piloting Veſſels into the ſaid Inlet, by the before recited Act, are inadequate to the Expence of Boats and Hands proper to be employed in ſuch Service: A. D. 1770.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *March* next, there ſhall be paid and allowed to every Branch Pilot, who ſhall be provided with a good decked Boat, well fitted with Sails and Rigging, and who ſhall take Charge of any Ship or Veſſel at Sea, the following Pilotage; that is to ſay, Rates of Pilotage

FOR every Ship or Veſſel that draws Nine Feet Water, or leſs, from the Outſide of the Bar of *Occacock* into *Beacon* Iſland Road, or any other Harbour where Veſſels uſually anchor at, Four Shillings, Proclamation Money, *per* Foot. And

FOR every Veſſel drawing Nine Feet Water, or upwards, Five Shillings, Proclamation Money, *per* Foot; and that the Pilotage outwards be and remain the ſame as mentioned in the before recited Act.

III. AND for the further Encouragement of Pilots to board Veſſels at Sea, *Be it further Enacted, by the Authority aforeſaid,* That when any Pilot ſhall offer his Service to any Maſter of a Veſſel, bound into the ſaid Inlet of *Occacock*, he ſhall be intitled, although the Maſter of ſuch Veſſel ſhall refuſe to employ him, to the ſame Fees which he would have been intitled to if he had taken Charge of the ſaid Veſſel, and the Maſter ſhall be obliged to pay the ſame accordingly: And if any Ship or Veſſel, coming into the ſaid Inlet of *Occacock*, and taking a Pilot on Board, ſhall be by contrary Winds, or otherwiſe, drove off the Coaſt, the Maſter or Owner of ſuch Veſſel ſhall allow and pay the ſaid Pilot Two Shillings and Eight Pence, for each and every Day he ſhall be on Board the ſaid Veſſel, over and above his Pilotage. Pilots boarding Veſſels at Sea, allowed Pilotage. Allowance to Pilots carried to Sea in any Veſſel.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That when any Branch Pilot ſhall ſee any Veſſel on the Coaſt, having a Signal for a Pilot, and ſhall neglect or refuſe to go to the Aſſiſtance of ſuch Veſſel, on proper Proof being made of ſuch Neglect or Refuſal, ſhall forfeit and pay the Sum of Twenty Pounds; to be recovered by Action of Debt, in any Court of Record in this Province; the one Half to the Informer, the other Half to the Maſter or Owner of ſuch Ship or Veſſel. Pen. on Pilots neglecting to go out when Signals made for them.

V. *AND be it further Enacted, by the Authority aforeſaid,* That when any Ship or Veſſel, bound to either of the Ports of *Roanoke*, *Bath*, or *Beaufort*, having the Smallpox, or any other infectious Diſtemper on Board, the Maſter and Pilot of ſuch Ship or Veſſel ſhall give immediate Information thereof to the Commiſſioners of the Navigation of the Port they are bound to; and the ſaid Commiſſioners, or any Three of them, are hereby impowered and directed to order and command the ſaid Maſter of ſuch Ship or Veſſel to perform Quarentine with his ſaid Veſſel, at ſuch Place, and Number of Days, as they ſhall think neceſſary: And if the ſaid Maſter or Pilot ſhall neglect or refuſe to give ſuch Information, they ſhall forfeit and pay the Sum of One Hundred Pounds, Proclamation Money; to be recovered and applied in the ſame Manner as other Fines and Forfeitures are directed in the before recited Act. Veſſels having Infectious Diſtempers, obliged to perform Quarentine.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That *Chriſtopher Neale*, *Jacob Shepard*, and *Richard Ellis*, Eſquires, be appointed Commiſſioners for the Port of *Beaufort*, in the Room of *Gabriel Cathcart*, *Thomas Clifford Howe*, and *John Smith*, deceaſed; and *Daniel Maxwell* for the Port of *Bath*, in the Room of *Peter Blinn*, deceaſed. Commiſſioners for Port Beaufort.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That the Commiſſioners of Port *Bath* be, and they are hereby authorized and impowered, to order and direct the Perſons appointed by them to ſtake out the Channel leading from *Occacock* to the ſaid Port of *Bath*, to put and keep up Stakes, at neceſſary Places in the River *Pamplico*, to the Mouth of *Tranter*'s Creek; any Thing in the before recited Act to the contrary notwithſtanding. Pamplico River to be ſtaked out.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That this, and the before recited Act, ſhall continue and be in Force for and during the Term of Ten Years, from the paſſing of this Act, and from thence to the End of the next Seſſion of Aſſembly. Continuance of the Act.

CHAP. XXVII.

An Act for eſtabliſhing a new County between Campbleton *and* Hillſborough, *by taking the Southern Part of the Inhabitants of* Orange *County, and by erecting the ſame into a diſtinct County, by the Name of* Chatham *County, and* St. Batholomew *Pariſh.*

I. WHEREAS the great Extent of the County of *Orange* render the Attendance of the Inhabitants of the Southern Part thereof to do public Duties extremely difficult and expenſive: For Remedy whereof, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *April* next, the Inhabitants of the County of *Orange*, lying to the South of a Point Sixteen Miles due South of *Hillſborough*, and bounded as follows, *to wit*, Beginning at the Chatham County erected.

A. D. 1770. aforeſaid Point, running thence due Weſt to *Guilford* County Line; thence South along *Guilford* County Line to *Cumberland* County Line; thence along *Cumberland* and *Wake* County Lines to a Point due Eaſt of the Beginning; thence due Weſt to the Beginning; be erected into a diſtinct County, by the Name of *Chatham* County, and *St. Bartholomew* Pariſh.

Courts for Chatham when held.

III. AND for the due Adminiſtration of Juſtice; *Be it Enacted by the Authority aforeſaid*, That from and after the ſaid Firſt Day of *April* next, an Inferior Court of Pleas and Quarter Seſſions be conſtantly held for the ſaid County of *Chatham*, on the firſt *Tueſdays* in *February*, *May*, *Auguſt* and *November*, in every Year, at Capt. *Stephen Poe*'s Houſe, by Commiſſion to the Juſtices, in the ſame Manner as other Inferior Courts of Pleas and Quarter Seſſions are held within this Province; and the ſaid Inferior Court ſhall take Cognizance of all Matters, Suits and Things, and is hereby veſted with the ſame Powers, Juriſdictions and Authorities, as any other Inferior Court ſhall or can have within this Province.

Juſtices to hold Court.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Juſtices to be appointed for the County of *Chatham* aforeſaid, are hereby directed to meet on the Firſt *Tueſday* in *May* next, at *Stephen Poe*'s aforeſaid, and take the Oaths appointed for their Qualifications; and the Juſtices of the ſaid County of *Chatham*, or any Three of them, after being ſo qualified, ſhall hold an Inferior Court of Pleas and Quarter Seſſions, at the Place and Times herein before appointed; and every of them, at all Times during their Continuance in Office, as well within the Inferior Court of Pleas and Quarter Seſſions as without, ſhall have and exerciſe the ſame Powers and Authorities, and be ſubject to the ſame Forfeitures and Penalties, as other Juſtices of the Peace within the ſeveral Counties in this Province are liable to.

Tax laid for building a Court-Houſe, &c.

V. *AND be it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of Two Shillings, be laid on each taxable Perſon of the ſaid County of *Chatham*, for Three Years, for building a Court-Houſe, Priſon and Stocks therein; which Tax ſhall be collected by the Sheriff of the County aforeſaid, at ſuch Times, and in the ſame Manner as other Taxes are collected; and ſhall be paid to the Perſon or Perſons who ſhall be impowered to receive the ſame.

Sheriff of Orange to diſtrain for Taxes as before the Diviſion.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That nothing herein contained ſhall be conſtrued to debar the Sheriff of the County of *Orange*, as the ſaid Counties ſtand undivided, to make Diſtreſs for any Taxes, Levies, Fees, or other Dues that ſhall be due from the Inhabitants of the ſaid County, on the firſt Day of *April* next, in the ſame Manner as by Law the ſaid Sheriff might or could do if the ſaid Counties had remained undivided; and the ſaid Taxes ſhall be collected and accounted for in the ſame manner as if this Act had never been made: Any Thing herein contained to the contrary notwithſtanding.

Suits commenced in Orange, Sheriff of that County to execute all ſubſequent Proceſs.

VII. AND to the End that no Action commenced in *Orange* County be defeated by the Diviſion aforeſaid; *Be it Enacted, by the Authority aforeſaid*, That where any Action is already commenced in *Orange* County, and the Parties or Evidences ſhall be Inhabitants of *Chatham* County, all ſubſequent Proceſs againſt ſuch Parties or Witneſſes, ſhall be directed to be executed by the Sheriff of *Orange*, to the End and final Determination of ſaid Cauſes: Any Law, Uſage, or Cuſtom to the contrary, notwithſtanding.

Chatham Part of Hillſborough Diſtrict.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, the ſaid County of *Chatham* ſhall be and continue Part of the Diſtrict of the Superior Court of Juſtice held for the Diſtrict of *Hillſborough*, at the Town of *Hillſborough*; and the Juſtices of the ſaid County of *Chatham* ſhall, and they are hereby directed, at the Court to be held for the ſaid County, next preceeding every Superior Court, to nominate Eight Freeholders, to ſerve as Grand and Petit Jurors at ſuch Superior Court; and a Liſt of ſuch Jurors ſo nominated, ſhall be delivered by the Clerk of ſuch Court to the Sheriff; who ſhall, and is hereby required, to ſummon ſuch Perſons ſo nominated to ſerve as Jurymen at ſuch Superior Court of Juſtice to be held for the Diſtrict of *Hillſborough*; which Jurymen ſo nominated, ſhall have and receive the ſame Allowance, and be under the ſame Rules, Fines and Reſtrictions, as other Jurymen are in the reſpective Counties in this Province: And the Sheriff of the ſaid County of *Chatham* ſhall, from Time to Time, account for and pay to the Public Treaſurer of the Northern Diſtrict of this Province, for the Time being, all Public Levies by him collected, or wherewith he ſhall ſtand chargeable, in the ſame Manner, and under the ſame Pains and Penalties, as other Sheriffs of the ſaid Diſtrict.

Jurors for ſaid County.

Sheriff to account with the Northern Treaſurer.

Jurors for Orange County.

IX. AND whereas the Jurors appointed by Law to ſerve at the Superior Court for the Diſtrict of *Hillſborough*, were limited to Thirty-ſix for *Orange* County; *Be it Enacted, by the Authority aforeſaid*, That the Jurors attending the ſaid Superior Court, after the paſſing of this Act, ſhall be only Twenty-two for ſaid County: Any Thing herein contained to the contrary notwithſtanding.

Sheriffs for Chatham how appointed.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Sheriffs to be commiſſioned for the ſaid County of *Chatham* ſhall be in the ſame Manner as is directed for appointing and commiſſioning Sheriffs in the other Counties in this Province; which Sheriffs ſo commiſſioned ſhall account with, and pay to the Treaſurer of the Northern Diſtrict, all the Monies which he ſhall or ought to receive, in the ſame Manner as other Sheriffs, and ſhall have the ſame Powers and Authorities, and be liable to the ſame Fines, Forfeitures, and Penalties, as are directed and inflicted by the ſeveral Acts of Aſſembly in this Province.

XI. *AND*

A. D. 1770.

Commiſſioners to build a Court-Houſe, &c.

XI. *AND be it further Enacted, by the Authority aforeſaid,* That the Commiſſioners, or a Majority of them, herein after appointed, are hereby impowered and directed to employ Workmen to build a Court-Houſe, Priſon, and Stocks, in the ſaid County, for the Uſe thereof; and the ſaid Court, and all Cauſes, Matters, and Things, in the ſame depending, after ſuch Court-Houſe ſhall be ſo built, ſhall ſtand adjourned from the Place where the Court ſhall before have been held, to the Court-Houſe.

And appoint the Place for building it, and to run the dividing Line.

XII. *AND be it further Enacted, by the Authority aforeſaid,* That *Edmund Fanning, Mark Morgan, Richard Parker, Stephen Poe,* and *Richard Cheek,* 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 *Chatham,* ſhall be built, and there to erect, or cauſe the ſame to be erected, and to run the dividing Line between the County of *Orange* and the ſaid County of *Chatham,* agreeable to the Directions in this Act before mentioned; which ſaid Commiſſioners ſhall be paid their neceſſary Expences for running the ſaid Lines by the ſaid County of *Chatham,* out of the County Tax.

Royal Prerogative of Incorporation ſaved to his Majeſty.

XIII. *PROVIDED always,* That nothing herein contained ſhall be conſtrued, deemed, or taken, to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs and Succeſſors, for granting Letters of Incorporation to the ſaid County of *Chatham,* and the Direction of a Member or Members to repreſent the ſaid County in the General Aſſembly of this Province, and of granting Markets and Fairs to be kept and held therein; but that the Right and Royal Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs, and Succeſſors, in as full and ample a Manner, to all Intents and Purpoſes whatſoever, as if this act had never been made.

Veſtry of St. Matthew's diſſolved.

XIV. *AND be it further Enacted, by the Authority aforeſaid,* That the Veſtry of the Pariſh of *St. Matthew*'s, in *Orange* County, as the ſame now ſtands undivided and entire, ſhall from henceforth be, and is hereby diſſolved and made void, to all Intents and Purpoſes.

Their Acts declared valid.

XV. *PROVIDED nevertheleſs,* That all Acts of the ſaid Veſtry heretofore legally made and done, are hereby declared to be good and valid, as if this Act had never been made.

Veſtries for the Pariſhes of St. Matthew and St. Bartholomew to be elected.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That the Freeholders of the Pariſh of *St. Matthew,* in the County of *Orange,* ſhall, and they are hereby impowered, required, and directed, to meet at the Town of *Hillſborough,* on *Eaſter Monday* next after the paſſing of this Act, then and there to elect and chooſe Twelve Freeholders of the ſaid Pariſh to ſerve as Veſtrymen of the ſaid Pariſh of *St. Matthew*; and that the Freeholders of the Pariſh of *St. Bartholomew,* in the County of *Chatham,* ſhall, and they are hereby impowered, directed, and required, to meet at the Houſe of Captain *Stephen Poe,* on *Eaſter Monday* next after the paſſing hereof, to elect and chooſe Twelve Freeholders of the ſaid Pariſh to ſerve as Veſtrymen of the ſaid Pariſh; which Elections ſhall be made by the Sheriff of *Orange* County, as the ſame now ſtands undivided, under the like Rules and Reſtrictions, Pains and Penalties, as well with Reſpect to the Sheriff as the Freeholders of the ſaid Pariſhes, as other Elections of Veſtries in this Province are by Law appointed to be made. And the Freeholders ſo elected Veſtrymen for the ſaid Pariſhes reſpectively, after taking the Oaths by Law appointed for their Qualification, ſhall be, and they are hereby declared from thenceforth to be Veſtries of the ſaid Pariſhes reſpectively; and are hereby required to exerciſe and uſe the ſame Powers and Authorities, as other Veſtries in this Province, may, can or ought to exerciſe.

Several Court Days altered.

XVII. AND whereas the Days heretofore appointed by Law for holding the Inferior Courts in the Counties of *Granville, Rowan, Tyrrel,* and *Hyde,* have been found inconvenient to thoſe whoſe Buſineſs it is to attend ſuch Courts; *Be it therefore Enacted, by the Authority aforeſaid,* That from and after the paſſing of this Act the Inferior Courts of Pleas and Quarter Seſſions for the ſeveral Counties aforeſaid ſhall be held on the Days following, *to wit, Granville,* on the Third *Tueſdays* in *February, May, Auguſt,* and *November*; *Rowan* on the Firſt *Tueſdays* in *February, May, Auguſt,* and *November*; *Tyrrel* on the Fourth *Tueſdays* in *February, May, Auguſt* and *November*; and *Hyde* on the Firſt *Tueſdays* in *March, June, September,* and *December.*

Suits continued to the Days altered by this Act.

XVIII. *AND be it further Enacted, by the Authority aforeſaid,* That all Actions, Suits, Writs, Proceſs, Petitions, Indictments, Informations, and Preſentments, whatſoever, heretofore commenced in, iſſued from, or returnable to, the reſpective Courts, the Time for holding of which is altered by this Act, ſhall be, and are hereby continued to the particular Days and Times hereby appointed; and all Subpœnas for Witneſſes, and Recognizances for the Appearance of Perſons at the ſaid Courts, as effectual as if the particular Day for holding any of the ſaid Courts had been mentioned therein; and the Perſons ſummoned as Witneſſes, and entering into ſuch Recognizances, bound to appear accordingly; any Matter or Thing in any other or former Act, to the contrary hereof, notwithſtanding.

CHAP. XXVIII.

An Act to regulate the iſſuing of Marriage Licences.

Preamble.

I. WHEREAS a Practice has prevailed among ſome of the County Court Clerks of this Province, of writing and ſigning Marriage Licences themſelves, under Pretence of not being furniſhed

A. D. 1770. furniſhed with any Blank Licences from the Governor, contrary to the true Intent and Meaning of an Act, intituled *An Act, to amend an Act, intituled,* 'An Act concerning Marriages:' For the Prevention whereof, and that his Excellency the Governor, or Commander in Cheif for the Time being, may not be deprived of the juſt Emoluments intended to be reſerved to him by the aforeſaid Act;

Marriage Licences how obtained.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Marriages by Licence, ſhall be by Licence under the Hand and Seal of the Governor or Commander in Chief for the Time being, and not otherwiſe: And each and every Perſon ſolemnizing the Rites of Matrimony between any two Perſons in Virtue of a Licence otherwiſe granted and obtained than under the Hand and Seal of the Governor or Commander in Chief for the Time being, ſhall incur the like Penalty as if he or they had celebrated ſuch Marriage without any Licence for ſo doing; any ſeeming or apparent Permiſſion or Authority in the aforeſaid Act to the contrary hereof, notwithſtanding.

Clerks compelled to account for the Governor's Fees on Licences.

III. AND for compelling the Clerks of the Inferior Courts to account with the Governor or Commander in Chief for the Time being, for any Fees that may be received for him by Virtue of this, or any other Act of Aſſembly; *Be it further Enacted, by the Authority aforeſaid,* That when Motion ſhall be hereafter made in any Court having Juriſdiction thereof, againſt any Clerk for Fees, which ſuch Clerk ought to be accountable for to the Governor or Commander in Chief for the Time being, the Sum ſuppoſed to be due ſhall be ſpecified in the Notice ſerved on ſuch Clerk, at leaſt Ten Days before ſuch Motion; who, on appearing thereto, ſhall render an Account on Oath, for all ſuch Monies as he hath or ought to have received for ſuch Governor or Commander in Chief and pay the ſame; and on Failure ſo to do, the Court ſhall give Judgment for the whole Sum mentioned in ſuch Notice, and award Execution thereon.

Repealing Clauſe.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That ſo much of the above recited Act, and ſo much of any other Act or Acts as comes within the Purview of this Act, ſhall, from and after the paſſing hereof, be repealed and made null and void.

CHAP. XXIX.

An Act, for further continuing an Act, For the Reſtraint of Vagrants, and for making Proviſion for the Poor; and other Purpoſes.

Preamble.

I. WHEREAS the Act for the Reſtraint of Vagrants, and for making Proviſion for the Poor, and other Purpoſes, made in the Year of our Lord One Thouſand Seven Hundred and Fifty-five, and continued by two ſubſequent Acts, is now near expiring; and the ſame being found, by Experience, to be of general Utility;

Acts continued.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the before recited Acts, and every Clauſe and Article of them, and each and every of them, continue and be in Force, from and after the paſſing of this Act, for and during the Space of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. XXX.

This Act had its Effect.

An Act for appointing and impowering Mr. William Moore, *of* Tryon *County, to collect and receive the Taxes which were due from the Inhabitants of the ſaid County for the Year One Thouſand Seven Hundred and Sixty Eight.*

CHAP. XXXI.

An Act for appointing Truſtees, in the Room and Place of thoſe heretofore appointed by an Act of Aſſembly, paſſed in the Year One Thouſand Seven Hundred and Sixty Eight, intituled, An Act for building a Public Gaol, and Gaoler's Houſe, for the Diſtrict of *Newbern,* in the Town of *Newbern.*

Preamble.

I. WHEREAS the Truſtees appointed by the before recited Act have not proceeded to the Diſcharge of the Truſt repoſed in them, within the Time limited by the ſaid Act:

Truſtees appointed for building the Gaol.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Honourable *Samuel Cornell,* Eſquire, Mr. *Jacob Shepard,* and Mr. *Richard Blackledge,* be, and are hereby appointed Truſtees (in the Room of thoſe appointed as aforeſaid) to agree and contract with any Perſon or Perſons for deſigning, ſuperintending, building, and finiſhing the ſaid Gaol, and Gaoler's Houſe, in Manner as in the ſaid recited Act is mentioned, with the ſame Powers, and under the ſame Reſtrictions, as the former Truſtees by the before recited Act appointed.

III. *AND*

III. *AND be it further Enacted, by the Authority aforesaid,* That the Truſtees by this Act appointed ſhall, and they are hereby impowered and required, to receive into their Hands all Monies heretofore collected and paid for the Purpoſes in the ſaid Act mentioned, or that hereafter may become due or ariſing from the Taxes within the Diſtrict of *Newbern*, for building the ſaid Gaol and Gaoler's Houſe; and on Neglect or Refuſal, to proceed againſt ſuch Delinquents in the Manner preſcribed in the ſaid recited Act. *A. D.* 1770. Impowered to receive the Monies due for the ſame.

CHAP. XXXII.

An Act for obtaining a true and diſtinct Liſt of the taxable Perſons in the Town of Newbern, *and to impower the Sheriff to collect the Town Taxes due from the Inhabitants of the ſaid Town.*

I. WHEREAS there is not any Proviſion made in the Laws now in Force for obtaining a true and diſtinct Liſt of Taxables in the ſaid Town, which has rendered the collecting of the Town Taxes very difficult and uncertain: For Remedy whereof, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That at the firſt Meeting of the Commiſſioners of the ſaid Town after the paſſing of this Act, and thereafter, at the firſt Meeting after their Election, annually, they ſhall, and are hereby impowered and required, to appoint one of the ſaid Commiſſioners to take a Liſt of all the Male Taxables reſiding in the ſaid Town; and the Commiſſioner ſo appointed is hereby impowered to adminiſter an Oath, to the Truth of all ſuch Liſts: And the ſaid Commiſſioners ſhall immediately give Notice, by Advertiſements, or otherwiſe, to the Inhabitants of the ſaid Town, to appear before ſuch Commiſſioner ſo appointed, and give in a Liſt of all the Male Taxables in their reſpective Families, within Twenty Days after ſuch Notice; and on Neglect or Refuſal, the Perſon or Perſons ſo neglecting or refuſing, ſhall be ſubject to the ſame Penalties as for neglecting to inliſt their Taxables with a Magiſtrate for the County, which ſhall be recovered in the ſame Manner, and to the like Uſes, as the aforeſaid Penalties: And the ſaid Commiſſioners ſhall cauſe a fair Copy of the Liſts by him taken as aforeſaid, to be delivered immediately to the Sheriff of the County of *Craven*; who ſhall, within One Month after, proceed to collect the Taxes laid on the ſaid Inhabitants by the Commiſſioners of the ſaid Town; and ſhall account for, and pay the ſame to the ſaid Commiſſioners, on or before the 10th Day of *June*, yearly; under the ſame Rules, Reſtrictions, and Penalties, and intitled to the ſame Emoluments, and ſubject to the ſame Method of Recovery, as for Non-Payment of Public Taxes. Manner of taking Liſts of the Town Taxable.

III. AND whereas the Taxes laid by the Commiſſioners of the ſaid Town on the Inhabitants thereof, for ſeveral Years paſt, remain uncollected; and the late and preſent Sheriffs are in Doubt whether they are, by the Laws now in Force, enabled to diſtrain for the ſame: *Be it Enacted, by the Authority aforeſaid,* That the preſent and late Sheriffs of the County of *Craven*, are hereby declared to have the ſame Power to make Diſtreſs on all Perſons who are in Arrear for Taxes to the ſaid Town as they are intitled to in collecting other Taxes. Sheriff to collect the Town Taxes.

IV. *PROVIDED nevertheleſs,* That ſuch Sheriffs ſhall not take and receive any Fees for Diſtreſs for ſuch Arrears of Taxes, unleſs the Perſon or Perſons ſo in Arrear ſhall neglect to pay the ſame within Three Months after paſſing of this Act. Not to take Fees on the Arrears.

V. *AND be it further Enacted, by the Authority aforeſaid,* That no Perſon in the ſaid Town ſhall hereafter be ſubject to the Payment of the Town Tax, until he hath reſided Three Months in the ſaid Town: No Perſon to pay Town Tax, till 3 Months Reſidence.

CHAP. XXXIII.

An Act to direct Sheriffs in levying Executions, and the Diſpoſal of Lands, Goods, and Chattels, taken thereon.

I. WHEREAS great Injuries have aroſe from diſpoſing of Lands, Goods, and Chattels, taken on Executions, from the great Scarcity of Currency: For Remedy whereof, Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing of this Act, no Sheriff or other Officer within this Province, to whom Execution ſhall be directed, ſhall levy the ſame on Lands or Negroes, where other ſufficient Diſtreſs of Commodities fit for Exportation is ſhewn; and every Sheriff or other Officer, who, by Virtue of an Execution, ſhall expoſe to Sale any Lands, Goods, or Chattels, of what Kind or Nature ſoever, where the Sum levied for does exceed the Sum of Five Pounds, ſhall firſt ſummons one Juſtice of the Peace, and two Freeholders of the County, one to be named by the Plaintiff, and the other by the Defendant; and on their Neglect, to be named by the Sheriff, to appear at a particular Day and Place, to inſpect and value the ſame, or ſo much thereof, at two Thirds of the Value, as may be ſufficient to pay the Plaintiff his Debt and Coſts; and the ſaid Juſtice and Freeholders ſhall render in Writing, under their Hands and Seals, the Boundaries, Quantity, Situation, and Value of the ſaid Lands, to the Sheriff of the County, who is hereby required to adminiſter the following Oath: Executions not to be levied on Lands or Slaves, where other Diſtreſs is ſhewn. Manner of Valuation.

A. D. 1770. Valuers Oath.

YOU, and each of you, do ſwear, that this Inſtrument of Writing by you produced, contains a true Valuation of one or more (as the Caſe may be) Tract or Tracts, Part or Parcels of Land, ſituate in the County of ———, on ———, or Goods (as the Caſe may be) and taken by Virtue of an Execution, at the Inſtance of ———, and that you have proceeded in ſuch Valuation, upon a careful View, and according to Law, to the beſt of your Knowledge and Information, without Favour or Diſlike to either Party.

SO HELP YOU GOD.

Not to be ſold for leſs than two Thirds of the Value.

Which ſaid Inſtrument of Writing, with the Certificate, ſhall be by them delivered to the Sheriff, who upon expoſing ſuch Lands, Goods, or Chattels to Sale, ſhall not diſpoſe of them for a leſs Sum than two Thirds of ſuch Valuation, under the Penalty of One Thouſand Pounds; to be recovered by Action of Debt, in any Court within this Province having Cognizance thereof, by and for the Uſe of the Party grieved.

Plaintiff to take Goods at two Thirds Value.

III. *AND be it further Enacted, by the Authority aforeſaid,* That if any Lands, Goods, or Chattels, be ſet up for Sale as aforeſaid, ſhall not be diſpoſed of, the Plaintiff ſhall take the ſaid Goods and Chattels, and may take the Lands at two Thirds of the Value thereof; in which Caſe the Sheriff, or other Officer, is hereby impowered and directed to give ſuch Plaintiff a Deed or Bill of Sale for the ſame, in the ſame Manner as he might have done had the Lands, Goods, or Chattels, been ſold at Public Vendue. *Provided*, That Lands ſhall not be taken on any Execution, when there ſhall be Goods and Chattels ſufficient to ſatisfy the ſame.

Not to extend to Debts to the King, &c.

IV. *PROVIDED always*, That nothing in this Act contained ſhall be deemed, or conſtrued to extend to any Execution or Executions, for any Debt or Debts payable to his Majeſty, to this Province, or to Merchants in *Great Britain*.

Lands ſold by former Sheriffs, ſucceeding Sheriffs to make them a Title.

V. *AND be it further Enacted, by the Authority aforeſaid*, That where any Sheriff or Coroner has heretofore ſold any Lands under a late Act of Aſſembly, intituled, *An Act to direct Sheriffs in levying Executions, and the Diſpoſal of Lands, Goods, and Chattels, taken thereon*, and hath neglected to make a good and ſufficient Title thereto, either to the Perſon purchaſing at Vendue, or to any Plaintiff, who under the ſaid Act has been obliged to take ſuch Lands at two Thirds of the Value, ſuch Sheriff or Coroner, though he may be out of Office, ſhall, and is hereby required, to ſeal and execute a Deed of Bargain and Sale for ſuch Lands, to ſuch Plaintiff or Perſon who hath purchaſed at Vendue as aforeſaid; and in Caſe any Sheriff or Coroner, having ſold any Lands as aforeſaid, who is dead or removed out of the Province, his Succeſſor in Office is hereby impowered and required to make ſuch Conveyance as herein next before is directed.

Sheriffs Fee for ſummoning Freeholders, and Pen. for neglecting to attend.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff or other Officer ſhall be, and is hereby intitled to receive the Sum of Two Shillings and Eight Pence, for every Juſtice and Freeholder ſo ſummoned; and every Juſtice and Freeholder that ſhall neglect or refuſe to attend, unleſs pevented by Sickneſs, or ſome other ſufficient Cauſe, he or they ſo neglecting or refuſing ſhall forfeit and pay the Sum of Five Pounds; to be recovered in the Inferior Court of the County, by Action of Debt, and applied to the Uſe of the Pariſh.

Continuance of the Act.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Term of Two Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. XXXIV.

An Act for the more advantageous and eaſy Manner of obtaining Partitions of Lands, in Coparcenary, Joint Tenancy, and Tenancy in Common.

Preamble.

I. WHEREAS the Proceedings by the Common Law upon Writs of Partition between Coparceners, Joint Tenants, and Tenants in Common, are tedious, chargeable, and often ineffeſtual; and whereas the Lands belonging to Coparceners, Joint Tenants, and Tenants in Common, frequenly lie in different Counties and Diſtricts, and great Part of the Lands in this Province are ſo extremely poor and barren that they will not admit of a minute Partition, as in *England*, where every ſingle Acre is ſeparately of real Value, by Reaſon of which divers Perſons having undivided Parts or Purparts are greatly oppreſſed and prejudiced, and the Premiſes are frequently waſted or deſtroyed, or lie uncultivated and unmanured, ſo that the Profits of the ſame are totally, or in a great Meaſure loſt; For Remedy whereof,

Manner of obtaining Partitions in Coparcenary.

II. *BE it Enacted by the Governor, Council, and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from and after the paſſing of this Act the Demandant for the Partition of any Lands, Tenements, or Hereditaments, ſhall file his or her Declaration in the Office of the Superior Court where the Suit ſhall be brought; whereupon a Summons or Summonſes, together with a Copy or Copies of ſuch Declaration, ſhall be iſſued by the Clerk of ſuch Court, directed to the Tenant or Tenants to the Action, and returnable to the Court from whence the ſame iſſued, commanding him, her, or them, to appear thereat; and if upon the Service of ſuch Summons or Summonſes, the Tenant or Tenants to the Action ſhall fail to appear or plead, the Court may proceed to examine the Demandants Title and Quantity of his Part and Purpart, and accordingly as they ſhall find his right Part and Purpart to be, they ſhall for ſo much give Judgment by Default, and award Partition to be made, according

according to the Rules hereafter mentioned, whereby ſuch Proportion, Part and Purpart, may be ſet out ſeverally; which having executed, after giving Ten Days Notice to the other Parties, or if they cannot be found, to the Occupiers or Tenants in actual Poſſeſſion of the Premiſes (where ſuch Occupier or Tenant in Poſſeſſion is not Demandant in the Action) and returned, and thereupon final Judgment entered, ſhall be good, and conclude all Perſons whatſoever, after Notice as aforeſaid, whatever Right or Title they have, or may at any Time claim to have, in any of the Meſſuages, Lands, Tenements, and Hereditaments, mentioned in the ſaid Judgment and Writ of Partition, although all Perſons concerned are not named in any of the Proceedings, nor the Title of the Tenants truly ſet forth. *A. D.* 1770.

III. *PROVIDED always*, That when the Tenant or Tenants to the Action live out of this Province, that then and in ſuch Caſe a Service of the Summons, with a Copy of the Declaration, upon the lawful Attorney of ſuch abſent Tenant or Tenants, ſhall be deemed a good Service; and *provided alſo*, that in all ſuch Caſes when the Tenant or Tenants to the Action live out of this Province as aforeſaid, the Court ſhall, before any Judgment by Default be entered as aforeſaid, allow an Imparlance to the next ſucceeding Term, or further, as the Caſe may reaſonably require, in Order that ſuch abſent Tenant or Tenants may have Notice to appear and defend the Action, if they think fit. Tenants out of the Province, Imparlance to be allowed.

IV. *PROVIDED always*, That ſuch Perſon or Perſons concerned, or any of them, againſt whom, or their Right or Title, any Judgment by Default ſhall be given, be at the Time of ſuch Judgment under the Age of Twenty One Years, Feme Covert, of unſound Mind and Memory, or abſent out of this Province, without any Attorney, lawfully and fully impowered, reſiding therein, may, within the Space of Five Years after the Removal of ſuch Diſability, apply themſelves by Motion to the Court where ſuch Judgment is entered: And if upon ſuch Motion they ſhall ſhew a good and probable Matter, in Bar of ſuch Judgment, or that the Demandant hath not Title to ſo much as he hath recovered; then, and in ſuch Caſe, the Court may ſuſpend ſuch Judgment, and admit the Tennant or Tenants to appear and plead, and the Cauſe ſhall proceed according to due Courſe of Law, as if no ſuch Judgment had been given; and if the Court, upon hearing thereof, ſhall adjudge for the firſt Defendant, then the firſt Judgment ſhall ſtand confirmed, and be good againſt all Perſons whatſoever, except ſuch other Perſon as ſhall be abſent or diſabled as aforeſaid; and the Perſon or Perſons ſo appealing, ſhall be awarded thereupon to pay Coſts, or if within ſuch Time or Times as aforeſaid, the Perſons concerned admitting the Demandant's Title, Part or Purpart, ſhall ſhew to the Court any Inequality in the Partition, the Court ſhall award a new Valuation, and make Partition in Preſence of all Parties concerned (if they will appear) notwithſtanding the Return and filing upon Record of the former Valuation; which ſaid ſecond Valuation and Partition, returned and filed, ſhall be good and firm for ever againſt all Perſons whatſoever, except as before excepted. Proviſo, for Infants, Feme Coverts, &c.

V. *AND be it further Enacted, by the Authority aforeſaid*, That upon any Judgment being given for ſuch Demandant, and the Meſſuages, Lands, Tenements, and Hereditaments, in ſuch Judgment mentioned, happen to lie in different Counties, the Courts in which ſuch Judgment ſhall be obtained are authorized and impowered, and they are hereby required, to iſſue Writs, directed to the Sheriffs of the ſeveral Counties where the Lands, Tenements, and Hereditaments lie, commanding them, that by Inquiſition, in due Form of Law, they ſhall cauſe the Lands mentioned in ſuch Judgment to be valued, and ſuch Valuation to be returned, with the Writs, under the Hands and Seals of thoſe by whom Inquiſition ſhall be made; upon which the Court ſhall proceed to make Partition, giving the Demandant his Part and Purpart in one County, unleſs where the Lands, Tenements, and Hereditaments, lie on both Sides of a Water which divides two Counties, and it may be neceſſary, for the Advantage of the different Parties, that ſuch Lands ſhould not be ſeparated, or unleſs it ſhould prove otherwiſe injurious to the Parties, in which Caſe the Court ſhall make Partition in the moſt equitable Manner they can. Manner of Proceeding, where Lands lie in different Counties.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That where it ſhall be found neceſſary, in Order to make a more equal Partition, that any of the Lands, Tenements, or Hereditaments, mentioned in ſuch Judgment, ſhould be divided into two or more Parts, the Court ſhall order a Writ or Writs of Partition to iſſue to the County or Counties where ſuch Lands, Tenements, and Hereditaments are ſituated, commanding the Sheriff or Sheriffs of ſuch County or Counties to make Partition of ſuch Lands, Tenements, and Hereditaments, into ſuch Proportions and Value only as ſhall be neceſſary to make, as near as may be, an equal Partition of the whole Meſſuages, Lands, Tenements, and Hereditaments, mentioned in ſuch Judgment, and order the Sheriffs of ſuch Counties reſpectively to put the Demandant in Poſſeſſion of his or her particular Part, Purpart, or Share thereof; which Valuation and Partition ſhall be returned by the Sheriff or Sheriffs as aforeſaid, to remain among the Records of the Court. Where they are to be divided in two or more Parts.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That where the Lands, Tenements, and Hereditaments, mentioned in any ſuch Suit, lie in different Diſtricts, the Court to which ſuch Suit ſhall be brought may, and they are hereby authorized and required, to proceed in hearing and determining the Demandant's Title and Claim, in the ſame Manner as if all the Lands, Tenements, and Hereditaments, were ſituated within the Diſtrict of the Court in which ſuch Suit ſhall be commenced; any Law, Uſage, or Cuſtom, to the contrary, in any-wiſe, notwithſtanding. Where they lie in different Diſtricts.

VIII. *PROVIDED always*, That no Suit for Partition of Lands, Tenements, or Hereditaments, ſhall be commenced in any Superior Court of this Province, unleſs Part of the Demandant's Claim lie within the Diſtrict of the Court in which the Suit is brought. No Suit to lie, unles Part of the Claim within the the Diſtrict.

IX. *AND*

A. D. 1770.

Under Sheriff to execute Partition, where the High Sheriff is under any Disability.

IX. *AND be it further Enacted, by the Authority aforesaid,* That when the High Sheriff, by Reason of Sickness, or any other Disabillity, cannot be present at the Execution of any Judgment in Partition; in such Case, the Under-Sheriff, duly appointed and qualified according to Law, in Presence of two Justices of the Peace of the County where the Lands, Tenements, and Hereditaments to be divided lie, shall and may proceed to Execution of any Writ of Partition, by Inquisition in due Form of Law, as if the High-Sheriff were then personally present; and the High Sheriff thereupon shall, and he is hereby enabled and required, to make the same Return, as if he were personally present at such Execution. And in Case such Partition be made, returned, and filed, he or they that were Tenant or Tenants of any of the said Messuages, Lands, Tenements, and Hereditaments, or any Part, or Purpart thereof, before they were divided, shall be Tenant or Tenants for such Part, set out severally to the respective Landlords or Owners thereof, by and under the same Conditions, Rents, Covenants and Reservations, where they are, or shall be so divided: And the Landlords and Owners of the several Parts and Purparts so divided and allotted as aforesaid, shall warrant and make good unto their respective Tenants, the said several Parts severally after such Partition, as they are or were bound to do by any Leases or Grants of their respective Parts before any Partition made: And in Case any Demandant be Tenant in actual Possession, to the Tenant to the Action for his Part or Proportion, or any Part thereof, in the Messuages, Lands, Tenements, and Hereditaments, to be divided by Virtue of a Writ of Partition as aforesaid, for any Term of Life, Lives, or Years, or uncertain Interest, the said Tenant shall stand and be possessed of the said Purparts and Proportions, for the like Term, and under the same Conditions and Covenants, as when it is set out severally, in Pursuance of this, or any other Act, Statute or Law to that Purpose.

Pen. on Sheriffs neglecting to attend the Execution of Partitions.

X. *AND be it further Enacted, by the Authority aforesaid,* That the respective Sheriffs, their Under-Sherifis, and Deputies; and in Case of Sickness or Disability in the High-Sheriff, all Justices of the Peace within their respective Counties, shall give due Attendance to the executing such Writ of Partition, unless reasonable Cause be shewn to the Court, upon Oath, and there allowed of, or otherwise be liable, every of them to pay unto the Demandant or Plaintiff, such Costs and Damages as shall be awarded by the Court, not exceeding Ten Pounds, Proclamation Money; for which the Demandant may bring his Action in any Court having Cognizance thereof; wherein no Essoin, Protection, Privilege, or Wager of Law, shall be allowed: And in Case the Demandant doth not agree to pay unto the Sheriffs or Under-Sheriffs, Justices and Jurors, such Fees as they shall respectively demand for their Attendance in the Execution of the same, and returning thereof; then the Court shall award what each Person shall receive, having Respect to the Distance of the Place from their respective Habitations, the Laws of this Province, and the Time they must necessarily spend about the same, for which they may severally bring their Actions as aforesaid.

Demandant not to recover Costs, unless Tenant refuse to make Partition.

XI. *AND be it further Enacted,* That the Demandant in any Suit for Partition of Lands, Tenements, and Hereditaments, shall not recover Costs, unless it appears to the Court that the Tenant or Tenants to the Action, previous to its Commencement, refuse to make Partition.

Court of Chancery's Power not abridged.

XII. *PROVIDED always,* That this Act, nor any Thing herein contained, shall extend, or be construed to extend, to alter or abridge the Power of the Court of Chancery in this Province, in the Partition of any Lands, Tenements, or Hereditaments; any Thing herein contained to the contrary thereof, in any-wise, notwithstanding.

Continuance of the Act.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall be and continue in Force for and during the Space of Five Years, from and after the passing hereof, and to the End of the next Session of Assembly, and no longer.

CHAP. XXXV.

An Act to prevent Card playing, and other deceitful Gaming.

Preamble.

I. WHEREAS Card playing, and other deceitful Gaming, hath been found injurious to the Inhabitants of this Province, and tend greatly to the Discouragement of Industry, Corruption of Youth, and Destruction of Families: For Remedy whereof,

Deceitful Gaming prevented.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same,* That from and after the passing of this Act, any Tavern Keeper who shall permit or suffer any Gaming within his House, Booth, Stall, Arbour, or other Place (Whist, Quadrille, Picquet, Backgammon, and Billiards, only excepted) shall for such Offence, upon Conviction thereof before the Court of the County wherein the same shall be committed, forfeit his Licence, and be further liable to Indictment and Fine, at the Discretion of the said Court; and any Person or Persons, who shall hereafter win at any Game or Games, or by betting or wagering in any Manner whatsoever (Horse-racing only excepted) more than Five Shillings in Twenty Four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, shall, upon Conviction of the same, before any Court or Magistrate, having Cognizance thereof, forfeit all such Monies, Goods, Commodities, or other Article or Articles, or the full Value thereof; one Half to the Informer, and the other Half to be applied to the Use of the Parish wherein such Offence was committed: *Provided nevertheless,* That if it shall appear that such Informer was either Winner or Loser, or in any-wise a Party in any such Games, the whole shall be forfeited to the Use of the Parish.

III. *AND*

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Manner of Recovery of Monies loſt at gaming.

III. *AND be it further Enacted, by the Authority aforeſaid,* That upon any Informaiion made to a Juſtice or Juſtices of the Peace within this Province, or in View of any Juſtice, it ſhall appear that any Perſon or Perſons have won at any Game or Games, by betting or wagering, in any Manner whatſoever, more than Five Shillings in Twenty Four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, it ſhall be lawful for any ſuch Court or Juſtice, having Cognizance thereof, and they are hereby impowered and required, to cauſe ſuch Perſon or Perſons to be brought before ſuch Court or Magiſtrate, before whom Information ſhall be made, to be examined on Oath concerning the ſaid Offence; which Oath or Oaths the ſaid Court or Juſtices is hereby impowered to adminiſter, as alſo to examine any Witneſs or Witneſſes concerning the ſame: And if it ſhall appear that ſuch Perſon or Perſons ſhall have won at any Kind of Game or Games, or by betting or wagering in any Manner whatſoever, more than Five Shillings in Twenty Four Hours, or the Value thereof in any Goods, Commodities, or other Article or Articles, to award Execution againſt the Body, or Goods and Chattels, Lands and Tenements, of ſuch Perſon or Perſons ſo convicted, for ſuch Sum or Sums of Money, Goods, Commodities, or other Article or Articles, which ſhall have been won, over and above the Value of Five Shillings in Twenty Four Hours.

Deeds or Mortgages, &c for any Thing won at gaming, declared void.

IV. *AND be it further Enacted,* That all Deeds, Mortgages, Bills, Bonds, Notes, Aſſumptions, Specialty or Specialties, Inſtrument or Inſtruments of Writing, which ſhall be hereafter given for the Payment, Security, or Diſcharge, of any Sum or Sums of Money, Goods, Commodities, or other Article or Articles, Thing or Things, whatſoever, loſt at any Game or Games, or by betting or wagering, upon due Proof thereof, ſhall be deemed null and void.

Pen. on diſorderly Perſons, loitering about, and gaming.

V. AND whereas there are many idle, diſorderly, and evil-diſpoſed Perſons, who are frequently found loitering, gaming, and miſbehaving themſelves, within this Province; *Be it therefore Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for any Juſtice of the Peace, and he is hereby directed and required, either on Information or Notice given him, or on his own View, to iſſue his Warrant, and cauſe ſuch Perſon or Perſons to be apprehended, and, on Conviction, to commit ſuch Offender or Offenders to Gaol, until he or they ſo committed find ſufficient Security, in the Sum of Twenty Pounds, for his or their good Behaviour, during the Term of Twelve Months; and if any ſuch Offender or Offenders ſhall be accuſed and convicted a ſecond Time, or oftener, of loitering, gaming, or miſbehaving themſelves as aforeſaid, he or they ſo offending ſhall forfeit and pay for each and every ſuch Offence the Sum of Six Pounds; one Half to the Uſe of him or them who ſhall ſue for the ſame, and the other Half to the Churchwardens, for the Uſe of the Pariſh where ſuch Offence was committed; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province having Cognizance thereof, wherein there ſhall be no Eſſoin, Injunction, Protection, or Wager of Law, allowed or admitted of.

Right of Appeal.

VI. *PROVIDED always,* That any Perſon or Perſons aggrieved by the Judgment of any Inferior Court may, and are hereby intitled to an Appeal to the Superior Court of the Diſtrict to which ſuch Inferior Court ſhall belong; and any Perſon aggrieved by the Judgment of any Juſtice of the Peace, upon Conviction for any of the Offences in this Act cognizable before him, may appeal to the next Court to be held for the County wherein ſuch Perſon ſhall be convicted, but ſhall give Notice in Writing of ſuch Appeal to the Appellee, and ſhall alſo enter into Recognizance, with two Securities, before any Juſtice of the County wherein the Judgment was given, on Condition to try ſuch Appeal at the next enſuing Court held for the ſame County, which ſhall be by the ſaid Court then heard and finally determined.

No Judgment to be ſet aſide for want of Form.

VII. *PROVIDED alſo,* That no ſuch Judgment obtained before any Juſtice of the Peace ſhall be ſet aſide for Want of Form, wherein it ſhall appear to the Court that the Fact was ſufficiently proved at the Trial; nor ſhall any ſuch Judgment be removed by any Appeal, Writ, or Proceſs whatſoever, to any Superior Court.

Continuance of the Act.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall be and continue in Force for and during the Term of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. XXXVI.

An Act to indemnify the ſeveral Sheriffs who have not collected the One Shilling Tax per *Poll, for ſinking the Twelve Thouſand Pounds granted in the Year One Thouſand Seven Hundred and Sixty, and the Tax of Two Shillings* per *Poll, for ſinking the Twelve Thouſand Pounds granted in the Year One Thouſand Seven Hundred and Sixty One; and to direct ſuch Sheriffs who have received the ſaid Taxes, to refund the ſame to the People from whom they received the ſaid Taxes.*

Preamble.

I. WHEREAS it was reſolved in the Aſſembly in *December,* One Thouſand Seven Hundred and Sixty Eight, that the Tax of One Shilling *per* Poll, for ſinking the Twelve Thouſand Pounds granted in the Year One Thouſand Seven Hundred and Sixty, and the Tax of Two Shillings *per* Poll, for ſinking the Twenty Thouſand Pounds granted in the Year One Thouſand Seven Hundred and Sixty One, have had their Effect, and ought not thenceforth to be collected; and it being doubtful

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Taxes not to be collected. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That no Sheriff, or other Collector of the Public Taxes, ſhall be liable to account for, and pay into the Treaſury, any Part of the One Shilling *per* Poll, for ſinking the Twelve Thouſand Pounds granted in the Year One Thouſand Seven Hundred and Sixty, or any Part of the Tax of Two Shillings *per* Poll, for ſinking the Twenty Thouſand Pounds granted in the Year One Thouſand Seven Hundred and Sixty One, which hath become due and payable ſince the laſt Day of *December*, One Thouſand Seven Hundred and Sixty Eight, for or on Account of any Collection of Taxes; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Where they have been collected, to be refunded. III. AND whereas ſome Sheriffs hath proceeded and collected either the Whole, or ſome Part, of the ſaid Taxes, ſince the paſſing the ſaid Reſolve, alledging that they would be liable to account for the ſame with the Treaſurer: *Be it Enacted by the Authority aforeſaid,* That where any Sheriff, or other Collector of Public Taxes, hath received from any Perſon or Perſons whatſoever, any Part, or the whole of the aforeſaid Taxes, on the Collection of any Taxes becoming due ſince the laſt Day of *December*, One Thouſand Seven Hundred and Sixty Eight, ſuch Sheriff or Collector ſhall on Requeſt of ſuch Perſon or Perſons, at any Time after the Tenth Day of *March* next, reſund and pay to the Perſon or Perſons from whom he received the ſaid Tax, or any Part thereof, the whole Sum which he ſhall have received, on Account of the One Shilling and Two Shilling ſinking Funds aforeſaid; to be recovered by Warrant, from any Juſtice of the Peace, on the Plaintiff's producing a Receipt from ſuch Sheriff or Collector, and it appearing to the Juſtice that the ſaid Taxes, or any Part were actually received by ſuch Sheriff or Collector.

To be diſcounted in the Tax of 1770. IV *PROVIDED nevertheleſs*, That where any Sheriff or Collector who hath received the Whole, or any Part of the ſaid Taxes, and is continued in Office to collect the Taxes for the Year One Thouſand Seven Hundred and Seventy, may retain ſuch Sums as he hath received on Account of the aforeſaid Taxes, until he doth receive the Taxes for the Year One Thouſand Seven Hundred and Seventy; and he is then directed and required, to diſcount ſo much of the ſaid One Shilling and Two Shilling Taxes, as he hath received heretofore according to the true Intent of this Act. And if any Sheriff or Collector of the Public Taxes, ſhall have paid into the Treaſury any Part of the ſaid One Shilling or Two Shilling Taxes aforeſaid, which hath been collected on Account of Taxes becoming due ſince the laſt Day of *December*, One Thouſand Seven Hundred and Sixty Eight, it ſhall and may be lawful for ſuch Sheriff or Collector to demand and receive of the Treaſurer or Treaſurers, to whom he ſhall have paid any ſuch Taxes, all Sum or Sums of Money which the ſaid Sheriff or Collector paid him, them, or either of them; to be recovered by Action of Debt, in the Superior Court of the Diſtrict wherein the County is ſituated, of which ſuch Sheriff is or was Collector.

Treaſurers to diſcount, where ſaid Tax has been paid them.

Taxes to ceaſe. V. *AND be it further Enacted, by the Authority aforeſaid*, That neither of the aforeſaid Taxes of One or Two Shillings, ſhall be demanded, taken or received, of or from any Perſon or Perſons whatſoever hereafter, on any Pretence whatſoever.

CHAP. XXXVII.

An additional Act to an Act, intituled, An Act, for defraying the contingent Charges of Government.

Preamble. I. WHEREAS the Tax laid by the before recited Act, is not ſufficient to defray the Charges of Government;

Tax laid for 3 Years. II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That an additional Poll Tax of One Shilling, be levied on each taxable Perſon in this Province for and during the Term of Three Years; which ſaid Tax ſhall commence for the Year One Thouſand Seven Hundred and Seventy One, ſhall, by the ſeveral Sheriffs be collected, accounted for, and paid to the Public Treaſurers, in the ſame Manner, and under the ſame Rules, Reſtrictions, and Penalties, as other Taxes are by Law to be accounted for and paid.

Applied. III. *AND be it further Enacted, by the Authority aforeſaid*, That the Monies to be raiſed and paid into the Treaſury, by Virtue of this Act, ſhall, by the Public Treaſurers, reſpectively, be applied towards paying the Claims, Wages, and other Allowances made by the General Aſſembly of this Province.

Continuance of the Act. IV. *AND be it further Enacted, by the Authority aforeſaid*, That the above recited Act ſhall be and continue in Force for Three Years, from and after the paſſing of this Act: Any Thing in the ſaid Act to the contrary, notwithſtanding.

CHAP. XXXVIII.

This Act had its Effect. *An Act, to enlarge the Time for ſeveral Sheriffs, to ſettle their Accounts with the Juſtices of the Inferior Courts of Pleas and Quarter Seſſions of the Counties therein mentioned.*

CHAP.

CHAP. XXXIX.

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An Act, for aſcertaining the Boundary Line between the County of Rowan, *and the Counties of* Mecklenburg *and* Tryon; *and for appointing Commiſſioners to run the ſame.*

Preamble.

I. WHEREAS the Boundary Line between the County of *Rowan*, and the Counties of *Mecklenburg* and *Tryon*, hath not as yet been aſcertained, by Reaſon whereof, the Inhabitants within the diſputed Bounds of the ſaid Counties refuſe to give in a Liſt of Taxables, or pay their Taxes in any of the ſaid Counties;

Commiſſioners appointed to run the dividing Line.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Thomas Neil, Thomas Polk, Matthew Locke, Griffith Rutherford*, and *Peter Johnſton*, Eſquires, be appointed Commiſſioners; and they, or a Majority of them, are hereby impowered and required, to run the Dividing Line between the ſaid County of *Rowan*, and the Counties of *Mecklenburg* and *Tryon*; beginning at *Cold Water*, where *John Patterſon*'s upper Line croſſes the Creek; thence due Weſt until it interſects the *Cherokee Indian* Line; which ſaid Line, when run by the Commiſſioners aforeſaid, or a Majority of them, ſhall by them be entered on Record in the Court of each of the ſaid Counties, and ſhall hereafter be deemed and taken to be the Dividing Lines between the ſaid Counties.

Tax laid for paying Commiſſioners.

III. AND for defraying the Charge of running the ſaid Line; *Be it further Enacted by the Authority aforeſaid*, That the Inferior Courts of each of the ſaid Counties, ſhall lay a ſufficient Poll-Tax on the Inhabitants of their reſpective Counties, which ſhall be levied in the ſame Manner as other Public Taxes, as ſhall be ſufficient to pay and ſatisfy their reſpective Commiſſioners, for the Charge and Trouble in running the aforeſaid Line.

CHAP. XL.

An Act for ſecuring and preſerving the Titles of the Freeholders in this Province.

Preamble.

I. WHEREAS through the Neglect and Miſmanagement of Perſons, who have heretofore been Regiſters in this Province, many of the Books wherein the Conveyances of Lands within ſeveral of the Counties are regiſtered, are ſo abuſed and defaced, as to be almoſt unintelligible, and in Danger of being entirely loſt, and are ſome of them removed to, and diſperſed in other Counties, whereby the Freeholders are in Danger of being greatly injured;

Records to be collected, and fair Copies made.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Juſtices of the Inferior Court of any County, or any Seven of them, at any Court held between the paſſing of this Act and the Firſt Day of *May*, One Thouſand Seven Hundred and Seventy Two, may, and are hereby impowered, to appoint ſome Perſon or Perſons to collect together all the Books or Papers, wherein are regiſtered the Conveyances of Lands in their reſpective Counties, and to make a fair Copy of the ſame into a Book or Books, well bound in Calf or Vellum; and the ſame being fairly copied into the ſaid Book or Books, to preſent to the Court for their Approbation.

Perſons to be elected, to correct them.

III. AND the ſaid Book or Books being approved of by the Court, in order to prevent Frauds, and correct Errors; *Be it further Enacted, by the Authority aforeſaid*, That Six Perſons be appointed to examine and correct the ſame, in Manner following, *to wit*, Two of them by the Court, Two of them by the Veſtry, and the other Two of them by the Freeholders of the ſaid County, or a Majority of them: And in order that the Freeholders be properly convened for that Purpoſe, the Juſtices of the Inferior Court are hereby impowered, to direct the Sheriff of the ſaid County to ſet up Advertiſements, appointing a Day for the ſaid Freeholders to meet at the Court Houſe of the ſaid County, to elect and chooſe the ſaid two Perſons for the Purpoſe aforeſaid; and the Sheriff is hereby directed to attend at the Court-Houſe on ſuch Day as ſhall be ſo appointed for the Election aforeſaid, and ſhall take a Liſt of the Names of the Voters, and the Votes given in by each Freeholder in his proper Perſon, and the Poll kept open until Sunſet; and the Sheriff ſhall declare the Perſons who have the greateſt Number of Votes duly elected, and ſhall ſign the Poll, and return the ſame to the next Inferior Court, to be filed by the Clerk amongſt the Records of the ſaid County, the Clerk having firſt made an Entry of the Names of ſuch Perſons ſo elected on the Minutes of the ſaid Court; and the Perſon ſo appointed and elected as aforeſaid, having examined the ſaid Book or Books, and compared them with the Originals, and corrected any Errors that they may find in the ſame, ſhall certify the ſame, on Oath, in open Court; which Certificate ſhall be entered on the Minutes of the ſaid Court, and alſo in the ſaid Book or Books; which Certificate ſo entered in the ſaid Book or Books, ſhall be ſigned by ſuch Perſons ſo appointed as aforeſaid to examine the ſame, and be atteſted by the Clerk in open Court: And all Deeds and Conveyances of Lands, inſerted in the ſaid Book or Books as aforeſaid, from the old Regiſters, Books, and Papers, ſhall be deemed and taken to be duly regiſtered and certified Copies from the ſaid Book or Books, and ſhall be of equal Validity with Copies of Deeds from any other Regiſters Office within this Province; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Their Power to demand and receive the Records.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for any Perſon or Perſons, ſo appointed and elected as aforeſaid, to collect the Books and Papers wherein any Conveyance of Land within the ſaid Counties are regiſtered, to demand and receive the ſaid Books and

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and Papers from every Perſon or Perſons who may have the ſame, or any of them, in his or their Poſſeſſion: And in Caſe of the Refuſal of any ſuch Perſon or Perſons, ſo poſſeſſed as aforeſaid, it ſhall and may be lawful for the Superior Court of the Diſtrict, on Motion, after Ten Days previous Notice given to ſuch Perſon or Perſons ſo refuſing, and on the ſaid Facts appearing ſufficiently to the Court, to order and adjudge he or they be committed to cloſe Gaol, without Bail or Mainprize, until he or they ſhall cauſe the ſaid Books and Papers by him poſſeſſed to be delivered to the Perſon or Perſons to receive the ſame, and ſhall alſo pay and ſatisfy all ſuch Coſts as may accrue by Reaſon of ſuch Motion.

To be delivered to the Regiſter of the County.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the Inferior Court of the County where the ſaid Records ſhall be ſo examined and compleated, ſhall deliver to the Regiſter of ſuch County the ſaid Books, to be by him kept as uſual.

Allowance to them for their Trouble.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for the Juſtices of the ſaid Court to make ſuch reaſonable Allowance as may be thought neceſſary to ſuch Perſons as ſhall be appointed and elected for the Purpoſe aforeſaid, to be paid out of the County Tax.

Conveyances having Certificates of Probate, may be regiſtered.

VII. AND whereas many Conveyances for Lands in the ſaid Counties, certified by the Regiſter to have been regiſtered, are not to be found in any of the Regiſters Books for the reſpective Counties; *Be it therefore Enacted, by the Authority aforeſaid,* That any Perſon producing to the Regiſter of the County whereof he is Regiſter any Deed of Conveyance for Lands in the ſaid County, with a Certificate thereon indorſed, of the ſame having been duly proved before the Inferior Court of the ſaid County, or the Chief Juſtice, or one of the Aſſociate Juſtices, ſhall be intitled to have the ſame regiſtered; and the Regiſter of the ſaid County is hereby required to regiſter the ſame, if ſuch Conveyance be not found in the Books, notwithſtanding ſuch Certificate of Regiſtration.

CHAP. XLI.

An Act to alter the Method of working upon the Roads in the County therein mentioned.

EXP.

CHAP. XLII.

An Act for dividing the northern Part of Rowan *County, and erecting a new County and Pariſh, by the Name of* Surry *County and St.* Jude's *Pariſh.*

Preamble.

I. WHEREAS the large Extent of the County of *Rowan,* renders it grievous and burthenſome to many of the Inhabitans thereof to attend the Courts and General Muſters, and other Public Meetings appointed therein;

Surry County erected.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *April* next, the ſaid County of *Rowan* be divided by a Line, beginning at a Point Forty-two Miles North of Earl *Granville*'s Line, on *Guilford* County Line; thence running North to the *Virgina* Line; thence Weſtwardly along the Mountains to the Ridge that divides the Waters of *Yadkin* and the *Catawba* Rivers; thence along the ſaid Ridge to the Northweſt Corner of *Rowan* County; then Eaſt along *Rowan* County Line to the Beginning, be thenceforth erected into a diſtinct County and Pariſh, by the Name of *Surry* County and St. *Jude*'s Pariſh.

Courts for the ſaid Counties to be held.

III. AND for the due Adminiſtration of Juſtice, *Be it Enacted, by the Authority aforeſaid,* That after the aforeſaid Firſt Day of *April,* a Court for the aforeſaid County of *Rowan* be conſtanty held by the Juſtices thereof, at the Court-Houſe in the ſaid County at *Saliſbury,* on the Firſt *Tueſdays* in *February, May, Auguſt,* and *November,* in each Year; and alſo, that a Court for the ſaid County of *Surry,* be conſtantly held by the Juſtices thereof, at *Gideon Wright*'s, on the third *Tueſdays* in *February, May, Auguſt* and *November,* in every Year, as by the Laws of this Province is provided, and ſhall be by Commiſſion to the Juſtices of the ſaid Counties reſpectively directed.

Sheriff of Rowan to collect Taxes, as before the Diviſion.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That nothing herein contained ſhall be conſtrued to debar the Sheriff of the ſaid County of *Rowan,* as the ſame ſtands now undivided, to make Diſtreſs for any Levies, Fees, or other Dues, that ſhall be due from the Inhabitants of the ſaid County on the ſaid Firſt Day of *April,* in the ſame Manner as by Law the ſaid Sheriff could or might have done, if the ſaid County had remained undivided; and the ſaid Levies, Fees, and other Dues, ſhall be collected and accounted for in the ſame Manner, as if this Act had never been made; any Thing herein contained to the contrary, notwithſtanding.

Surry Part of Saliſbury Diſtrict

V. *AND be it further Enacted, by the Authority aforeſaid,* That after the Firſt Day of *April,* the ſaid County of *Surry* ſhall be, continue, and remain, Part of the Diſtrict of the Superior Court of Juſtice uſually held for the Diſtrict of *Saliſbury*; and the Sheriff of the ſaid County of *Surry* ſhall, from Time to Time, account for and pay to the Public Treaſurer of the Southern Diſtrict of this Province, 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 Sheriffs.

VI. *PRO-*

A. D. 1770.

Royal Prerogative of Incorporation ſaved to his Majeſty.

VI. *PROVIDED always*, That nothing herein contained ſhall be conſtrued to alter or derogate from the Right and Royal Prerogative of his Majeſty, his Heirs or Succeſſors, of granting Letters of Incorporation to the ſaid Counties; and of ordering, appointing, and directing the Election of a Member or Members to repreſent them in Aſſembly; and of granting Markets and Fairs to be kept and held in them reſpectively; but that the ſaid Right and Prerogative ſhall and may, at all Times hereafter, be exerciſed therein by his ſaid Majeſty, his Heirs and Succeſſors, in as full and ample Manner, to all Intents and Purpoſes whatſoever, as if this Act had never been made.

Commiſſioners appointed to run the dividing Line.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That *Griffith Rutherford, John Dunn, Matthew Locke, Martin Armſtrong*, and *Anthony Hampton*, Eſquires, be appointed Commiſſioners; and they are hereby impowered and required to run the ſaid dividing Lines between the Counties of *Rowan* and *Surry*, agreeable to the Directions of this Act; which ſaid Lines 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, and ſhall hereafter be deemed and taken to be the dividing Lines between the ſaid Counties of *Rowan* and *Surry*.

To build a Court Houſe, &c.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid *Griffith Rutherford, John Dunn, Matthew Locke, Martin Armſtrong*, and *Anthony Hampton*, the Survivor or Survivors of them, be, and they are hereby impowered and directed, to agree and contract with Workmen for erecting and building a Court-Houſe, Priſon, and Stocks, for the Uſe of the ſaid County of *Surry*, at ſuch Place as they, or the Majority of them, or their Survivors, ſhall agree upon.

Tax laid for building Court-Houſe, &c.

IX. AND for reimburſing the ſaid Commiſſioners the Money they ſhall expend in erecting the ſaid Buildings; *Be it further Enacted, by the Authority aforeſaid*, That a Poll-Tax of Two Shillings Proclamation Money, per Annum, ſhall be levied on each taxable Perſon in the ſaid County of *Surry*, for three Years next after the ſaid Firſt Day of *April*: And that all Perſons who ſhall neglect to pay the ſaid Tax till after the Tenth Day of *March* in each Year, ſhall be thereafter liable to the ſame Diſtreſs as for Non-Payment of Public Taxes; and the Sheriff of the ſaid County is hereby required and directed, on or before the Tenth Day of *June* in the ſaid Years, reſpectively, to account for and pay the Money ſo by him collected, to the Commiſſioners aforeſaid, after deducting Eight *per Cent.* for his Trouble in collecting the ſame: And in Caſe of Failure or Neglect therein by the Sheriff, he ſhall be liable to the ſame Penalties as by Law may be had againſt Sheriffs who neglect or refuſe to account for and pay any Public Taxes.

Surry to lay a Tax for running the dividing Line.

X. AND for defraying the Charges of running the ſaid Lines between the Counties of *Rowan* and *Surry*; *Be it Enacted by the Authority aforeſaid*, That the Inferior Court of the ſaid County of *Surry*, ſhall lay a ſufficient Poll-Tax on the Inhabitans of their ſaid County; which ſhall be levied in the ſame Manner as other Public Taxes, to pay and ſatisfy their ſaid Commiſſioners for the Carge and Trouble in running the aforeſaid Lines.

Jurors for Rowan.

XI. AND whereas the Number of Jurors to ſerve at the Superior Court for the Diſtrict of *Saliſbury*, for the County of *Rowan*, were formerly Eleven Grand Jurors and Eleven Petit Jurors; *Be it Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid County of *Rowan*, ſhall for the future, appoint only Six Perſons to ſerve as Grand Jurors, and Six Perſons to ſerve as Petit Jurors, at the ſaid Superior Court of *Saliſbury*: Any Law, Uſage, or Cuſtom to the contrary, notwithſtainding.

Jurors for Surry.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the Inferior Court of *Surry* County, ſhall, and they are hereby directed, before every Superior Court held for the Diſtrict of *Saliſbury* aforeſaid, to nominate and appoint ſix Freeholders to ſerve as Grand and Petit Jurors at ſuch Superior Court: A Liſt of which Jurors ſo nominated, ſhall be delivered by the Clerk of ſuch Court to the Sheriff, who ſhall, and is hereby required, to ſummons the Perſons ſo nominated to ſerve as Jurymen at the ſaid Superior Court; which Jurymen ſo nominated, ſhall have and receive the ſame Allowance, and ſhall be under the ſame Rules, Fines, and Reſtrictions, as other Jurymen in the reſpective Counties in this Province.

Veſtrymen for the County of Surry to be elected.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Freeholders of the ſaid County of *Surry*, ſhall, on *Eaſter-Monday* next, meet at the Place where the Inferior Courts of the ſaid County are to be held; then and there to chooſe and elect Veſtrymen: Which Veſtrymen ſo choſen, after taking the Oaths by Law appointed for their Qualification, ſhall be, and are hereby inveſted with as full Power and Authority, and liable to the ſame Rules, Reſtrictions, and Penalties, as the Veſtries are by Law ſubject to; and ſhall be and remain the Veſtry of the ſaid Pariſh and County, until the Time by Law appointed for the Election of Veſtrymen throughout the Province.

Proceſs in Hillſborough Superior Court continued to next Term.

XIV. AND whereas ſome Doubs have ariſen, how far the breaking of the laſt Superior Court of Juſtice held for the Diſtrict of *Hillſborough*, by the Inſurgents, without a regular Adjournment thereof to the next Term, may affect the Operation in Law of the Actions, Writs, Suits, Proceſſes, and Recognizances, returnable to, or depending in the ſaid Court: For removing of which Doubts, *Be it Enacted, by the Authority aforeſaid*, That all Actions, Suits, Writs, Proceſs, Petitions, Indictments, Informations, and Preſentments whatſoever herctofore commenced in, iſſued from, or returnable to the ſaid Court, the Adjournment whereof to the Term in Courſe was prevented as aforeſaid, ſhall be, and are hereby continued to the next Term in Courſe: And all Subpoenas for Witneſſes, and Recognizances for the Appearance of Perſons, as effectual as if a regular Adjournment had been made of ſaid Court; and the Perſons ſummoned as Witneſſes, and entering into ſuch Recognizances, bound to appear to the next Term accordingly.

A. D. 1770.

CHAP. XLIII.

An Act, for the more ſpeedy Recovery of all Debts and Demands under Five Pounds, Proclamation Money, within this Province.

Preamble.

I. WHEREAS the Method of recovering Sums of Money above the Value of Forty Shillings, and under Five Pounds, Proclamation Money, by Way of Petition and Summons, as heretofore by Law directed, has not only been frequently found to be attended with much Delay, but alſo with great Coſts and Expence to the Parties; and whereas many Miſtakes and Abuſes have been committed in recovering Sums under Forty Shillings, for Want of ſome Law more explicit, with Reſpect to the Mode of recovering and obtaining Satisfaction for Sums under that Denomination: For Remedy whereof,

Method of Recovery of Sums under 5 l. before Juſtices.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the Firſt Day of *March* next from the paſſing of this Act, all Debts and Demands, not exceeding Forty Shillings, Proclamation Money, are hereby declared to be cognizable and determinable by any one Juſtice of the Peace; who may, by Warrant under his Hand and Seal, directed to the Sheriff, Deputy Sheriff, or Conſtable of the County wherein he is a Juſtice, cauſe to be ſummoned any Perſon to appear before him, or ſome other Juſtice of the Peace of the County, to anſwer the Complaint of a Creditor, for any Debt or Demand, not exceeding Forty Shillings as aforeſaid; and alſo to iſſue his Summon or Summons for ſuch Witneſs or Witneſſes, as ſhall or may be required by either Plaintiff or Defendant, for the better Proof of the Matter conteſted between the Parties; and every Perſon ſo ſummoned, ſhall appear and give Teſtimony, at ſuch Times and Places as by the Summons directed and required; under the Penalty of forfeiting Three Pounds, Proclamation Money, to the Party aggrieved, and to be further liable to his Action for Damages, unleſs good Cauſe be ſhewn to, and approved of by the Juſtice before whom he, ſhe, or they, were ſummoned to appear, within Ten Days after the Time appoined for ſuch Appearance: And after having heard the Parties, and ſuch Evidences as ſhall be produced by each and either of them, to give Judgment, and thereupon to award Execution againſt the Goods and Chattels, or the Body of the Debtor or Party againſt whom Judgment ſhall be given, which ſhall be executed and returned by the Sheriff, Deputy Sheriff, or Conſtable, to whom directed, at the Inſtance of the Plantiff or Complainant, in the ſame Manner as other Writs of *Fieri Facias*, or *Capias ad Satisfaciendum*, are to be executed and returned, except as by this Act is hereafter directed for the Sale of Goods ſo taken: And all Debts and Demands above Forty Shillings, and under Five Pounds, Proclamation Money, are in like Manner hereby declared to be cognizable and determinable before any Two Juſtices of the Peace; who are hereby authorized and impowered, by Warrant from under the Hand and Seal of any one Juſtice of the Peace, made returnable before himſelf, and one other Juſtice of the Peace, or any Two Juſtices of the Peace for the County wherein he is a Juſtice; and the ſame being accordingly returned to any Two Juſtices as aforeſaid, for them to hear the Parties, and ſuch Evidences as ſhall be produced by each and every of them, for any Debt or Demand above Forty Shillings, and under Five Pounds as aforeſaid, and to give Judgment, and thereupon, under their Hands and Seals, to award Execution againſt the Goods and Chattels, or the Body of the Party, until Satisfaction thereof be had, with all Coſts, in like Manner as in and by this Act is directed and preſcribed for the Recovery and Satisfaction of the Debt and Coſts of all Sums of Forty Shillings Value, and under, before a ſingle Magiſtrate; and all Summonſes for Witneſſes to attend before any Two Magiſtrates, on the Trial of any Debt or Demand above Forty Shillings, and under Five Pounds, ſhall and may be ſigned by one Juſtice: And each and every Perſon ſummoned to appear, and give Teſtimony before any Two Juſtices, and failing ſo to do, ſhall be ſubject to the ſame Penalty, and liable to the like Action, as by this Act inflicted and directed in Caſe of Failure before a ſingle Magiſtrate.

Witneſſes may ſhew Cauſe for non-Attendance.

III. *PROVIDED always*, That the Party ſo failing to appear and give Teſtimony, ſhall be intitled to the like Privilege of ſhewing the Cauſe to the ſaid Juſtices, and from exempting himſelf from the Penalty for non-Appearance.

Stay of Execution may be granted.

IV. *PROVIDED always*, That if Judgment ſhall be given by any one or more Juſtices for any Sum above Forty Shillings, Proclamation Money, the Party or Parties againſt whom ſuch Judgment ſhall be given, may deſire a Stay of Execution for any Term of Time, not exceeding Two Months; which ſaid Juſtice or Juſtices is, and are hereby authorized, impowered, and required, to grant the Party praying ſuch Stay of Execution, firſt giving ſufficient Security for paying the ſame; which Security, in like Manner as the Principal, ſhall be liable to the Execution of the Party, if not diſcharged at the Expiration of the ſaid Term.

Manner of ſelling Goods taken on Execution.

V. *AND be it further Enacted, by the Authority aforeſaid*, That all Goods and Chattels taken in Execution by any Sheriff or Conſtable, in Virtue of this Act, ſhall be kept in ſafe Cuſtody Ten Days: And if the Owner or Owners of ſuch Goods ſhall not, within the ſaid Time, ſatisfy the ſaid Debt and Coſts, the Sheriff, Deputy Sheriff, or Conſtable, ſhall, on the Day following (if not *Sunday*, and if ſo, then on the Day ſucceeding) between the Hours of One and Five in the Afternoon of the ſaid Day, he having firſt advertiſed ſuch Sale Ten Days at leaſt, at the Court-Houſe, Church, Mill, or other Public Place, adjacent to where the Goods were taken, ſell the ſaid Goods and Chattels at Vendue; and after ſatisfying the Judgment and Coſts as aforeſaid, ſhall return the Overplus, if any there ſhould be, to the Owner.

Conſtables Fee.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That every Sheriff, Deputy Sheriff, or Conſtable, for every Warrant executed, ſhall be allowed Two Shillings and Eight Pence; and for every

every Subpœna, One Shilling; and for every Execution executed, Two Shillings and Eight Pence; and ſo at the ſame Rate for every Perſon where there ſhall be more than one mentioned in each Warrant, Subpœna, or Execution. A. D. 1770.

All Demands under 5l to be tried by Juſtices.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That all Debts and Demands ariſing by Bond, Bill, Note, Account, Contract, Aſſumpſit, or otherwiſe, under Five Pounds, Proclamation Money, ſhall only be complained, proſecuted for, and tried, in Manner and Form as by this Act directed, and not otherwiſe: And if any Perſon ſhall, contrary to the true Intent and Meaning of this Act, commence or bring any Action or Suit in any Court within this Province for Five Pounds, or upwards, on Purpoſe to evade this Act, and thereupon ſhall have a Verdict for a leſs Sum than Five Pounds, he ſhall pay the Coſts of that Suit; except in Actions of Treſpaſs or Tort, or Action of Defamation, or where an Account is unſettled, and the Defendant ſhall refuſe or neglect, upon Notice given by the Plaintiff, to meet and ſettle the ſame; Proof of which Notice, either written or verbal, may be made by the Oath of the Plaintiff, or otherwiſe: And if either of the Parties ſhall be diſſatisfied with the Judgment of the ſaid Juſtice or Juſtices, the Party or Parties ſo diſſatisfied, may appeal to the next Inferior Court of Pleas and Quarter Seſſions that ſhall be held in the County where ſuch Judgment ſhall be given, he, ſhe, or they, firſt entering into ſufficient Security, for the proſecuting ſuch Appeal with Effect; which Appeal ſhall be heard, tried, and determined, the ſame Court, by the Juſtices of the ſaid Court, in a ſummary Manner, without a Jury, upon ſuch Evidence as ſhall be given them, and ſhall give Judgment according to the very Right of the Cauſe, and Matter in Law, ſhall appear to them, without Regard to Form in the Proceſs, or Courſe of proceeding; and the Court ſhall not delay in Determination in any ſuch Suit until another Court, unleſs good Cauſe be made appear, upon Oath, for ſuch Delay, and Judgment ſhall be thereupon given, and the Party caſt ſhall pay the Coſt of all Proceedings thereon, which is hereby declared, excluſive of the Coſts before the Juſtice or Juſtices, to be Seven Shillings and Sixpence, to the Clerk, for the whole Fees on ſuch Appeal, and no more.

Right of Appeal.

On Appeals, Juſtices that tried the Cauſe, not to ſit.

VIII. *PROVIDED always,* That the Juſtice or Juſtices before whom ſuch Suit was firſt heard and determined, ſhall not ſit in Court, or give Judgment on the Trial of ſuch Appeal.

Judgments entered on Bonds, &c. for leſs than 5l. no more Fees to be taxed than on Appeals from Magiſtrates.

IX. AND whereas it hath often happened that when Bonds, with a Power of Attorney annexed, impowering any Attorney to confeſs Judgment for the Sum mentioned in the Bond or Bill, in any Court of Record, notwithſtanding the ſame were for very ſmall and inconſiderable Sums, that Judgment hath been entered in the Inferior Court of Pleas and Quarter Seſſions, on ſuch Bonds or Bills, and Coſts taxed on the ſame, as if it had been on a Writ; whereby the Coſts of Suit hath greatly exceeded the Sum due by ſuch Bond or Bill: For the Prevention whereof for the future, *Be it Enacted, by the Authority aforeſaid,* That when any Judgment ſhall be entered on any Bond or Bill, in any Inferior Court of Pleas and Quarter Seſſions in this Province, by Virtue of a Power of Attorney annexed, to confeſs Judgment for the Sum mentioned in ſuch Bond or Bill, the Penalty whereof being under Five Pounds, that no more Fees ſhall be allowed or taxed in the Bill of Coſts than ſuch as are directed to be taxed on an Appeal from a Judgment of one or more Juſtices of the Peace; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Attachment how granted.

X. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall and may be lawful for any Creditor, where his Debt or Demand is under Five Pounds Proclamation, to go before any Juſtice of the Peace of the County, and make Oath how much is juſtly due to him, and that he has Reaſon to ſuſpect that his Debtor hath, or intends to remove himſelf and Effects privately out of the County, or ſo abſconds that the ordinary Proceſs of Law cannot be ſerved upon him; and thereupon ſuch Juſtice, firſt having taken Bond and Security, as in other Caſes of Attachments, ſhall iſſue an Attachment againſt the Eſtate of ſuch Debtor, returnable before any Juſtice, or Two Juſtices of the Peace, as the Caſe may be, directed to the Sheriff, Deputy Sheriff, or Conſtable of the County; and by Virtue thereof it ſhall be lawful for ſuch Sheriff, Deputy Sheriff, or Conſtable, to purſue and attach ſuch Effects, and make due Return of ſuch Attachment; and the Proceedings thereon by the ſaid Juſtice or Juſtices (due Regard being had to the different Juriſdiction by this Act given to Two Juſtices jointly, or one ſeparately) ſhall be in a ſummary Way, in the ſame Manner as on a Warrant; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Repealing Clauſe.

XI. *AND be it further Enacted, by the Authority aforeſaid,* That ſo much of the ſeveral Acts of Aſſembly of this Province, made for eſtabliſhing, amending, and continuing the ſeveral Inferior Courts of Pleas and Quarter Seſſions, as relate to Petitions and Summons, and the Juriſdiction of a ſingle Magiſtrate, to take Cognizance of the Sum of Forty Shillings; and all and every Act and Acts, and every Clauſe and Article thereof, heretofore made, ſo far as relates to any Matter within the Purview and Meaning of this Act, is hereby repealed, and made null and void.

Petitions already iſſued, to be tried in the ſame Manner as before this Act.

XII. *PROVIDED nevertheleſs,* That nothing herein contained ſhall be conſtrued, deemed, or taken, to extend the Trial of ſuch Petition and Summons, as heretofore have been, or may, between the paſſing of this Act and the Firſt Day of *March* next, be iſſued; but that the ſame may be proceeded on, or heard and determined, in the ſame Manner as if this Act had never been made.

Continuance of the Act.

XIII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act, and every Clauſe and Article thereof, ſhall be and continue in Force for and during the Term of Two Years, and no longer.

CHAP. XLIV.

Repeal'd by Proc.

An Act to encourage and ſupport the Eſtabliſhment of a Poſt Office in this Province.

A. D. 1771.

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DUODECIMO.

JOSIAH MARTIN, Esq; Governor.

At an ASSEMBLY, began and held at *Newbern*, the Nineteenth Day of *November*, in the Twelfth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Seventy-one: Being the Second Session of this Assembly.

CHAP. I.

An Act for imposing a Tax of Two Shillings Proclamation Money, per *Poll*, *on all taxable Persons within this Province, and for granting the Money arising from such Tax to his Majesty, his Heirs and Successors, to be applied as herein after directed.*

Preamble.

I. WHEREAS there is an absolute Necessity that Provision be immediately made for paying the Expence, computed at Sixty Thousand Pounds, incurred in the late necessary Expedition against the Insurgents;

Tax laid.

II. We pray that it may be Enacted, *And be it Enacted, by the Governor, Council, and Assembly and by the Autority of the same*, That an annual Tax of Two Shillings, Proclamation Money, *per* Head, be, and is hereby imposed, to be levied on all the Taxable Persons within this Province.

To be collected by the Sheriffs.

III *AND be it further Enacted, by the Authority aforesaid*, That the Poll Tax, hereby imposed on all taxable Persons, shall be collected, accounted for, and paid, by the Sheriffs of the several Counties within this Colony, who are hereby vested with all the Powers and Authorities, and declared to be subject to the same Rules, Regulations, Pains, and Penalties, and intitled to the same Emoluments, as are directed and provided by an Act intituled, *An Act for appointing Sheriffs, and directing their Duty in Office.*

Time of Continuance, and appropriated.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the said Tax of Two Shillings *per* Poll, hereby imposed, shall be annually levied and collected for Ten Years next after the passing of this Act, and no longer, and applied annually towards calling in and redeeming the Debenture Bills by this Act directed to be issued; which Debenture Bills, when so redeemed, are hereby directed to be burnt and destroyed.

Proviso, if Debentures paid in a shorter Time.

V. *PROVIDED nevertheless*, That if the Sum hereby issued in Debenture Bills, shall be collected on the said Tax of Two Shillings *per* Poll in a shorter Time than Ten Years, then the said Tax shall cease.

VI. *AND*

A. D. 1771.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Honorable *John Rutherford, Lewis Henry De Roſſett*, Eſquirs, and *Richard Caſwell* and *John Harvey*, Eſquires, be, and are hereby appointed Commiſſioners; and are veſted with full Power and Authority, as ſoon as conveniently may be after paſſing of this Act, to ſtamp and ſign Debenture Bills chargeable on the Public Treaſury of this Province, to the Amount of Sixty Thouſand Pounds Proclamation Money in the following Form, *viz. The Province of North Carolina is indebted to the Poſſeſſor hereof Proclamation Money, to be paid out of the Public Treaſury, according to Act of Aſſembly, paſſed December, One Thouſand Seven Hundred and Seventy One*; and of the following Denominations, *viz.* Two Thouſand Five Pounds Bills, Three Thouſand Three Pounds Bills, Five Thouſand Two Pounds Bills, Four Thouſand Thirty Shillings Bills, Ten Thouſand Twenty Shillings Bills, Ten Thouſand Ten Shillings Bills, Twenty Thouſand Five Shillings Bills, Thirty Two Thouſand Two Shillings and Sixpence Bills, Twenty Thouſand One Shilling Bills: And the ſame having ſtruck and ſigned, in equal Portions, to pay to the reſpective Public Treaſurers. And the ſaid Commiſſioners ſhall be allowed Fifteen Hundred Pounds, Proclamation Money, for their Trouble and Expence in this Service.

Commiſſioners for emitting the Money.

Tenor and Denomination of the Bills.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Debenture Bills, herein before directed to be ſtruck, and paid into the Hands of the Public Treaſurers, ſhall by them be delivered to the Public Creditors of this Province, in Proportion to the Sums reſpectively due to them, for which they ſhall be allowed Three *per Cent.*

To be paid to the Public Creditors.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Hononrable *John Rutherford, Lewis Henry De Roſſett*, Eſquires, and *Richard Caſwell* and *John Harvey*, Eſquires, are hereby directed and requred, previouſly to their entering on the Truſt by this Act repoſed in them, to give Bond with good and ſufficient Security, in the Sum of Ten Thouſand Pounds, Proclamation Money, each, payable to the Governor, or Commander in Chief for the Time being, to the Uſe of this Province; with Condition that he ſhall duly and faithfully execute and diſcharge the ſaid Truſt repoſed in him, according to the true Intent and Meaning of this Act, and ſhall alſo make Oath before ſome Magiſtrate to the ſame Purpoſe; which Bond ſhall be lodged in the Secretary's Office: And in Caſe of a Breach of the Condition thereof, may be put in Suit, and recovered, to the Uſe of this Province. And if any of the Commiſſioners herein before appointed ſhall die, remove out of this Province, or refuſe to Act, the Governor, or Commander in Chief for the Time being, ſhall appoint others, or another, in the Room of him or them ſo dying, refuſing, or removing himſelf; which Commiſſioner or Commiſſioners ſo appointed, ſhall enter into Bond, and make Oath, in the ſame Manner as the Commiſſioners herein appointed are directed.

Commiſſioners to give Bond, and be on Oath.

Commiſſioners kept up.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall Counterfeit, alter, or deface, any of the Debenture Bills ſtruck by Virtue of this Act, he ſhall, on Conviction thereof, be adjudged a Felon, and ſhall ſuffer Death without Benefit of Clergy.

Felony to counterfeit Debentures.

X. AND for the better ſecuing the Debenture Bills to be emitted by this Act from being counterfeited, *Be it Enacted, by the Authority aforeſaid*, That the Public Treaſurers ſhall not redeem or receive, from any Perſon whatſoever, any of the ſaid Bills which ſhall appear to have any Paper, or other Thing whatſoever, paſted, glued or ſealed on the Back thereof; and ſuch Bills ſo paſted, glued, or ſealed, ſhall not be chargeable on the Public Treaſury of this Province.

Paſting on the Back of Debentures prevented.

CHAP. II.

An Act to alter the Method of working upon the Roads in the Counties therein mentioned.

I. WHEREAS the Power given by Law to Overſeers of Roads is found inconvenient in the Counties of *Bladen, Mecklenburg*, and *Guilford*: For Remedy whereof,

Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Inferior Court of the ſaid reſpective Counties ſhall, at the firſt or ſecond Court held after the paſſing of this Act, divide their reſpective Counties into as many Diſtricts as they may judge neceſſary and moſt convenient for the Inhabitats to work on the Roads, and at the ſame Time the ſaid Court ſhall nominate and appoint proper Perſons to be Commiſſioners of the Roads in each of the ſaid Diſtricts; which ſaid Commiſſioners, or the Majority of them, in their reſpective Diſtricts, are hereby veſted with all Powers reſpecting Roads, Bridges, and clearing of Rivers and Creeks, and ſhall be ſubject to the ſame Pains and Penalties, for Neglect of Duty, as the Commiſſioners of the Roads were veſted with or were liable to, by an Act of Aſſembly of this Province, when in Force, intituled, *An Act for Impowering the ſeveral Commiſſioners herein after named to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courſes, already laid out in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful for the Public.*

Method of working on Roads in ſeveral Counties, altered.

III. *PROVIDED nevertheleſs*, That no Perſon ſhall be liable to work on any Road, River, or Creek, more than Twelve Days in One Year. And in Caſe the Commiſſioners of any of the ſaid Diſtricts, ſhall be ſued or indicted on Account of any Road, River, or Creek, ſuch Commiſſioners making Proof of having worked all the Perſons in their Diſtrict liable thereto Twelve Days in each Year, ſhall be exempt from any Recovery, Fine, Penalty, or Coſts, whatſoever.

To work but 12 Days in a Year.

A. D. 1771.

Commiſſioners to be kept up.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That in Caſe any Commiſſioner or Commiſſioners to be named by Virtue of this Act, ſhall refuſe or neglect to take upon him or them ſuch Office, or, having accepted, ſhall die, or remove out of his Diſtrict, the remaining or ſurviving Commiſſioner or Commiſſioners of ſuch Diſtrict ſhall, and are hereby required, impowered, and directed, to appoint another, or others, in his or their Room; who ſhall have the ſame Powers, and ſhall be liable to the ſame Pains and Penalties, as the Commiſſioners have and are liable to, who are to be appointed under this Act.

Repealing Clauſe.

V. *AND be it further Enacted, by the Authority aforeſaid,* That ſo much of a former Act, paſſed in the Fifth Year of the Reign of his preſent Majeſty, as relates to the Power or Appointment of Overſeers of the Roads, ſhall from henceforth be repealed, with reſpect to the ſaid Counties of *Bladen, Mecklenburg* and *Guilford.*

CHAP. III.

An Act to impower the Churchwardens and Veſtrymen of the Pariſh of St. Gabriel's *in the County of* Duplin, *to ſell the Glebe in the ſaid Pariſh and County*

Preamble.

I. WHEREAS the Situation of the Glebe in the Pariſh and County aforeſaid is found to be inconvenient, and the ſame much out of Repair.

Glebe to be ſold.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That it ſhall and may be lawful for the Churchwardens and Veſtrymen of the ſaid Pariſh, or the Majority of them, or their Succeſſors, to ſell and diſpoſe of the ſaid Glebe, and the Money ariſing from ſuch Sale to be apropriated towards purchaſing a Glebe, ſituate in a more convenient Part of the ſaid Pariſh; which Glebe ſo purchaſed, ſhall be veſted in the ſaid Churchwardens and Veſtrymen, and their Succeſſors, in the ſame Manner, and to the ſame Uſes and Purpoſes, as other Glebes are by the Laws of this Province inveſted in the Churchwardens and Veſtrymen of their reſpective Pariſhes.

CHAP. IV.

An Act to enable the Freeholders of the Pariſh of St. John, *in the County* Paſquotank, *to elect a Veſtry, and provide for their Poor.*

Preamble.

I. WHEREAS the Poor of the Pariſh of *St. John*, in the County of *Paſquotank*, labour under great Diſtreſs, by Reaſon that Perſons heretofore elected to conſtitute a Veſtry have neglected to qualify and act agreeable to Law:

Veſtry to be elected.

II. *BE it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the Sheriff of the County of *Paſquotank* ſhall give Notice, according to Law, to the Freeholders of the ſaid Pariſh, to meet at the Court-Houſe on the Firſt *Monday* in *March* next, then and there to chooſe and elect Twelve Veſtrymen, who ſhall be of the eſtabliſhed Church, according to the Rules, Limitations, and Reſtrictions, of an Act, intituled, *An Act to amend and continue an Act, intituled, An Act concerning Veſtries.* And when the Perſon ſo choſen ſhall have qualified agreeable to Law, they ſhall be deemed, taken, and eſteemed a lawful Veſtry; and are hereby inveſted with all the Power and Authority that other Veſtries within this Province are poſſeſſed of, agreeable to Law, until a re-Election at the Time directed by an Act, intituled, *An Act to amend and continue an Act concerning Veſtries.*

Tax laid.

III. AND that the Veſtry may be enabled, as ſoon as may be, to provide for the Poor of the Pariſh; *Be it further Enacted, by the Authority aforeſaid,* That a Tax of Sixpence ſhall be levied on every taxable Perſon within the ſaid Pariſh of *St. John*, for the Year One Thouſand Seven Hundred and Seventy One, and collected by the Sheriff of the County with the Public Taxes for that Year; which Tax ſhall be paid by him to the Veſtrymen and Churchwardens, under the ſame Rules and Regulations, as if the ſaid Tax had been laid by a Veſtry, and ſhall be applied to the Uſe of the Poor, at the Diſcretion of the Veſtry.

Pen. on the Sheriff for Neglect of Duty.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the County Court of *Paſquotank* ſhall inquire into the Execution of this Act, and if the Sheriff ſhall have refuſed or neglected to do what is hereby required of him by this Law, he ſhall forfeit and pay the Sum of Twelve Pounds, to the Uſe of the Poor of the ſaid Pariſh; to be recovered by Bill, Plaint, or Information, the ſaid Court appointing one of their Members Plaintiff for that Purpoſe: And on the Information of the Sheriff, on Oath, ſuch of the Perſons choſen for Veſtrymen as ſhall have refuſed or neglected to act agreeable to Law, ſhall forfeit and pay the Sum of Three Pounds each; and the Money ariſing from the Fines and Forfeitures herein mentioned, ſhall be applied by the Court to the Maintenance of the Poor, in the ſame Manner as the Veſtry might apply it.

If no Veſtry, Tax to be paid the Court.

V. *AND be it further Enacted, by the Authority aforeſaid,* That if through the Neglect of the Sheriff, or Perſons elected, there ſhould be no Veſtry or Churchwardens, the Tax of Sixpence *per* Poll hereby laid, and to be collected by the Sheriff, ſhall be paid by him to the Court of the County, at

at the next Court ſucceeding the Tenth Day of *June*, in the Year One Thouſand Seven Hundred and Seventy Two, and ſhall by the Court be applied to the Uſe of the Poor, with the ſame Power and Authority as the Churchwardens and Veſtry might uſe: And the ſaid Inferior Court are hereby inveſted with the ſame Powers and Authority, to compell the Sheriff to account for the Tax hereby impoſed, as the Veſtry and Churchwardens might uſe. *A. D.* 1771.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of the afore-recited Act, as comes within the Purview and Meaning of this Act, is hereby declared to be null and void. Repealing Clauſe.

CHAP. V.

An Act for appointing an Agent, to ſollicit the Affairs of this Province at the ſeveral Boards in England.

I. WHEREAS it is neceſſary that ſome Perſon, properly qualified, be appointed by Public Authority to ſollicit and truly repreſent the Affairs of this Province at the ſeveral Boards in *England:* Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Henry Euſtace M'Culloch*, Eſquire, be, and is hereby appointed Agent for this Province, to ſollicit, repreſent, and tranſact, all ſuch Public Affairs and Buſineſs now relating to the ſaid Province, or that ſhall or may be moved concerning the ſame at any of the ſaid Boards in *England*, according as he ſhall, from Time to Time, find Occaſion, or be directed and inſtructed by the Committee of Correſpondence herein after appointed; and the ſaid *Henry Euſtace M'Culloch* ſhall have and receive, for his Trouble and Expences in ſolliciting the Affairs and Public Concerns of this Province, the Sum of Three Hundred Pounds Sterling, paid in *London* annually, to be paid by Warrant from his Excellency the Governor, or Commander in Chief for the Time being, out of the Public Treaſury, to the ſaid Committee, and by them be remitted to the ſaid Agent. Agent appointed. His Salary.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Honourable *Lewis Henry De Roſſett*, and *Marmaduke Jones*, Eſquires, *Richard Caſwell*, *John Harvey*, *James Moore*, *Joſeph Montfort*, *Robert Howe*, *Maurice Moore*, and *Cornelius Harnett*, Eſquires, or the Majority of them, or the Majority of the Survivors of them, be, and they are hereby nominated and appointed a Committee, to correſpond with, and from Time to Time, during the Continuance of this Act, to adviſe, direct, and inſtruct, the ſaid *Henry Euſtace M'Culloch*, in all ſuch Matters relating to this Province, as may be moved or ſollicited, or that they may think proper at any Time to move or ſollicit, before any of the Boards in *England:* And the ſaid Committee ſhall, from Time to Time, when thereto required, lay before the General Aſſembly of this Province the Advices they ſhall receive from the ſaid Agent; and alſo Copies of ſuch Diſpatches, Orders, and Directions, as they ſhall ſend to him. Committee of Correſpondence appointed.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Term of Two Years, from and after the Second Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Seventy One, and no longer. Continuance of the Act.

CHAP. VI.

An Act to amend an Act, intituled, An Act What Fences are ſufficient; *and to amend and continue an Act relating to taking up ſtray Horſes.*

I. WHEREAS Diſputes daily ariſe between many of the Inhabitants of this Province, by Reaſon of the Ambiguity of the before recited Act: Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Planter ſhall make a ſufficient Fence about his cleared Ground under Cultivation, where no navigable Stream or deep Water Courſe ſhall be, that may be deemed ſufficient, inſtead of a Fence Five Feet high, and the Rails near together until the Fence be Three Feet high from the Ground. What Fences ſufficient.

III. *AND be it further Enacted, by the Authority aforeſaid*, That upon Complaint made by any Perſon whatſoever to any Magiſtrate of the County, of any Treſpaſs or Damages done by Horſes, Cattle, or Hogs, it ſhall and may be lawful for ſuch Magiſtrate, and he is hereby authorized, impowered, and required, to ſummon, or cauſe to be ſummoned, Three Freeholders, indifferently choſen, who, together with himſelf, ſhall view and examine, on Oath, whether the Complainant's Fence be ſufficient or not, and what Damages he hath ſuſtained by Means of the Treſpaſs, and certify the ſame from under their Hands and Seals; and if it ſhall appear that the ſaid Fence be ſufficient, then the Owner of ſuch Horſes, Cattle, or Hogs, ſhall make full Satisfaction for the Treſpaſs or Damages to the Party injured; to be recovered before any Juriſdiction having Cognizance thereof: But if it ſhall appear that the ſaid Fence be inſufficient, then whatever Damages ſuch Perſon ſhall ſuſtain by Means of ſuch Treſpaſs, the Owner of ſuch Horſes, Cattle, or Hogs, ſhall not be liable to make Satisfaction for ſuch Injury. Method of Proceeding in Caſe of Treſpaſs by Horſes, &c.

IV. *AND*

A. D. 1771.

Pen for Damage done to Horſes, &c.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That if any Perſon whoſe Fence ſhall be adjudged inſufficient, ſhall with Guns, Dogs, or otherwiſe, unreaſonably chaſe, worry, maim, or kill, any Horſes, Cattle, or Hogs, or cauſe the ſame to be done, ſuch Perſon ſo offending ſhall make full Satisfaction for ſuch Damages to the Party injured; to be recovered as aforeſaid.

Preamble.

V. WHEREAS an Act, paſſed at *Newbern* the Fifth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Sixty Eight, intituled, *An Act for preventing the frequent Abuſes in taking up and ſecreting ſtray Horſes in the Counties of* Orange, Granville, Bute, Rowan, Anſon, Mecklenburg, Johnſton, Dobbs, Halifax, Edgcomb, Northampton, Hertford, Tyrrell, Craven, *and* Pitt, will expire at the End of this preſent Seſſion of Aſſembly; and whereas the ſaid Act hath been of great Utility, and ſingular Service, to many Perſons whoſe Horſes have ſtrayed from them in the Counties afore mentioned, as well as in many of the neighbouring Counties, it is thought neceſſary and expedient that the ſame ſhould be amended and continued: *Be it therefore Enacted, by the Authority aforeſaid,* That every Perſon who ſhall hereafter take up any ſtray Horſe, Mare, Gelding, or Colt, and ſhall refuſe or neglect to lead the ſame to the Owner, if known, if not, then to the Ranger of the County as aforeſaid, within the Time, and according to the Directions of the ſaid Act; or ſhall make Uſe of any ſuch Stray, before the ſame ſhall be appraiſed as aforeſaid; he, ſhe, or they, ſo offending, ſhall, for every Offence, forfeit and pay, to any Perſon that ſhall ſue for the ſame, the Sum of Four Pounds Nineteen Shillings, Proclamation Money; to be recovered by an Action of Debt, before any Juriſdiction having Cognizance thereof, and be further liable to an Action of the Owner or Party grieved.

Pen. for uſing Strays before appraiſed.

Method where Strays are taken up.

VI. AND to the End that Strays may be as publicly known as poſſible, and not ſecreted from their Owners by the Perſon taking up the ſame: *Be it further Enacted, by the Authority aforeſaid,* That every Perſon taking up any Stray as aforeſaid, ſhall, at the next ſucceeding Court of the County where the ſame ſhall be taken up, advertiſe, or cauſe to be advertiſed, the Marks, Brand, Stature, Age, and Appraiſement of the ſaid Stray, together with the Time of taking up, and Place of Abode of the Perſon taking up the ſame, as deſcribed in the Ranger's Book; which Advertiſement ſhall be affixed up at or near the Court-Houſe Door, during the ſitting of the ſaid Court, under the Penalty of Four Pounds, Proclamation Money; to be recovered by any Perſon who ſhall ſue for the ſame, by an Action of Debt, before any Juriſdiction having Cognizance thereof, and be further liable to an Action of the Owner or Party grieved.

Counties where this Act inforced.

VII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act, together with the ſaid recited Act, ſhall be extended to, and be in Force in, the Counties of *Tryon, Guilford, Surry, Bertie, Duplin, Cumberland,* and *Wake*, in as full and ample a Manner as in the Counties mentioned in the before recited Act.

Acts continued.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act, and the Act before recited, as by this Act amended, ſhall be and continue in Force for and during the Term of Three Years, and from thence to the next Seſſion of Aſſembly, and no longer.

CHAP. VII.

An Act to impower the Freeholders of the ſeveral Pariſhes therein mentiond to elect Veſtries for their reſpective Pariſhes.

Preamble.

I. WHEREAS the Veſtrymen elected for *Unity* Pariſh, in *Guilford* County, and the Veſtrymen elected for *St. Margaret's* Pariſh, in *Wake* County, neglected to qualify agreeable to Law, whereby the ſaid Pariſhes are without Veſtries:

Veſtries to be elected.

II. *BE it Enacted by the Governor, Counil, and Aſſembly, and by the Authority of the ſame,* That the Freeholders of the ſaid Pariſhes reſpectively ſhall, and they are hereby required, to meet at the Court-Houſe in their reſpective Counties on *Eaſter Monday* next after the paſſing hereof, to elect and chooſe Twelve Freeholders of the ſaid Pariſh to ſerve as Veſtrymen; which Elections ſhall be made by the Sheriff, under the like Rules and Reſtrictions, Pains and Penalties, as well with Reſpect to the Sheriffs as the Freeholders of the ſaid Pariſhes, as other Elections of Veſtries in this Province are by Law appointed to be made: And the Freeholders ſo elected Veſtrymen for the ſaid Pariſhes reſpectively, after taking the Oaths by Law appointed for their Qualification, ſhall be, and they are hereby declared from thenceforth to be Veſtries of the ſaid Pariſhes reſpectively, until the general Election of Veſtrymen throughout this Province, and ſhall execute and uſe the ſame Powers and Authorities as other Veſtries of this Province may, can, or ought to exerciſe.

Pen. on Veſtrymen neglecting to qualify.

III. *AND be it further Enacted, by the Authority aforeſaid,* That every Perſon elected or choſen as a Veſtryman in any of the ſaid Pariſhes, who ſhall neglect or refuſe, on Notice given by the Sheriff, to appear and qualify agreeable to Law, ſuch Veſtrymen, ſo refuſing or neglecting, ſhall forfeit and pay the Sum of Three Pounds; to be recovered before any Juſtice of the Inferior Court of the County, in the Name of the Sheriff, by any Perſon who ſhall ſue for the ſame; to be paid to the Sheriff of the County, and to be accounted for, and paid by him, to the Inferior Court of the County, to the Uſe of the Poor of the Pariſh.

IV. *PROVIDED*

A. D. 1771.

IV. *PROVIDED nevertheleſs*, That no Diſſenter from the Church of *England* ſhall be elected a Veſtryman for either of the ſaid Pariſhes; any Thing herein contained, to the contrary, notwithſtanding. Diſſenters not to be elected.

V. AND whereas by the Diviſion of *Orange* County, the Majority of the Veſtrymen elected for *St. Matthew*'s Pariſh, in the County aforeſaid, reſide in the Counties of *Chatham* and *Guilford*, whereby the ſaid Pariſh is without a Veſtry; *Be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Freeholders of the ſaid Pariſh of *St. Matthew*, in *Orange* County, and they are hereby required, to meet at the Court-Houſe in *Hillſborough*, on *Eaſter Monday* next, then and there to elect Veſtrymen; which Veſtrymen ſo elected, after due Qualification, ſhall be the Veſtry of the ſaid Pariſh, and ſhall be intitled to the ſame Privileges, inveſted with the ſame Powers, and ſubject to the ſame Pains and Penalties, as the other Veſtries to be elected in Virtue of this Act. Veſtry to be elected for St. Matthew's Pariſh.

VI. AND whereas for the Want of a Sheriff in the County of *Surry*, no Election of Veſtrymen was made in the Pariſh of *St. Judes*'s on *Eaſter Monday* laſt; *Be it therefore Enacted, by the Authority aforeſaid*, That the Freeholders of the ſaid Pariſh ſhall, and are hereby directed, to meet on *Eaſter Monday* next after the paſſing of this Act, at the uſual Place of holding Courts for the ſaid County, and then and there chooſe and elect Twelve Freeholders to ſerve as Veſtrymen; which Veſtrymen, after due Qualification, ſhall be, and are hereby inveſted with as full Power and Authority, to act and do in all Things, as any Veſtrymen elected or choſen in Virtue of any Act of Aſſembly of this Province. For St. Jude's Pariſh.

CHAP. VIII.

An Act for the further enabling Francis Locke, Andrew Alliſon, Griffith Rutherford, *and* William Temple Coles, *former Sheriffs of* Rowan *County, to collect the Arrearages of Taxes.* Had its Effect.

CHAP. IX.

An Act to amend an Act, intituled, An Act for founding, eſtabliſhing, and endowing, of Queen's *College, in the Town of* Charlotte, *in* Mecklenburg *County.* The Act which this amends, repealed.

CHAP. X.

An Act to indemnify ſuch Perſons as have acted in Defence of Government, and for the Preſervation of the public Peace of this Province, during the late Inſurrection, from vexatious Suits and Proſecutions.

I. WHEREAS during the late Inſurrection, which began in or about the Month of *December*, in the Year of our Lord One Thouſand Seven Hundred and Seventy, divers Officers of the Militia, Juſtices of the Peace, Conſtables, and other Officers and Perſons, well affected to his Majeſty and his Government, in Order to preſerve our preſent happy Eſtabliſhment and the Peace of this Colony, and to ſuppreſs and put an End to the ſaid Inſurrection, apprehended and put into Cuſtody, and impriſoned, or cauſed to be apprehended, put into Cuſtody, and impriſoned, ſeveral Criminals, and Perſons who they ſuſpected had or might diſturb the Public Peace, or foment or promote Riots, Tumults, Inſurrections or evil Deſigns againſt the Government; and alſo ſeized and uſed ſeveral Horſes, Arms, and other Things; and alſo preſſed divers Horſes, Carts, and Carriages, for the Service of the Public: And for the Purpoſes aforeſaid, entered into the Houſes and Poſſeſſions of ſundry Perſons, and did divers Acts which could not be juſtified by the ſtrict Forms of Law, and yet were neceſſary, and ſo much for the Service of the Public, that they ought to be juſtified by Act of Aſſembly, and the Perſons by whom they were tranſacted ought to be indemnified: Preamble.

II. *Be it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That all perſonal Actions and Suits, Indictments, Informations, and all Moleſtations, Proſecutions, and Proceedings whatſoever, and Judgments thereupon if any be, for or by Reaſon of any Matter or Thing adviſed, commanded, or appointed to be done, during the Inſurrection, and until the 10th Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Seventy One, in Order to ſuppreſs the ſaid Inſurrection, or for the Preſervatian of the public Peace, or for the Service or Safety of the Government, ſhall be diſcharged and made void; and that every Perſon by whom any ſuch Act, Matter, or Thing, ſhall have been ſo adviſed, commanded, appointed, or done, for the Purpoſes aforeſaid, or any of them, before the ſaid Tenth Day of *July*, ſhall be freed, acquitted, and indemnified, as well againſt the King's Majeſty, his Heirs and Succeſſors, as againſt all and every other Perſon or Perſons; and that if any Action or Suit hath been, or ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any ſuch Act, Mater, or Thing, ſo adviſed, commanded, appointed, or done, for the Purpoſes aforeſaid, or any of them, before the ſaid Tenth Day of *July*, he, ſhe, or they, may plead the General Iſſue, and give this Act and the Special Matter in Evidence; Indemnity againſt Actions that may be brought for any Thing done during the Inſurrection.

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dence: And if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear further Proſecution, or ſuffer Diſcontinuance, or if a Verdict paſs againſt ſuch Plaintiff or Plaintiffs, the Defendant or Defendants ſhall recover his, her, or their full Coſts, for which he, ſhe, or they, ſhall have the like Remedy as where Coſts by Law are given to Defendants in other Caſes.

Not to extend to Bonds &c. detained.

III. *PROVIDED nevertheleſs*, That nothing herein contained ſhall be conſtrued to extend to, or debar any Perſon or Perſons, from his, her, or their Right of ſuing for and recovering any Bonds, Notes, or Book Accounts, detained from them by any Perſon or Perſons whatſoever.

CHAP. XI.

An Act to amend an Act, intitled, An Act for regulating the Pilotage of Cape Fear *River, and other Purpoſes.*

Preamble.

I. WHEREAS it has been the uſual Practice of the Branch Pilots, for the Bar of *Cape Fear* River to be equally concerned in the Profits ariſing from the Pilotage of Veſſels over the ſaid Bar, which has been found from Experience to be prejudicial to Trade: For Remedy whereof,

Pilots to take this Oath.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Pilot having a Branch for the Bar of *Cape Fear* River, ſhall within Three Months after the paſſing of this Act, take the following Oath before any Two Juſtices of the Peace of the County wherein ſuch Pilot reſides, *viz.*

I *A. B. do ſolemnly ſwear that I am not at this Time, neither will I at any Time hereafter, during my Continuance as a Branch Pilot for the Bar of* Cape Fear *River, be concerned in any Kind of Partnerſhip with more than Three Branch Pilots, ſo as to receive any Share or Benefit therefrom to myſelf or Family.* SO HELP ME GOD.

Pen. for Neglect.

And the ſaid Two Juſtices ſhall, on adminiſtering ſuch Oath, deliver to ſuch Pilot a Certificate thereof, under their Hands and Seals; and every Branch Pilot refuſing or neglecting to take the ſaid Oath, and obtain a Certificate as aforeſaid, ſhall forfeit his Branch; any Thing contained in the before-recited Act, to the contrary, notwithſtanding.

Captain of Fort Johnſton to order Pilots to Sea.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Captain of Fort *Johnſton* ſhall, and he is hereby authorized and impowered, to order any One or more of the Branch Pilots to Sea whenever he has Reaſon to believe any Veſſels are on the Coaſt; and any Branch Pilot or Pilots, refuſing or neglecting to obey ſuch Order (Wind and Weather permitting) ſuch Diſobedience or Neglect ſhall be certified by the ſaid Captain of Fort *Johnſton* to the Commiſſioners of the Pilotage of *Cape Fear* River; who are hereby impowered to ſuſpend ſuch Pilot or Pilots, until the Pleaſure of the Governor, or Commander in Chief for the Time being, ſhall be known.

Pilots to keep decked Boats.

IV. AND whereas the keeping of decked Boats to attend the Pilotage of the ſaid Bar of *Cape Fear* River is found from Experience to be neceſſary; *Be it further Enacted, by the Authority aforeſaid*, That every Branch Pilot of the ſaid Bar ſhall, and he is hereby required, to keep a decked Boat, or be concerned with ſome other Branch Pilot who ſhall have a decked Boat, under the Penalty of forfeiting his Branch; any Thing in the before-recited Act, to the contrary, notwithſtanding.

Ballaſt not to be thrown in the River.

V. AND to prevent any Kind of Ballaſt or Traſh being thrown into the Channel of the ſaid River of *Cape Fear*; *Be it further Enacted, by the Authority aforeſaid*, That every Maſter of a Veſſel coming into the ſaid River ſhall, upon his Arrival at Port *Brunſwick*, take the following Oath before the Collector, or his Deputy, who is hereby impowered and required to adminiſter the ſame, *viz.*

Maſter of the Veſſels Oath.

I *A. B. do ſolemnly ſwear that I have not, nor will I, directly or indirectly, cauſe or ſuffer any Kind of Ballaſt brought in by my Veſſel to be thrown into any Part of the Channel of* Cape Fear *River, but that the ſame ſhall be landed, or thrown entirely above low Water Mark.* SO HELP ME GOD.

Pen. for throwing Ballaſt in the River.

And if any Kind of Ballaſt ſhall after the paſſing of this Act be thrown out of any Veſſel into any Part of the Channel of the ſaid River, by any Sailor, Mariner, or other Perſon whatſoever, the Maſter or Commander of ſuch Veſſel, upon due Proof being made thereof, ſhall forfeit and pay the Sum of Two Hundred Pounds, Proclamation Money; to be recovered by any Perſon who ſhall ſue for the ſame, by Action of Debt, in the Superior Court of the Diſtrict of *Wilmington*; One Half to the Proſecutor, and the other Half to the Commiſſioners of the Pilotage of *Cape Fear* River, to be by them applied to the Benefit of the Navigation of the ſaid River.

Suit to be brought within Twelve Months.

VI. *PROVIDED always*, That no Recovery ſhall be had thereon, unleſs Suit be brought within Twelve Months after the Time the ſaid Offence ſhall have been committed.

Pen. on Pilots ſuffering Ballaſt to be thrown into the River.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Branch Pilot of the ſaid River of *Cape Fear* ſhall knowingly ſuffer any Kind of Ballaſt or Traſh to be thrown out of any Veſſel into any Part of the Channel of the ſaid River, and ſhall not, within Ten Days after ſuch Offence being committed, make Information thereof to one or more of the ſaid Commiſſioners of the Pilotage, ſuch Branch Pilot ſhall, upon Proof thereof being made by one or more creditable Witneſſes, forfeit his

his Branch, and be rendered for ever thereafter incapable of acting as a Branch Pilot for the said River. A. D. 1771.

VIII. *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, shall be, and is hereby repealed and made void, to all Intents and Purposes, as if the same had never been made. Repealing Clause.

CHAP. XII.

An Act to amend an Act, intituled, An Act for regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same.

I. WHEREAS Fees for many Services by Law enjoined to be performed by the Governor of this Province are altogether omitted in the above mentioned Act, and others so ambiguously expressed, that it is become doubtful what Fees he is legally intitled to for the Services therein mentioned: For Remedy whereof, Preamble.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same,* That from and after the passing of this Act, it shall and may be lawful for the Governor, or Commander in Chief of this Province for the Time being, to receive and take the following Fees for the several Services herein after mentioned, *to wit,*

For Governor's Fees:

	£.		
A Charter,	10	0	0
A Marriage Licence,	1	0	0
An Ordinary Licence,	1	0	0
An Attorney's Licence in the Superior Courts,	3	0	0
An Attorney's Licence in the Inferior Courts,	1	10	0
The Probate of a Will,	0	5	0
Granting Administration on an Intestate's Estate, and qualifying the Administrator,	0	10	0
Letters of Administration or Testamentary,	0	5	4
An Assignment of an Administration Bond,	0	5	4
A Testimonial under the Colony Seal,	1	0	0
A Chief Justice's Commission,	5	0	0
A Chief Baron of the Exchequer's Commission,	2	0	0
An Associate Justice's Commission,	2	0	0
A Judge of the Admiralty's Commission,	1	0	0
An Attorney General's Commission,	2	0	0
A Secretary's Commission,	5	0	0
A Deputy Auditor General's Commission,	1	0	0
A Clerk of the Plea's Commission,	3	0	0
A Clerk of the Council's Commission,	1	0	0
A Captain of Fort *Johnston*'s Commission,	1	0	0
A Collector's Commission,	1	0	0
A Comptroller's Commission,	0	10	0
A Sheriff's Commission,	0	10	0
A Coroner's Commission,	0	10	0
A Register's Commission,	0	10	0
A Notary Public's Commission,	0	10	0
A Ranger's Commission,	0	10	0
A Naval Officer's Commission,	1	0	0
An Assignment of a Ship's Bond,	0	5	4
A Ship's Register,	0	13	4
A Pilot's Branch,	0	10	0
An undecked Vessel's Register,	0	7	6
Each Patent for Land,	0	6	8
Every Hundred Acres contained in a Warrant for Land,	0	5	4

In CHANCERY.

For His Fees in Chancery:

Signing a Decree,	0	10	0
Every Subpœna,	0	2	8
Signing an Injunction,	0	7	6
A *Ne Exeat*,	2	0	0
Hearing and determining any Cause,	2	0	0
An Interlocutary Decree,	1	0	0
Signing an Exemplification of a Decree,	0	5	0
Signing an Exemplification of the whole Proceedings in any Cause under Seal,	1	0	0
Every *Dedimus Potestatem*, Attachment, Commission of Rebellion or Sequestration,	0	5	4
Dismissing every Bill, where the Cause does not come to Trial, or final Hearing,	1	0	0
Setting down every Cause for Hearing,	0	2	8
Every Writ of Execution of a Decree,	0	5	4
Every Order made on Motion or Petition,	0	1	4

And

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And that the Governor's Private Secretary may take and receive to his own Uſe the following Fees, and no more, *to wit*,

Private Secretary's Fees.

		£.		
For	Drawing the Certificate for the Probate of a Will,	0	5	0
	Drawing every Teſtimonial,	0	5	0
	Every Warrant for Land,	0	2	8
	The Great Seal,	0	2	8
	The Seal at Arms,	0	2	8
	Drawing an Aſſignment of an Adminiſtration or Ship's Bond,	0	5	0
	Making out every Commiſſion, to which the Seal at Arms is affixed,	0	5	4
	Filling up Letters of Adminiſtration, taking Bond, and all Services,	0	10	8
	Filling up Letters Teſtamentary,	0	10	8

III. AND alſo, whereas, by Reaſon of the Uncertainty and Ambiguity of the ſaid Act, ſundry Diſputes have ariſen concerning what Fees Public Regiſters may lawfully take for Services by them to be performed; *Be it Enacted, by the Authority aforeſaid*, That for the future the following Fees only ſhall be received by the Public Regiſters of the ſeveral Counties within this Province, *to wit*,

Public Regiſter's Fees.

		£.		
For	Regiſtering every Birth, Burial, or Marriage,	0	0	8
	Regiſtering every ſeparate Deed of Conveyance of Lands, including the Certificate of being proved, Relinquiſhment of Dower, Order for Regiſtration, and Certificate of Regiſtration, and all Indorſements thereof, Conveyances by Leaſe and Releaſe, to be conſidered as ſeparate Deeds, or Copy thereof,	0	4	0
	Regiſtering every other Inſtrument of Writing, or Copy thereof,	0	2	8
	Every Search,	0	0	8

To keep Tables of their Fees fixed up in their Offices.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That each reſpective Public Regiſter ſhall, within Eight Months after the Ratification of this Act, ſet up in ſome Public Place in his Office, a Table of the Fees that may be taken according to the Directions of this Act, and ſhall keep the ſame up, under the Penalty of Five Shillings for every Day ſuch Table ſhall not be ſo fixed up; to be recovered by a Warrant before any Juſtice of the County, by any Perſon proſecuting for the ſame.

Pen for taking larger Fees.

V. *AND be it further Enacted, by the Authority aforeſaid*, That if any Public Regiſter ſhall demand, extort, exact, or receive, under Colour of his Office, any other or larger Fees than what is particularly mentioned in this Act, or ſhall refuſe to do the particular Service in his Office for the Fees in this Act expreſſed, ſuch Public Regiſter ſhall, for every ſuch Offence or Default, forfeit the Sum of Five Pounds; to be recovered, by Action of Debt or otherwiſe, before any Juriſdiction having Cognizance thereof, by any Perſon who ſhall ſue for the ſame.

Proſecutions to be within Twelve Months.

VI. *PROVIDED always*, That ſuch Proſecution ſhall be commenced within Twelve Months after the Offence is committed, and not after.

Repealing Clauſe.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That all Clauſes, Matters, and Things, in the before recited Act, ſo far as is within the Purview and Meaning of this Act, is and are hereby repealed, and declared to be null and void, to all Intents and Purpoſes.

CHAP. XIII.

An Act to continue an Act, intituled, An Act to encourage the deſtroying of Vermin in the ſeveral Counties therein-mentioned.

Preamble.

I. WHEREAS the Act to encourage the deſtroying of Vermin in the ſeveral Counties therein-mentioned, made in the Year of our Lord One Thouſand Seven Hundred and Sixty Nine, is now near expiring, and the ſame being found by Experience to be of Utility:

Act continued.

II. *BE it Enacted by the Governor, Counil, and Aſſembly, and by the Authority of the ſame*, That the before-recited Act, and every Clauſe and Article therein, continue and be in Force from and after the paſſing of this Act, for and during the Space of Five Years, and from thence to the End of the next Seſſion of Aſſebly, and no longer.

Inforced in Onſlow County.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid recited Act, and each and every Clauſe and Article in the ſame, ſhall extend to, and be in Force in, the County of *Onſlow*, in as full and ample Manner, to all Intents and Purpoſes, as if the ſaid County had been particularly named in the ſaid Act.

CHAP.

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CHAP. XIV.

An Act to impower the Officers therein mentioned, in certain Cases, to take the Poll at the Election of Members to serve in the General Assembly.

Preamble.

I. WHEREAS no Officer except the Sheriff, or his Deputy, is appointed by Law to take the Poll at the Election of Members to serve in the General Assembly for this Province; and as a Sheriff may die, or be disqualified, so near the Day of Election, that no Sheriff can be appointed in Time to take the Poll, by which Means some Counties may not have Representatives to appear for them during a whole Session of Assembly, and receive great Injury thereby:

Coroner may take the Poll where no Sheriff.

II. *BE it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same,* That from and after the passing of this Act, in Case of the Death or Disqualification of any Sheriff, or from any other Cause whatever, by which a County may be without a Sheriff, at the Time of any Election, that the Coroner in any County where such shall be held, or, where there are more Coroners than One, that the Coroner living nearest the Place where such Election shall be held, shall, and is hereby impowered and required, to receive the Writs of Election for such County, and to proceed thereon in the same Manner that Sheriffs are by Law directed to proceed, and shall be under the same Rules and Regulations, and subject to the same Penalties, that Sheriffs are by Law liable and subject to; which Writ of Election so proceeded upon, and the Return made by such Coroner, shall be deemed as valid, to all Intents and Purposes, as if performed by the Sheriff; any Law, Usage, or Custom to the contrary, notwithstanding.

CHAP. XV.

Had its Effect.

An Act to enlarge the Time for several Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned.

CHAP. XVI.

An Act for amending an Act, intituled, An Act for erecting in the Town of Salisbury *a Public Goal, Pillory, and Stocks, for the District of* Salisbury, *in this Province.*

Preamble.

I. WHEREAS the Trustees appointed in the before-recited Act, by Reason of the late Insurrection preventing the Collection of Taxes, have not been able to discharge the Trust reposed in them within the Time limited by the said Act:

Trustees for building a Gaol, &c.

II. *BE it therefore Enacted by the Governor, Council, and Assembly, and by the Authority of the same,* That *Matthew Locke, John Dunn, James Kerr, William Steel,* and *James Dobbin,* be, and are hereby appointed Trustees, in the Room of those appointed as aforesaid, and impowered to agree and contract with any Person or Persons for superintending and finishing the said Goal, Pillory and Stocks, in Manner as in the said Act is directed, with the same Powers, and under the same Restrictions, as the former Trustees by the before-recited Act appointed.

Tax laid for building the same.

III. AND whereas the Tax heretofore laid on the several taxable Persons in the District of *Salisbury*, hath been found to be insufficient to finish and compleat the said Goal, Pillory and Stocks; *Be it Enacted, by the Authority aforesaid,* That a Poll-tax of One Shilling be laid on the taxable Persons in the County of *Rowan*, and Eight Pence on the taxable Persons in each of the other Counties in the said District, for one Year; which said Tax shall be collected, and accounted for, in the same Manner as in the before-recited Act is directed.

Trustees Power to receive Monies for carrying on the Buildings.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Trustees by this Act appointed shall be, and they are hereby invested with full Power and Authority, to receive into their Hands all Monies heretofore collected or received, by any Person or Persons whatsoever, in Virtue of any Act or Acts of Assembly, or in Virtue of any Order of the Inferior Court of the County of *Rowan*, for the Purposes of erecting a Goal for the County, or for the District of *Salisbury*; and also all Monies that may become due or arising from the Taxes within the District of *Salisbury*, in Virtue of the aforesaid Act, and this Act; and on Neglect or Refusal, to proceed against all such Delinquents in the same Manner as prescribed in the said Act.

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CHAP. XVII.

An Act, for amending an Act, intituled, An Act, for the better Regulation of the Town of Newbern, *and for securing the Titles of Perſons who hold Lots in the ſaid Town.*

Preamble.

I. WHEREAS the Freeholders of the Town of *Newbern* did neglect to meet at the Court-houſe in the ſaid Town on the Second Tueſday in *November* laſt, and elect Commiſſioners, according to the Directions of the ſaid Act:

Commiſſioners to be elected.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That it ſhall and may be lawful for the Freeholders of the ſaid Town, to meet on the Fourth Tueſday in *January* next, at the Court-houſe, and elect Five Freeholders to be Commiſſioners, until the uſual Time of electing Commiſſioners for the ſaid Town; which Election ſhall be held by the Sheriff of *Craven* County, in the ſame Manner as ſuch Elections have been heretofore held: And the Commiſſioners ſo elected, before they enter upon the Execution of their Office, ſhall take the Oath by the above-recited Act directed, and thereafter ſhall be veſted with, and are hereby declared to have the ſame Powers and Authorities, to all Intents and Purpoſes, as if ſuch Commiſſioners had been elected on the Second *Tueſday* in *November* laſt; any Law to the contrary notwithſtanding.

Commiſſioners to lay out a Street, and make Regulations.

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 directed, impowered and required, to lay out a Street from the North Side of *Pollock* Street, at right Angles with the Eaſt and Weſt Corners of the North Front of the Palace, to the Bounds of the Town; which ſaid Street ſo laid out, ſhall be called and known by the Name of *George* Street; and that the Street called *Eden* Street, from *Pollock* Street Northward, be thenceforth diſcontinued; and the Lots next adjoining the ſaid *George* Street, on the Weſt Side thereof, ſhall extend Weſtward acroſs where the ſaid Street called *Eden* Street, now runs; and that thoſe Lots adjoining on the Eaſt Side of the ſaid *George* Street, be made as nearly equal in Quantity of Gound as may be, ſtrict Regard being had by the ſaid Commiſſioners to the Improvements already made by the Owners of ſuch Lots, ſo as the ſame ſhall be included within the Bounds and Limits of the ſaid Lots by them to be laid out, and the Marks and Numbers to correſpond with the preſent Numbers of the Lots in the Square through which the ſaid *George* Street ſhall be laid out; and that thereafter the Owners of the reſpective Lots as now laid down in the Plan of the ſaid Town, ſhall be intitled to the Lot to be laid out of the ſame Number, and ſhall hold and enjoy the ſame Eſtate therein, as he or ſhe would or could have held and enjoyed, in their reſpective Lots of thoſe Numbers, if this Act had never been made; any Thing in any former Law, to the contary, notwithſtanding.

To make a Plan of the Town.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners after having ſo laid out the the ſaid *George* Street, and ſet up Marks at the Corners of the ſeveral Squares in the ſaid Town, ſhall make, or cauſe to be made, a fair and accurate Plan of the ſaid Town, with proper Deſcriptions; which Plan ſhall for ever thereafter be deemed the true Plan of the ſaid Town, and be lodged in the Secretary's Office, and one fair Copy thereof be lodged with the Clerk of the ſaid Town, by him to be ſafely kept, that all Perſons may have free Acceſs thereto, on the Payment of One Shilling: And if the ſaid Clerk ſhall refuſe or neglect to ſhew the ſaid Plan to ſuch Perſons as ſhall require the ſame, and pay the Fee aforeſaid, he ſhall, for every ſuch Refuſal or Neglect, forfeit and pay the Sum of Twenty Shillings; to be recovered by the Party requiring the ſame, by a Warrant before any Juſtice of the Peace, with Coſts.

Repealing Clauſe.

V. *AND be it further Enacted, by the Authority aforeſaid,* That ſo much of each and every Act, and Clauſe of an Act of Aſſembly, heretofore made, as comes within the Purview of this Act, is and are hereby repealed and made void.

CHAP. XVIII.

An Act for laying out a Town on the Lands of Richard Evans, *in* Pitt *County, by the Name of* Martinborough.

Preamble.

I. WHEREAS the Land of *Richard Evans*, on the South Side of *Tar* River, in *Pitt* County, hath been repreſented to this Aſſembly as a convenient Place for Trade, and the Inhabitants of the ſaid County being deſirous that a Town ſhould be eſtabliſhed thereon:

Commiſſioners appointed for laying out the Town.

II. *BE it Enacted by the Governor, Counil, and Aſſembly, and by the Authority of the ſame,* That ſo ſoon as the ſaid *Richard Evans* ſhall ſignify his Conſent in open Court of the ſaid County of *Pitt*, to have One Hundred Acres of Land laid out for a Town, as herein-after is directed, it ſhall and may be lawful for *Wyriot Ormond, Richard Evans, Charles Forbes, Henry Ellis*, and *George Evans*, Gentlemen, or the Majority of them, who are hereby nominated and appointed Commiſſioners, with full Power and Authority to lay out the ſaid One Hundred Acres of Land on the South Side of *Tar* River for a Town, by the Name of *Martinborough*; and they or a Majority of them, are hereby directed and impowered to lay out the ſame, at and adjoining the ſaid River, into Lots of Half an Acre each, with convenient Streets, and a Place for a Church and Market.

III. *AND*

III. *AND be it further Enacted, by the Authority aforesaid,* That when the Commissioners, or the Majority of them, shall have laid out the said Town in Manner 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 Commissioners shall have taken Subscriptions for One Hundred Lots, or upwards, they shall appoint a Day, and give public Notice to the Subscribers of the Day appointed, for drawing of the said Lots, which shall be done by Ballot, in a fair and open Manner, in the Presence of the Commissioners, or a Majority of them; and such Subscriber shall be intitled to the Lot or Lots which shall happen to be drawn for him, and correspond with the Mark or Number contained in the Plan of the said Town; and the Commissioners, or the Majority of them, are hereby impowered and directed to grant, convey, and acknowledge, by Deed, the said Lots, to the Persons who shall be inttiled to the same, and his Heirs and Assigns for ever, in Fee Simple, upon the Payment of Fifty Shillings, Proclamation Money. *A. D.* 1771. Town Lots to be drawn for.

IV. AND for continuing the Succession of the Commissioners, *Be it Enacted, by the Authority aforesaid,* That in Case any of the Commissioners herein named shall die, remove out of the Province, or shall refuse to act, the Remainder of the Commissioners in this Act appointed shall and may elect and appoint other Commissioners, to serve and act in their Stead. Commissioners kept up.

V. *AND be it further Enacted, by the Authority aforesaid,* That *Charles Forbes* be, and is hereby appointed Treasurer and Receiver, of all such Sum and Sums of Money which shall arise by the Sale of the said Lots, for the Use of the said *Richard Evans*, his Heirs and Assigns: And on the Death or Departure of the said Treasurer, out of the Government, the said Commissioners, or the Majority of them, or their Survivors, shall appoint some other Person, in the Room of the said Treasurer. Treasurer appointed.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the Treasurer, herein appointed by the Commissioners aforesaid, shall account for and pay unto the said *Richard Evans*, his Heirs or Assigns, all such Monies as shall be by him received, on the Sale of all and every Lot and Lots that shall be sold in each Year, on the Twenty Fourth Day of *June* yearly. Purchase Money to be paid the Proprietor.

CHAP. XIX.

An Act for building a Court-House in the Town of Salisbury, *for the District of* Salisbury.

I. WHEREAS the Court-House in the Town of *Salisbury*, in the County of *Rowan*, is greatly decayed, and in so ruinous a Condition that Courts cannot be held therein: Preamble.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same,* That M. *John Dunn*, Mr. *Thomas Niel*, Mr. *James Kerr*, Mr. *Thomas Polk*, Mr. *John Coulson*, Mr. *Alexander Martin*, and Mr. *Robert Lanier*, be, and they are hereby appointed Commissioners; and they or the Majority of them, shall and may, and they are hereby required, within Eighteen Months after the passing of this Act, to agree and contract with Workmen for building and erecting a new Court-House in the Town of *Salisbury*, on the Lot of Ground whereon the Court-House now stands. Commissioners for building the Court-House.

III. *AND be it further Enacted, by the Authority aforesaid,* That a Poll Tax of Eight Pence be levied on each taxable Person in the County of *Rowan*, and a Poll Tax of Six Pence be levied on the taxable Persons in the Counties of *Anson*, *Mecklenburg*, *Tryon*, *Guilford*, and *Surry*, for Two Years; that is to say, the Year One Thousand Seven Hundred and Seventy Two, and the Year One Thousand Seven Hundred and Seventy Three; to be levied and collected by the Sheriff of the respective Counties, in the same Manner, and at the same Times as Public Taxes are by Law directed to be collected and accounted for; which said Tax so collected, shall be paid to the Commissioners, or a Majority of them, and by them shall be applied to defray and pay for building the said Court-house. Tax laid for building a Court-House.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the said Commissioners, or a Majority of them, after the aforesaid Building shall be erected, built, and finished, shall render an Account of the Monies by them received in Virtue of this Act, together with that of their Disbursements, to the Inferior Court of the County of *Rowan*. Commissioners to account with the Court.

V. *AND be it further Enacted, by the Authority aforesaid,* That the Sheriff of the respective Counties in the said District of *Salisbury*, for the Time being, shall, before he or they collect or receive any Part of the Tax herein laid, enter into Bond, with Two sufficient Securities, to the said Commissioners, for the faithful Collection and Payment of the aforesaid Tax. Sheriffs to give Bond for collecting the Taxes.

CHAP. XX.

An Act to amend an Act, intituled, An Act for the Regulation of the Town of Wilmington.

I. WHEREAS by the before-recited Act the Commissioners of the Town of *Wilmington*, or the Majority of them, are directed to issue their Warrants, at least Twice in every Year, to warn all Preamble.

A. D. 1771. all the Male Taxables to clear, repair, and pave the Streets, Lanes, or Allies, and to make or mend Wharfs, Docks, or Slips; which Method have been found burthenſome and inconvenient, and not to anſwer the Purpoſes thereby intended: For Remedy whereof,

Commiſſioners to lay a Tax on the Town,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing of this Act, the Commiſſioners of the ſaid Town, or the Majority of them, ſhall, and they are hereby impowered and required, within Twenty Days after the Firſt *Tueſday* in *January* in every Year, to lay ſuch Tax as they may judge neceſſary, not exceeding Fifteen Shillings, Proclamation Money, *per* Poll, on all the Male Taxables in the ſaid Town; which Tax ſhall be collected by Warrant under the Hands and Seals of the Commiſſioners, or the Majority of them, directed to any Perſon they ſhall appoint to collect the ſame, returnable at ſuch Time as ſhall be therein mentioned; which ſaid Collector, appointed as aforeſaid, is hereby impowered to collect and make Diſtreſs for the ſame, in like Manner as the Sheriffs, or other Collectors of Public, County, or Pariſh Taxes, are impowered by Law; and the Money ariſing therefrom, after deducting Five *per Cent.* Commiſſions, ſhall by him be paid into the Hands of the Commiſſioners, or the Majority of them, to be by them applied and laid out in clearing and repairing of the Public Streets, Lanes, and Alleys, and making or repairing Public Wharfs or Docks, and in any other Public Work they may judge neceſſary for the Benefit of the ſaid Town.

For clearing the Streets, &c.

Perſons not to work on the Streets.

III. *AND be it further Enacted, by the Authority aforeſaid,* That no Perſon ſhall after, the paſſing of this Act, be obliged to work in the Streets, or other public Places in the ſaid Town, or to pay any other Town Tax, but ſuch as is herein-before-mentioned; any Thing in the before-recited Act, to the contrary notwithſtanding.

Fire Engine to be repaired and worked.

IV. AND whereas the Inhabitants of the ſaid Town have been at great Expence in procuring an Engine for the Extinguiſhing of Fire, which is now out of Repair; *Be it further Enacted, by the Authority aforeſaid,* That the ſaid Commiſſioners, or the Majority of them, ſhall, and they are hereby required, within Six Months after the paſſing of this Act, to have the ſaid Engine repaired, and that they cauſe the ſame to be properly worked, at leaſt once in every Month, under the Penalty of Forty Shillings Proclamation Money, for every Month they ſhall neglect to have the ſame done; to be recovered by any Perſon who ſhall ſue for the ſame, before any Juſtice of the Peace of *New Hanover* County: And the Expence attending the repairing and working the ſaid Engine, ſhall be paid out of the Public Stock of the ſaid Town.

Commiſſioners to be elected every three Years.

V. AND whereas the electing Commiſſioners annually has been found inconvenient, *Be it therefore Enacted, by the Authority aforeſaid,* That the Commiſſioners of the ſaid Town ſhall for the future be elected once in every Three Years, to commence from the Firſt *Tueſday* in *January* next; which Commiſſioners, ſo elected, are hereby veſted with the ſame Powers and Authorities, and ſhall be ſubject to the ſame Rules and Reſtrictions, as if they had been annually elected; any Thing in the before-recited Act, to the contrary, notwithſtanding.

Inhabitants to give Account of their Taxables.

VI. *AND be it further Enacted, by the Authority aforeſaid,* That the Inhabitants of the ſaid Town ſhall, and they are hereby required, to give in a Liſt of all the Male Taxable Perſons in each of their Families, on Oath, to the Commiſſioners, on the Third *Tueſday* in *January* in every Year, under the Penalty of Forty Shillings for every Neglect; to be recovered by Warrant under the Hands and Seals of the Commiſſioners of the ſaid Town, or the Majority of them, to be applied to the Public Stock of the ſaid Town.

Commiſſioners to aſcertain Ground Rent for Piazzas, &c.

VII. AND whereas from the many Incroachments made on the Streets of the ſaid Town, by ſeveral Inhabitants erecting Piazzas, Platforms, and other Buildings therein, very much incommode the ſame, and may be a Means of communicating Fire acroſs the ſaid Streets, to the great Prejudice of the Inhabitants; *Be it therefore Enacted, by the Authority aforeſaid,* That the Commiſſioners of the ſaid Town, or a Majority of them, whenever they think it neceſſary, may aſcertain a Ground Rent, not exceeding Forty Shillings, to be annually paid for each Piazza, Pratform, or other Incrachment, on the Streeet (except open Piazzas, not exceeding Seven Feet wide, Steps, and Cellar Doors) which Ground Rent ſhall by the ſaid Commiſſioners, or a Majority of them, be applied to the Public Stock of the ſaid Town: And if any Perſon ſhall neglect to pay ſuch Ground Rent, the ſame ſhall be levied by a Warrant, under the Hands and Seals of the Commoſſioners, or the Majority of them, directed to one of the Conſtables of the ſaid Town, on the Effects of ſuch Delinquent.

Piazzas not to be covered or Incroachments made on the Streets.

VIII. *AND be it further Enacted, by the Authority aforeſaid,* That no Perſon ſhall hereafter incloſe or cover any Piazza or Platform already built, nor for the future make any Incroachment whatever on the Street, unleſs for open Piazzas or Platforms, not exceeding Six Feet in Width, Steps, and Cellar Doors.

Who dememed Taxables in the Town.

IX. *AND be it further Enacted, by the Authority aforeſaid,* That all Perſons reſiding Three Months in the ſaid Town, next before the Third *Tueſday* in *January* in every Year, ſhall afterwards be ſubject to pay Taxes in the ſaid Town.

Pen on Conſtable neglecting to walk the Streets during Divine Service.

X. *AND be it further Enacted, by the Authority aforeſaid,* That the Conſtables of the ſaid Town, refuſing or neglecting to walk the Streets in Turn, in Time of Divine Service, near the Place where the ſame ſhall be performed, as by Law appointed, ſhall each of them forfeit and pay, for every ſuch Neglect, the Sum of Twenty Shillings, Proclamation Money; to be recovered by Warrant under the Hand and Seals of the ſaid Commiſſioners, or the Majority of them, and the *Onus Probandi* ſhall lie on

on the Defendant, and the Money ariſing therefrom ſhall be paid to the publick Stock of the ſaid Town. *A. D.* 1771.

Commiſſioners to make Rules and Orders.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or the Majority of them, ſhall, and they are hereby impowered, to paſs ſuch Orders as they may judge neceſſary to prevent Slaves from keeping Houſes in the ſaid Town, or any Perſon or Perſons dealing with Slaves not having Tickets from their Maſters, Miſtreſſes, or Overſeers; to prevent or remove all Kinds of Nuſances whatſoever; to oblige the Inhabitants to keep a ſufficient Number of Leather Buckets in their Houſes, whith their Names thereon, to be ready in Caſe of Fire; to erect a Fire Company, under ſuch Regulations as they may think neceſſary; to prevent any Perſons making Fires upon the Wharfs, in the Night Time; and every other Matter and Thing, for the good Government and Safety of the ſaid Town, conſiſtent with the Laws of this Province; and to inforce ſuch Orders, by laying Fines on all Perſons neglecting or refuſing to comply therewith; to be recovered and applied in the ſame Manner, and under the ſame Limitations, as is preſcribed by the before-recited Act.

And inforce them by Fines.

Puniſhment of Slaves.

XII. *PROVIDED always*, That if the Offender be a Slave, then and in ſuch Caſe the ſaid Slave ſhall be whipped by one of the Conſtables of the ſaid Town, at the Diſcretion of the ſaid Commiſſioners, or the Majority of them, not exceeding Forty Laſhes, unleſs the Maſter or Miſtreſs of ſuch Slave ſhall pay the Fine.

Right of Appeal.

XIII. *PROVIDED alſo*, That it ſhall and may be lawful for any Perſon or Perſons, who ſhall think him or themſelves aggrieved by the Judgment or Determination of the ſaid Commiſſioners, or the Majority of them, to appeal from ſuch Judgment or Determination to the Juſtices of the Inferior Court of Pleas and Quarter Seſſions of *New Hanover* County, firſt giving Security to proſecute ſuch Apeal; which ſaid Juſtices are hereby impowered to determine the ſame in a ſummary Way.

Perſons charged dealing with Negroes, to anſwer on Oath.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That where any Perſon ſhall be proſecuted for dealing or trafficking with Negroes in the ſaid Town, not having Tickets from their Maſters, Miſtreſſes, or Overſeers, ſuch Perſon ſhall anſwer the ſame on Oath, and on Refuſal, ſhall ſtand convicted; any Law, to the contrary, notwithſtanding.

Commiſſioners to call Perſons to Account for Monies in their Hands.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners of the ſaid Town for the Time being, to call all Perſons to account for any Monies which may be in their Hands belonging to the ſaid Town, and to iſſue Warrants, under their Hands and Seals, for all Arrears which may appear to be juſtly due from any Perſon whatſoever in the ſaid Town; under the ſame Limitation as is preſcribed by the before-recited Act.

Continuance of the Act.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in force for and during the Term and Space of Two Years, from and after the Firſt *Tueſday* in *January* next, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. XXI.

An Act for erecting in the Town of Hillſborough *a Public Gaol, and Gaoler's Houſe, for the Diſtrict of* Hillſborough *in this Province.*

Preamble.

I. WHEREAS the Gaol formerly erected in the Town of *Hillſborough* has been lately burnt, and there being no Place of ſufficient Strength to ſecure the Felons and other Priſoners, in the ſaid Diſtrict of *Hillſborough*: For Remedy whereof,

Commiſſioners for building the Gaol.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, *Francis Naſh*, *Thomas Hart*, *Thomas Perſon*, *William Johnſton*, *James Watſon*, and *Aaron Evans*, Eſquires, ſhall be and are hereby conſtituted and appointed Truſtees to deſign, contract for, and cauſe to be built and finiſhed, a ſubſtantial and ſufficient Gaol and Gaolers Houſe, of ſuch Dimenſions and Materials, and on ſuch Part of the Public Lot in the ſaid Town of *Hillſborough*, as to them, or the Majority of them, ſhall ſeem moſt proper; which Gaol, ſo erected, ſhall be and remain the Public Gaol of the ſeveral Counties now conſtituting the Diſtrict of *Hillſborough*.

Taxes laid for it.

III. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be levied on each taxable Perſon within the ſeveral Counties within the ſaid Diſtrict, *to wit*, *Orange* County, One Shilling and Four Pence, Proclamation Money, and *Granville*, *Wake*, and *Chatham* Counties, One Shilling like Money, annually, for the Term of Two Years next after the paſſing of this Act; which ſaid reſpective Taxes ſhall by the Sheriff of each of the ſaid Counties for the Time being be collected, in the ſame Manner, and under the ſame Penalties, for non-Payment thereof, as is directed by Law for the Collection of other Public Taxes; and the Monies ariſing therefrom ſhall be paid by the ſaid Sheriffs reſpectively to the Truſtees in this Act named, to be by them, or the Majority or Survivors of them, as aforeſaid, applied towards diſcharging the Contracts they ſhall enter into for the Buildings in this Act directed.

Method of Recovery againſt Sheriffs when neglect.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That if any Sheriff who ſhall be chargeable with any of the Taxes by this Act aſſeſſed, ſhall neglect or refuſe to account for, and pay

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to pay their Taxes.

unto the Truſtees in this Act named, the whole Sums he ſhall be chargeable with in Virtue of this Act, after deducting the uſual Commiſſions for collecting, and ſuch Inſolvents as ſhall be allowed by the Court of his County, the ſaid Truſtees, or a Majority of the Survivors of them, ſhall have the ſame Method of proceeding againſt ſuch Sheriffs, by Motion, as is by Law given againſt Sheriffs for not accounting for other Public Monies by them received; and ſuch Proceedings ſhall be good and valid in Law, in any Court of Record within this Province having Cognizance thereof.

Truſtees to finiſh the Gaol in two Years, and account for their Proceedings.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the Truſtees in this Act named ſhall immediately proceed to the Diſcharge of the Truſt repoſed in them by this Act, and ſhall cauſe the ſaid Buſldings to be finiſhed within Two Years after the paſſing of this Act, at furtheſt; and on the Expiration of that Term, they ſhall lay an Account, upon Oath, of their Proceedings therein, with an Account of all Monies they ſhall receive by Virtue hereof, and the Sums paid by them on Account of the ſaid Buildings, before the Court of each of the Counties herein named, for their Approbation,

CHAP. XXII.

An Act for laying out a Public Road from the Frontiers of this Province through the Counties of Mecklenburg, Rowan, Anſon, *and* Cumberland, *to* Campbelton.

Preamble.

WHEREAS a Public Road from the Frontiers of this Province through the Counties of *Mecklenburg*, *Rowan*, *Anſon*, and *Cumberland*, to *Campbelton*, would be of great Utility and Advantage to the Inhabitants of the Weſtern Part of this Province, and others, and would tend much to the Advancement of Trade and Commerce:

Commiſſioners appointed for laying out the Road.

II. *Be it therefore Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *John Polk*, *William Brooks*, *John Dunn*, *Michael Monroe*, *James Blythe*, *Archibald M'Affery*, and *James Picket*, be, and are hereby appointed Commiſſioners, for laying out and eſtabliſhing the ſaid Road, and they, or a Majority of them, are hereby authorized and directed as ſoon as conveniently may be after the paſſing of this Act, to lay, mark, ſtake out, or eſtabliſh, or cauſe to be laid, marked, ſtaked out or eſtabliſhed a public Road, from *Mecklenburg* Court-Houſe, in the Town of *Charlotte*, from *Sherrell*'s Ford, on the *Catawba* River, and from the Court-Houſe in the Town of *Saliſbury*, reſpectively, the neareſt and beſt Way to the ſaid Town of *Campbelton*; and the ſaid Commiſſioners, or a Majority of them, after having marked, ſtaked, laid out, and eſtabliſhed the ſaid Road, ſhall and are hereby impowered and directed, to make an accurate Plan thereof; and the ſame to return, with an Account of their Proceedings, to the next Inferior Court of Pleas and Quarter Seſſions to be thereafter reſpectively held for the Counties aforeſaid; and the Juſtices of the ſaid reſpective Courts are hereby directed to receive the ſame, and are thereupon authorized and required to appoint ſo many Overſeers of the ſaid Road within their reſpective Counties, as to the ſaid Juſtices ſhall, from Time to Time, appear convenient and neceſſary; and the ſaid Overſeers and the Inhabitants of the ſaid Counties, reſpectively, ſhall open, clear, and work on the ſame, ſo to be marked, ſtaked out, and eſtabliſhed, as aforeſaid, under the ſame Regulations, and ſhall be liable to the ſame Fines and Penalties, preſcribed and inflicted on Delinquents by an Act of Aſſembly, intituled, *An Act to impower the Inferior Courts of the ſeveral Counties in this Province to order the laying out of Public Roads, and ſettle Ferries, and to appoint where Bridges ſhall be built, for the Uſe and Eaſe of the Inhabitans of this Province, and to clear navigable Rivers and Creeks.*

Their Allowances.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall be allowed and paid for their Trouble and Expence in marking, ſtaking, and laying out the ſaid Road, the Sum of Five Shillings each *per* Day, out of the County Tax of their reſpective Counties.

CHAP. XXIII.

An Act for appointing and impowering Francis Moſely, *of* Anſon *County*, *and* James M'Coy, *of* Rowan *County*, *to collect and receive the Taxes which are due from the Inhabitants of the ſaid Counties for the Year One Thouſand Seven Hundred and Seventy.*

EXP.

SIGNED by

JOSIAH MARTIN, Eſq; Governor.

James Haſell, Preſident.

Richard Caſwell, Speaker.

ANNO

A. D. 1773

ANNO REGNI

GEORGII III.

REGIS,

MAGNÆ BRITANNIÆ, FRANCIÆ, & HIBERNIÆ,

DECIMO TERTIO.

At an ASSEMBLY, began and held at *Newbern*, the Twenty Fifth Day of *January*, in the Thirteenth Year of the Reign of our Sovereign Lord *GEORGE* the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. and in the Year of our Lord One Thouſand Seven Hundred and Seventy-Three: Being the Firſt Seſſion of this Aſſembly. JOSIAH MARTIN, Eſq; Governor.

CHAP. I.

An Act for dividing the Province into Six ſeveral Diſtricts, and for eſtabliſhing a Superior Court of Juſtice in each of the ſaid Diſtricts; and for eſtabliſhing Inferior Courts of Pleas and Quarter Seſſions in the ſeveral Counties in this Province, and regulating the Proceedings therein.

I. WHEREAS the eſtabliſhing Superior and Inferior Courts of Juſtice within this Province will be productive of Eaſe and Convenience to the Inhabitants thereof, and muſt neceſſarily tend to a due and regular Adminiſtration of Juſtice; Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, this Province be, and ſtand divided in Six ſeveral Diſtricts; that is to ſay, The *Wilmington*, *Newbern*, *Edenton*, *Halifax*, *Hillſborough*, and *Saliſbury* Diſtricts; in each of which a Court for the Tryal of Cauſes, Civil and Criminal, ſhall be eſtabliſhed, by the Name of the Superior Court of Juſtice for that Diſtrict in which the ſame ſhall be held; which Courts ſhall conſiſt of the Chief Juſtice for the Time being, and Two Aſſociate Juſtices, Men of Ability, and learned in the Law, whom the Governor or Commander in Chief for the Time being ſhall conſtitute and appoint, who ſhall have Cognizance and legal Juriſdiction of all Suits and Pleas, real, perſonal, and mixt; and alſo, all Suits and Matters relative to Legacies, filial Portions, Eſtates of Inteſtates, all Pleas of the Crown, of what Nature, Degree, or Denomination whatſoever, whether brought before them by original or meſne Proceſs, or by Writ of Error, or Appeal from any Inferior Court, or by any other Means or Proceſs whatſoever; and they are hereby declared to have full Power and Authority to give Judgment therein, and to award Execution, and all neceſſary Proceſs thereupon; and ſhall have, uſe, exerciſe, and enjoy, the ſame Powers and Authorities, Rights, Privileges, and Preheminences, as are had, uſed, exerciſed and enjoyed, by the Chief Juſtice or any of his Majeſty's Juſtices of the Courts of *Weſtminſter* in *England*: And in Caſe of the Death or Abſence of the Chief Juſtice, or either of the other Superior Courts eſtabliſhed. Their Power.

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One Juſtice may hold Court.

Juſtices, it ſhall and may be lawful for one or more of the ſaid Juſtices, by himſelf or themſelves, to hold any of the ſaid Courts, and to take Cognizance of all Matters in the ſame depending, and give Judgment and award Execution, in the ſame Manner as might have been done in Caſe the Chief Juſtice, and the Two other Juſtices, had been all preſent in Court.

May take the Probate of Deeds, &c.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Chief Juſtice, or either of the Aſſociate Juſtices, may, as well within Courts as without, take the Probate or Acknowledgement of Deeds, or Letters of Attorney, and the private Examination of Feme Coverts, as hath heretofore been done by the Chief Juſtice in the like Caſes; and ſuch Aſſociate Juſtice is hereby authorized, to take and receive the ſame Fees and Perquiſites, as the Chief Juſtice is intituled to for the like Services; which Proof ſhall be deemed equally good and valid in Law, as if taken in any Court of Record; any Law or Uſage to the contrary notwithſtanding.

Chief Juſtice to appoint Clerks.

IV. AND for the Safety of Suitors, and to prevent Irregularities in making up the Records of the Courts; *Be it Enacted, by the Authority aforeſaid*, That the Chief Juſtice be, and is hereby impowered to appoint experienced and diſcreet

To give Bond, and take the Oaths.

Clerks of the Superior Courts, who ſhall each of them give Bond, with good and ſufficient Security, to our Sovereign Lord the King, his Heirs and Succeſſors, in the Penalty of Two Thouſand Pounds Sterling, for the Safe keeping the Records, and faithful Diſcharge of his Duty in his Office; and alſo, ſhall take the Oaths by Law appointed for the Qualification of public Offices, repeat and ſubſcribe the Teſt, and alſo take an Oath, honeſtly and truly to demean himſelf in Office during his Continuance therein; and likewiſe the following Oath, *to wit*,

Alſo this Oath.

I A. B. *do ſwear, that by myſelf, or any other Perſon, I neither have, nor will give to any Perſon whatſoever, any Gratuity, Gift, Fee, or Reward, in Conſideration of my Appointment to the Office of the Clerk of the Superior Court for the Diſtrict of*———

Their Bond may be ſued.

Which ſaid Bond ſhall be lodged in the Secretary's Office; and in Caſe of a Breach of the Condition thereof, may be put in Suit for the Benefit of, and at the proper Coſt and Charges of the Party or Parties injured, and ſhall not become void upon the Firſt Recovery, or if Judgment ſhall be given againſt the King; but may, from Time to Time, be put in Suit by Action of Debt, or *Scire Facias*, until the whole Penalty ſhall be recovered; and when any Judgment ſhall be obtained upon ſuch Bond, the Damages aſſeſſed ſhall by Order of the Court, be paid to the Perſon or Perſons injured.

On the Death of the Juſtices, Governor may appoint others.

V. *AND be it further Enacted, by the Authority aforeſaid*, That on the Death or Removal of any of the Aſſociate Juſtices of the Superior Courts, it ſhall and may be lawful for the Governor or Commander in Chief for the Time being, to conſtitute and appoint another or other Juſtices, qualified as aforeſaid, in the Room of ſuch Juſtice or Juſtices.

Chief Juſtice and Aſſociates to take the Oaths of Government.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Chief Juſtice, and the Aſſociate Juſtices of the Superior Courts, before they act in any of the ſaid Courts, ſhall take the Oaths by Law appointed for the Qualification of Public Officers, and repeat and ſubſcribe the Teſt; and alſo take the following Oath, *to wit*,

And this Oath.

I A. B. *do ſwear, that I will well and truly ſerve our Sovereign Lord the King and his People, in the Office of Chief Juſtice, or Aſſociate Juſtice (as the Caſe may be) of the Superior Courts of Juſtice of the Province of* North-Carolina; *and I will not counſel or aſſent to any Thing that may tend to the diſinheriting the King: I will do equal Law and Right to all the King's Subjects Rich and Poor, without having Regard to any Perſon: I will not, willingly or wittingly, take by myſelf, or any other Perſon, any Gift*

or

or Reward whatſoever, for any Matter or Thing by me to be done by Virtue of my Office, except the Fees and Salary by Law appointed: I will not maintain by myſelf, or any other, privately or openly, any Plea or Quarrel hanging in any of the King's Courts: I will not delay any Perſon of common Right for the Letter of the King, or any other Perſon, to me directed, for any Cauſe; and in Caſe any Letters come to me contrary to Law, I will do nothing for ſuch Letters, but will proceed to do the Law, the Letters notwithſtanding: And finally in all Things belonging to my ſaid 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. SO HELP ME GOD. A. D. 1773.

Pen. for acting before taking the Oaths.

And if the Chief Juſtice, or either of the Aſſociates Juſtices, ſhall preſume to act in his Office in any of the Superior Courts, without taking the Oaths herein appointed and directed, and ſubſcribing the Teſt, he ſhall forfeit Five Hundred Pounds, Proclamation Money; to be recovered by Action of Debt, in any of the Superior Courts of Juſtice; one Half to the Uſe of our Sovereign Lord the King, for defraying the Charges of Government, and the other Half to the Perſon or Perſons who ſhall ſue for the ſame.

Superior Courts when held.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Superior Courts of Juſtice ſhall be annually held for the ſeveral Diſtricts in this Province at the following Times and Places, that is to ſay, For the Diſtrict of *Saliſbury*, in the Town of *Saliſbury*, for the Counties of *Rowan*, *Mecklenburg*, *Tryon*, *Anſon*, *Surry*, and *Guilford*, on the Fifth Day of *March* and *September*. For the Diſtrict of *Hillſborough*, in the Town of *Hilſborough*, for the Counties of *Orange*, *Granville*, *Wake*, and *Chatham*, on the Twenty Second Day of *March* and *September*. For the Diſtrict of *Halifax*, in the Town of *Halifax*, for the Counties of *Halifax*, *Northampton*, *Edgcomb*, and *Bute*, on the Eighth Day of *April* and *October*. For the Diſtrict of *Edenton*, in the Town of *Edenton*, for the Counties of *Chowan*, *Perquimons*, *Paſquotank*, *Currituck*, *Bertie*, *Tyrrell*, and *Hertford*, on the Twenty Fifth Day of *April* and *October*. For the Diſtrict of *Newbern*, in the Town of *Newbern*, for the Counties of *Craven*, *Carteret*, *Beaufort*, *Johnſton*, *Hyde*, *Dobbs*, and *Pitt*, on the Eleventh Day of *May* and *November*. For the Diſtrict of *Wilmington*, in the Town of *Wilmington*, for the Counties of *New Hanover*, *Onſlow*, *Bladen*, *Duplin*, *Cumberberland*, and *Brunſwick*, on the Twenty Seventh Day of *May* and *November*. And each Term ſhall continue Ten natural Days, excluſive of *Sundays*, by Adjournment *de Die in Diem*, if the Buſineſs ſhall require ſo long a Time, otherwiſe may be ſooner determined.

Proviſo for the Day falling on a Sunday.

VIII. *PROVIDED always*, That if the Day by this Act appointed for holding any of the ſaid Courts ſhall fall on a *Sunday*, then ſuch Court ſhall be held the next ſucceeding Day; any Thing herein contained, to the contrary, notwithſtanding.

Actions in what Diſtricts to be brought.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That all real Actions, Ejectments, Actions of Treſpaſs, *Quare Clauſum Fregit*, Suits on Penal Statutes, and Pleas of the Crown, ſhall be commenced in the Superior Court of the Diſtrict wherein the Cauſe of Action ſhall have ariſen, or the Offence ſhall have been committed, and not in any other Diſtrict; and all Actions of Debt, other than on Penal Statutes, all Actions of Detinue, Replevin, Actions of Account Render, Actions of Treſpaſs, Aſſault and Battery, and for the unlawful taking of Goods, all Actions upon the Caſe, and Suits for Legacies, or for the diſtributive Shares of Inteſtates Eſtates, when the Plaintiff and Defendant ſhall reſide in the ſame Diſtrict, ſhall be brought to the Court of that Diſtrict where both Parties ſhall reſide; and when the Plaintiff and Defendant ſhall reſide in different Diſtricts, ſhall be brought to the Diſtrict in which ſuch Plaintiff ſhall reſide; and where the Plaintiff ſhall reſide in another Province, ſhall be brought to the Diſtrict where the Defendant ſhall reſide in this Province; and where any Action or Suit ſhall be brought to the Court of any other Diſtrict than as herein directed, ſuch Action or Suit may be abated by the Plea of the Defendant.

X. *AND*

A. D. 1773.

Of what Value Suits may be commenced in the Superior Courts.

X. *AND be it further Enacted, by the Authority aforeſaid*, That no Suit ſhall be originally commenced or proſecuted in any of the ſaid Superior Courts for any Debt or Demand of leſs Value than Fifty Pounds, Proclamation Money, where the Plaintiff and Defendant ſhall live in the ſame Diſtrict, or leſs than Twenty Five Pounds like Money, were the Plaintiff and Defendant ſhall not live in the ſame Diſtrict; and if any Suit ſhall be commenced in any of the ſaid Superior Courts, contrary to the true Intent and Meaning hereof, or if any Plaintiff ſhall demand a greater Sum on Purpoſe to evade this Act, in either Caſe the Plaintiff ſhall be Non-ſuited, and pay Coſts.

Courts not diſcontinued by Death of Juſtices, &c.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Courts ſhall not be diſcontinued, or any of the Proceedings therein depending, by Reaſon of the Death of the Chief Juſtice or any of the Aſſociates, or any Let or Hinderance of their not attending at any Term; but in ſuch Caſe, all Pleas, Cauſes, Matters, and Things, therein depending, ſhall ſtand continued in the ſame Condition in which they then ſhall be, to the next ſucceeding Term.

Proceſs to bear Teſt of the Chief Juſtice, and ſigned by the Clerk.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That all Writs, as well original Writs as others, and every Summons, and other legal Proceſs, ſhall bear Teſt of the Chief Juſtice, and be ſigned by the Clerk of the Court from whence the ſame ſhall iſſue, and be made returnable to the ſame Court; and the Sheriff ſhall return ſuch Writ or Proceſs accordingly.

Till the firſt Term, Writs may bear Teſt immediately.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That until the Commencement of the firſt Term of each of the ſaid Superior Courts, Writs, and other Proceſs, may bear Teſt at the Time of iſſuing the ſame, and ſuch Writs and Proceſs ſo teſted before ſuch Term ſhall be valid in Law; any Uſage or Practice of Court, to the contrary, notwithſtanding.

Proceſs when returnable.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That all ſuch Writs or Proceſs, except Subpœnas for Witneſſes returnable immediately, ſhall be returned to the Firſt Day of the Term to which the ſame is returnable, and be executed at leaſt Ten Days before the beginning of ſuch Term; and if any original or meſne Proceſs ſhall be taken out in Term Time, or within Ten Days before the beginning of any Term, ſuch Proceſs ſhall be made returnable to the Term next ſucceeding, or the Term ſucceeding that which ſhall commence within Ten Days after taking out ſuch Proceſs, and not otherwiſe; and all Proceſs made returnable or executed at any other Time, or in any other Manner, than by this Act directed, ſhall be void.

Proviſo for criminal Proceſs.

XV. *PROVIDED neverthelefs*, That nothing herein contained ſhall be conſtrued to invalidate or vacate any Proceſs, Warrant, or Precept, iſſued by the Chief Juſtice, or any of the Aſſociate Juſtices of the ſaid Courts, or any Juſtice of the Peace, or Clerk of the Crown, on any criminal Proſecution in his Majeſty's Behalf, but that the ſame may be returnable at any Day in the Term to which the ſame is returnable; and the Proceedings in criminal Suits and Proſecutions, ſhall be had according to the Laws and Statutes of *Great Britain*, and of this Province; any Thing herein contained, to the contrary, notwithſtanding.

Proceedings therein according to the Laws of England.

Sheriff's Duty, when Proceſs iſſues to him.

XVI. *AND be it further Enacted, by the Authority aforeſaid*, That when any Writ ſhall iſſue from any of the ſaid Courts, whereby the Sheriff ſhall be commanded to take the Body of any Perſon or Perſons, to anſwer in any Action in any of the ſaid Courts, ſuch Sheriff ſhall take Bond, with Two ſufficient Securities, for double the Sum for which ſuch Perſon or Perſons ſhall be held in Arreſt, except where the Defendants are Executors or Adminiſtrators, or ſued on Penal Statutes, and ſhall return ſuch Bond with the Writ; and in Caſe the Sheriff ſhall fail or neglect to take ſuch Bail, or the Bail returned be held inſufficient, on Exception taken, and Entry thereof made on the Docket of the Court the Term to which ſuch Proceſs

Proceſs ſhall be returnable, the Sheriff, in either of the ſaid Caſes, ſhall be deemed and ſtand as ſpecial Bail, and the Plaintiff may proceed to Judgment, according to the Rules herein after mentioned. *A. D.* 1773.

Proceedings where he returns the Body in Cuſtody.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That when any Sheriff ſhall return that he hath taken the Body of any Defendant, and committed him to the Priſon of his County, which is hereby declared to be the proper Priſon for ſuch Commitment, for Want of Bail, the Plaintiff may enter the Defendant's Appearance, and he ſhall be at Liberty to plead, as if ſuch Appearance had been entered by himſelf, and the Plaintiff may proceed to Judgment as in other Caſes in this Act directed; nevertheleſs, the Defendant ſhall not be diſcharged out of Cuſtody, but by putting in Bail, or Rule of Court.

All Bail taken ſpecial, and when liable to Recovery.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Bail taken according to the Directions of this Act, ſhall be deemed, held, and taken to be ſpecial Bail, and as ſuch liable to the Recovery of the Plaintiff, but the Plaintiff, after final Judgment, ſhall not take out Execution againſt ſuch Bail, until an Execution be firſt returned that the Defendant is not to be found, and alſo ſhall take out a *Scire Facias*, returnable to the ſaid Court, which ſhall be made known to the Bail; and that after the Return of ſuch Execution againſt the Principal, and *Scire Facias* againſt the Bail, Execution may iſſue againſt the Principal and Securities, or either of them, or either of their Eſtates, unleſs the Bail ſhall ſurrender the Principal at or before the Return of the firſt *Scire Facias*; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Scire Facias made known, the Bail to plead, and be tried the firſt Term.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That when any *Scire Facias*, iſſued according to the Directions of this Act, ſhall be by the proper Officer returned made known, the Bail ſhall plead, and the Matter be tried at the firſt Term to which ſuch Proceſs ſhall be returned, unleſs the Bail ſhall ſhew ſufficient Cauſe to the Court to delay the ſame.

Proviſo, where the Principal is in Gaol, and Proceedings thereupon.

XX. *PROVIDED nevertheleſs*, That if any Sheriff ſhall return on a *Scire Facias* to him directed, that the Principal is impriſoned in the Priſon of his County, or any other, by Virtue of any Proceſs in any civil Action, the Court to which ſuch *Scire Facias* is returnable ſhall, on Motion of the Plaintiff or Bail, order and direct that ſuch Principal be retained in Gaol where he or ſhe ſhall be a Priſoner, until he or ſhe ſhall have paid the Plaintiff's Judgment and Coſts, or otherwiſe diſcharged by due Courſe of Law; a Copy of which Order being ſerved on the Gaoler of ſuch Priſon, before ſuch Priſoner's Releaſement, ſhall be a ſufficient Authority for him to retain ſuch Priſoner until ſuch Order be complied with, and alſo ſhall be deemed a Surrender of ſuch Principal, and as ſuch diſcharge the Bail.

Proceedings where the Sheriff returns the Plaintiff not to be found.

XXI. AND for the better aſcertaining what Proceſs ſhall iſſue, when the Sheriff ſhall return that the Defendant is not be found within his Bailiwick; *Be it Enacted, by the Authority aforeſaid*, That when the Sheriff ſhall make ſuch Return in any civil Action, the Plaintiff or Plaintiffs, at his or their Election, may ſue out an Attachment againſt the Eſtate of ſuch Defendant, or an *Alias* or *Pluries Capias*, until he be arreſted, returnable as herein before mentioned for the Return of original Proceſs: And if the Sheriff ſhall return any Goods by him attached, and the Defendant ſhall fail to plead within the Time herein directed, the Plaintiff ſhall be intitled, if in an Action of Debt, to final Judgment, and if in an Action on the Caſe, to a Judgment by Default, and a Writ of Enquiry of Damages to be executed at the next Court, and the Goods ſo attached, if not replevied or ſold according to the Directions herein after mentioned, for Goods attached on original Attachments, ſhall remain in the Cuſtody of the Sheriff until ſuch Judgment obtained, and then to be diſpoſed of in the ſame Manner as Goods taken in Execution on a Writ of *Fieri Facias*; and if the Judgment ſhall not be ſatisfied by the Goods attached, the Plaintiff may have Execution for the Reſidue.

A. D. 1773.

Judgment final the firſt Court, Enquiry may be executed as to the Value of the Currency.

XXII. *AND be it further Enacted, by the Authority aforeſaid,* That in Caſe any Plaintiff ſhall obtain Judgment final in an Action of Debt at the firſt Court to which the Writ or Proceſs is returnable, that it ſhall be lawful for him to execute his Enquiry as to the Value of the Currency or Money upon which ſuch Judgment is founded, at the Term in which ſuch Judgment ſhall be entered or obtained.

Where Attachment may be iſſued.

XXIII. *AND be it further Enacted, by the Authority aforeſaid,* That it ſhall be lawful for the Chief Juſtice, or the Juſtices of the ſaid Superior Courts, or any Juſtice of the Inferior Courts, upon Complaint made by any Perſon, his Attorney or Agent, on Oath, that his Debtor has removed, or is removing himſelf out of the County privately, or abſconds or conceals himſelf ſo that the ordinary Proceſs of Law cannot be ſerved upon him, and alſo further ſwear to the Amount of his or her Debt, to the beſt of his or her Knowledge, ſhall thereupon grant an Attachment againſt the Eſtate of ſuch Debtor, wherever the ſame may be found, or in the Hands of any Perſon or Perſons indebted to, or having any of the Effects of the Party abſconding, or ſo much thereof as ſhall be of Value ſufficient to ſatisfy the Debt and Coſt of ſuch Complaint; which Attachment ſhall be returned to the Court where the Debt or Matter is cognizable; and ſuch Attachment ſhall be deemed the leading Proceſs on ſuch Action, and the ſame Proceedings ſhall be had thereon as on an Attachment on a Return of *Non eſt Inventus* by the Sheriff.

And Proceedings thereon.

Bond to be given before Attachment granted.

XXIV. *PROVIDED always,* That every ſuch Juſtice, before granting ſuch Attachment, ſhall take Bond and Security of the Party for whom the ſame ſhall be iſſued, in double the Sum to be attached for, payable to the Defendant, for ſatisfying and paying all Coſts which ſhall be awarded to the ſaid Defendant, in Caſe the Plaintiff ſuing out ſuch Attachment ſhould be caſt in his Suit, and alſo all Damages which ſhall be recovered againſt the ſaid Plaintiff in any Suit or Suits which may be brought againſt him for ſuing out the ſaid Attachment, and for all Damages wrongfully ſuffered by the Perſon againſt whom ſuch Attachment was prayed, by Reaſon of the Plaintiff's wrongfully ſuing out the ſame; which Bond ſhall be returned to the Court to which the Attachment is returnable, by the Juſtice who ſhall grant the ſame; and every Attachment iſſuing without ſuch Bond taken, and returned as aforeſaid, and Oath made as afore-mentioned, is hereby declared void, and ſhall be abated, on the Plea of the Defendant.

Attachment may iſſue againſt the Eſtates of Perſons in other Governments.

XXV. *AND be it further Enacted,* That when any Perſon, Inhabitant of any other Government, ſhall be indebted to, or hath done any Tort or Injury to any Perſon, a Reſident of this Province, and cannot perſonally be ſerved with Proceſs, and hath Effects in this Government, any of the ſaid Juſtices may grant an Attachment againſt the Eſtate of ſuch Perſon indebted, or who hath done any Tort and Injury as aforeſaid, under the Rules, Reſtrictions, and Regulations afore-mentioned, and the ſame Proceedings may be had thereon.

Proceedings on Attachments.

XXVI. *AND be it further Enacted, by the Authority aforeſaid,* That when any Goods, or other Eſtate, ſhall be attached by Virtue of an Attachment, whether judicial or original, it ſhall and may be lawful for ſuch Perſon or Perſons, his, her, or their Attorney, to replevy the ſame, by giving Bond, with good Security, to the Sheriff, or other Officer ſerving the ſaid Attachment (which Bond the Sheriff or other Officer is hereby impowered and required to take) to appear at the Court to which ſuch Attachment is returnable, and to abide by, perform, and ſatisfy the Order and Judgment of ſuch Court; and when the Eſtate attached ſhall by Three Juſtices of the Inferior Court of the ſaid County, to be ſummoned by the Sheriff for that Purpoſe, be certified, on Oath, to be periſhable, if the Perſon or Perſons to whom it belongs ſhall not, within Sixty Days after the ſerving ſuch Attachment, replevy the ſame, then ſuch Eſtate ſhall be ſold at Public Vendue, by the Sheriff or other Officer ſerving ſuch Attachment, having firſt advertiſed ſuch Sale at the Court-Houſe, and other Public Places in his County, at leaſt Ten Days before the Sale; and the Money ariſing by ſuch Sale ſhall be liable to the Judgment obtained upon

upon such Attachment, or to be deposited in the Hands of the Clerk of the said Court to which such Process is returnable, then to wait the Event of the Judgment upon such Attachment; and where the Sheriff, or other Officer, shall serve an Attachment in the Hands of any Person or Persons indebted to, or having any of the Effects of the Party absconding, he shall at the same Time summons such Garnishee or Garnishees to appear at the Court to which the Attachment is returnable, within the first Four Days thereof, there to answer, upon Oath, what he or she is indebted to such Party, and what Effects of such Party he or she hath in his or her Hands, and had at the Time of serving such Attachment; and where any Attachment shall be returned served in the Hands of any Garnishee, in Manner aforesaid, it shall be lawful, upon his or her Appearance and Examination, and in Manner afore-mentioned, to enter up Judgment, and award Execution against every such Garnishee or Garnishees, for all Sums of Money due from him, her, or them, to the Person absconding, in his, her, or their Custody or Possession, for the Use of the Party obtaining such Attachment, or so much thereof as shall be of Value sufficient to satisfy the said Debt, and Costs of Complaint; and all Goods and Effects whatsoever in the Hands of any Garnishee or Garnishees, belonging to such absconding Person, shall be liable to satisfy such Judgment; and where any Garnishee shall be returned by the Sheriff or other Officer, summoned in Manner aforesaid, and shall fail to appear and discover, on Oath, in Manner by this Act directed, it shall be lawful, and the Court is hereby authorized to enter a conditional Judgment against such Garnishee, and upon such Judgment so entered shall issue a *Scire Facias* against the said Garnishee, to shew Cause, if any he hath, at the next Superior Court, why Judgment final should not be entered against him; and upon such *Scire Facias* being duly executed and made known, such Garnishee shall fail to appear at the next Court, and discover, on Oath, in Manner aforesaid, the Court shall, and are hereby required, to confirm such Judgment, and award Execution for the Plaintiff's whole Debt or Damages, and Costs. A. D. 1773.

Attachment may be granted against the Lands of Persons out of the Province; and Proceedings thereon.

XXVII. AND whereas divers Persons, possessed of Lands, Tenements, and Hereditaments, within this Province, have contracted, or who may contract Debts with Merchants and others, or have committed, or may commit Torts or Injuries to Persons therein, and reside out of the Province, without having personal Estate within the same to satisfy such Debts or Damages: For Remedy whereof, *Be it Enacted, by the Authority aforesaid*, That the Party Plaintiff, his Attorney, Agent, or Factor, shall sue out a judicial Attachment from the Court to which such original Attachment was returnable; and the Sheriff, or other proper Officer, shall serve such Attachment upon the Lands and Tenements, and Hereditaments of such Debtor, and shall at the Court-House and Church, or Chapel, of the County, where such Lands, Tenements, and Hereditaments lie, Twenty Days at least before the returning such last mentioned Attachment, give Notice in Writing, as follows, *to wit*,

' *On the Day of* A. D. 17 *I attached*
' *Lands, the Property of at the Suit of upon a Process returnable*
' *to Court.*

And upon such Notice given, and Proof thereof made, the Court shall grant a Judgment by Default.

Estate replevia-ble.

XXVIII. *PROVIDED always*, That it shall be lawful for any Person, against whose Estate any Attachment has issued as aforesaid, at any Time before such final Judgment entered, or Writ of Enquiry executed, upon giving special Bail, to replevy the Goods attached, and plead to issue, so that the Plaintiff is not thereby delayed of his Trial.

XXIX. AND for Prevention of Errors in issuing Attachments, and taking Bonds thereupon; *Be it Enacted, by the Authority aforesaid*, That the following Form

A. D. 1773. Form ſhall be obſerved and uſed, that is to ſay, the Attachment as followeth, *to wit*,

Form of the Attachment.

North-Carolina, County, ſſ.

GEORGE the Third, by the Grace of God, of *Great-Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* To the Sheriff of County, Greeting: WHEREAS *A. B.* or *J. G.* Attorney, Agent, or Factor (as the Caſe may be) hath complained on Oath to Juſtice of the Court, that *E. F.* late of your County, is juſtly indebted to him the Sum of or hath indamaged him to the Amount of and Oath having been alſo made that the ſaid *E. F.* hath removed himſelf privately out of your ſaid County, or ſo abſconds or conceals himſelf that the ordinary Proceſs of Law cannot be ſerved on him; and hath given Bond and Security, according to the Directions of the Act of Aſſembly in ſuch Caſe made and provided: We therefore command you that you attach the Eſtate of the ſaid *E. F.* if to be found in your Bailiwick, or ſo much thereof repleviable on Security given, as ſhall be of Value ſufficient to ſatisfy the ſaid Debt or Damages, and Coſts, according to the Complaint; and ſuch Eſtate ſo attached in your Hands to ſecure, or ſo to provide that the ſame may be liable to further Proceedings thereupon, to be had at our next Court to be held for of at on the Day of next, ſo as to compel the ſaid *E. F.* to appear and anſwer the above Complaint of the ſaid *A. B.* when and where you ſhall make known to our ſaid Court how you ſhall have executed this Writ. Witneſs Eſquire, Juſtice of our ſaid Court, at the Day of in the Year of our Reign.

Which Attachment ſhall be ſigned by the Juſtice who ſhall grant the ſame; and the Bond to be given, on obtaining ſuch Attachment, ſhall be in the following Form, *to wit*,

Form of the Bond.

KNOW all Men, by theſe Preſents, That we, A. B. C. D. *and* J. K. *all of the County of are held and firmly bound unto* E. F. *in the Sum of (double the Sum in the Attachment) to be paid to the ſaid* E. F. *his Executors, Adminiſtrators, or Aſſigns: To which Payment well and truly to be made, we bind ourſelves, and each of us, our Heirs, Executors, and Adminiſtrators, jointly and ſeverally, firmly by theſe Preſents. Sealed with our Seals, and dated this Day of in the Year of our Lord*

The Condition.

THE Condition of the above Obligation is ſuch, That whereas the above bounden *A. B.* hath, the Day of the Date of theſe Preſents, prayed an Attachment againſt the Eſtate of the above named *E. F.* for the Sum of and hath obtained the ſame, returnable to the next Court, to be held at on the Day of next: Now if the ſaid *A. B.* ſhall proſecute his ſaid Suit with Effect, or in Caſe he be caſt therein, ſhall well and truly pay and ſatisfy to the ſaid *E. F.* all ſuch Coſts and Damages as ſhall be awarded and recovered againſt the ſaid *A. B.* by the ſaid *E. F.* in any Suit or Suits which may be hereafter brought by the ſaid *E. F.* againſt the ſaid *A. B.* for wrongfully ſuing out the ſaid Attachment; then the above Obligation to be void, otherwiſe to remain in full Force and Virtue.

No Attachment to be abated for Want of Form.

XXX. *PROVIDED nevertheleſs*, That no Attachment ſhall be abated for Want of Form, ſo that the eſſential Matters expreſſed in the foregoing Form be ſet forth in ſuch Attachment.

In Attachments againſt Perſons in Europe, Suit to be continued 12 Months, for Defendant to plead.

XXXI. *AND be it further Enacted*, That in all Caſes of original or judicial Attachments againſt Perſons reſiding in *Europe*, the Court to which the ſame is brought ſhall continue the Suit Twelve Months; and if the Defendant put in Bail, appear, and plead within that Time, that in ſuch Caſe his Eſtate may be liberated, and the Garniſhee diſcharged.

XXXII. *AND*

XXXIII. *AND be it further Enacted, by the Authority aforesaid*, That the following Rules and Methods shall be observed in the said Superior Courts, *to wit*, That the Plaintiff shall file his Declaration in the Clerk's Office on or before the Second Day of the Term to which his Suit is brought, and serve the Defendant with a Copy at least Five Days before the Commencement of such Term, otherwise the Action may be abated on the Plea of the Defendant. That the Defendant shall appear and plead, or demur, within the first Three Days of the Term to which the Writ is returnable, otherwise the Plaintiff may have Judgment by Default, in which Case Judgment shall be final, unless where Damages are suggested on the Roll; and in that Case, and in all others, except as heretofore provided, where the Recovery shall be in Damages, a Writ of Enquiry shall be executed at the next Term; *provided*, that where the Nature of the Action requires special Pleading, the Time for Pleadings may be enlarged by the Court. That where the Defendant pleads specially, the Plaintiff shall reply or demur in Three Days, or a *Non Pros* may be entered by the Defendant; and if the Plaintiff replies, and in his Replication tenders an Issue, the Defendant shall join Issue or demur in Three Days, or the Plaintiff may have Judgment; and where the Defendant rejoins to the Plaintiff's Replication, he shall file his Rejoinder within Three Days, or Judgment shall go against him, unless the Time for Pleading shall be enlarged as aforesaid; and the same Time shall be given, and Rules observed, through the whole Course of Pleadings. *A. D.* 1773. Rules of Court.

That when a special Verdict shall be found, Case agreed, Demurrer, or Bill of Exceptions to the Evidence tendered, Time shall be allowed, upon Motion of either Party, to the next Term to argue the same.

That for the more intire and better Preservation of the Records of the Courts, when any Cause is finally determined, the Clerk shall enter all the Proceedings therein, and other Matters relating thereto, in a Book well bound, and an intire and perfect Record made thereof.

That all Jury Causes be first tried.

That all Motions in Arrest of Judgment shall be argued within the Three last Days of the Term the Issue is tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment next Day after such Motion.

That Arguments on Writs of Error, special Verdicts, Cases agreed, Demurrers, Petitions for Legacies, and Distributions of Intestates Estates, shall be heard within the Four last Days of the Term.

That no Plea in Abatement shall be received in any of the said Courts, unless the Party offering the same shall by Affidavit, or otherwise, prove the Truth of such Plea.

That where a Plea in Abatement shall be pleaded, and upon Argument the same shall be adjudged insufficient, the Plaintiff or Plaintiffs shall recover against the Defendant full Costs to the Time of over-ruling such Plea, including the Costs of that Court, a Lawyer's Fee only excepted; and the Plaintiff in Replevin, or Defendant in any other Action, may plead as many several Matters as may be necessary for his Defence, so as he be not admitted to plead and demur to the whole.

XXXIV. *AND be it further Enacted, by the Authority aforesaid*, That all the Statutes of Jeofails, and Amendments, which are now in Force in *England*, are hereby declared to extend, and be in Force in this Colony; and shall be duly observed by all Judges and Justices of the several Courts of Record within the same, according to the true Intent and Meaning of the said Statutes. Statutes of Jeofails inforced.

XXXV. *AND be it further Enacted, by the Authority aforesaid*, That the following Orders, Rules, and Methods, for taking the Testimony of Witnesses, in all Causes to be depending in the said Courts, be observed and put in Practice, *to wit*,

That in all Causes where Witnesses are to appear at any of the said Courts, a Subpœna shall be issued by the Clerk, directed to the Sheriff of the County where Rules for Witnesses.

A. D. 1773.

such Witneſs or Witneſſes reſide, mentioning the Time and Place for their Appearance, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whoſe Inſtance they are ſummoned.

That every Subpœna, returnable immediately, ſhall be perſonally ſerved on the Witneſs or Witneſſes therein named.

That a Copy of every Subpœna iſſued by the Clerk in Vacation Time, and returnable to any Day in the next Term, in Caſe the Witneſſes thereby to be ſummoned are not to be found at Home, may be left at the uſual Place of Reſidence of ſuch Witneſs or Witneſſes; and leaving ſuch Copy as aforeſaid ſhall be a good and legal Service, and the Perſon or Perſons thereby ſummoned bound to appear, under the like Penalties as if perſonally ſummoned.

To attend till diſcharged.

XXXVI. *AND be it further Enacted, by the Authority aforeſaid*, That every Witneſs being ſummoned to appear in any of the ſaid Courts in Manner as herein before directed, ſhall appear accordingly, and continue to attend from Court to Court, until diſcharged by the Court, or the Party at whoſe Inſtance he was ſummoned; and in Default thereof, ſhall be ſubject to the Pains and Penalties herein before mentioned; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Pen for non Attendance.

XXXVII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſummoned to attend as aforeſaid ſhall fail to appear accordingly, every ſuch Perſon ſo failing, ſhall forfeit to the Perſon or Perſons at whoſe Inſtance the Subpœna was iſſued, Twenty Pounds, Proclamation Money, and ſhall be further liable to the Action of the Party endamaged, for Want of ſuch Witneſſes Teſtimony, who ſhall recover his full Damages and Coſts.

Proviſo for Incapacity to attend.

XXXVIII. *PROVIDED always*, That if ſufficient Cauſe be ſhewn by the Perſon ſo ſummoned, or for whom ſuch Copies ſhall be ſo left, and failing to appear, of his or her Incapacity to attend at the Time he or ſhe ought to have appeared, then no Forfeiture or Penalty ſhall be incurred by ſuch Failure; but if ſufficient Cauſe be not ſhewn at the next ſucceeding Term after ſuch Failure, on Notice given, it ſhall and may be lawful for the Court, on Motion, to grant Judgment for the Forfeiture before-mentioned, againſt the Perſon or Perſons ſo ſummoned, and failing to appear as aforeſaid.

Where Depoſitions may be taken.

XXXIX. *AND be it further Enacted, by the Authority aforeſaid*, That every Witneſs being ſummoned to appear in any of the ſaid Courts, in Manner as before directed, who by Sickneſs, Age, in Gaol, or any other Cauſe, ſhall be incapable of attending Court to give Evidence, or ſhall reſide out of the Province, on Oath made thereof, or the Truth of the ſame otherwiſe ſufficiently appearing, the Judge or Juſtices of the Court wherein the Suit is depending, ſhall and may, by Commiſſion, as from Time to Time may be neceſſary, impower ſuch and ſo many Perſons as they ſhall think neceſſary, to take and receive the Depoſitions of ſuch Witneſs; which, upon being duly returned, ſhall be received as legal Evidence.

Proviſo, for the adverſe Party to have Notice.

XL. *PROVIDED always*, That the Party praying ſuch Commiſſion as aforeſaid, ſhall give ſuch Notice to the adverſe Party, of the Time and Place when and where ſuch Commiſſion is to be executed, as the Court ſhall think proper; and the adverſe Party ſhall have Leave to croſs examine any Witneſs or Witneſſes whoſe Depoſitions ſhall be ſo taken; and all Depoſitions otherwiſe taken than is herein directed, unleſs by Conſent of Parties, ſhall be void, to all Intents and Purpoſes.

Perſons leaving the Province, their Depoſitions may be taken.

XLI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon or Perſons, who may be a Witneſs or Witneſſes in any Cauſe depending in any of the ſaid Courts, ſhall be under a Neceſſity of departing this Colony before the ſaid Cauſe is to be tried, that upon Oath made thereof before the Chief Juſtice, or any one of the Juſtices of the ſaid Courts, and the Cauſe of Excuſe approved by him the ſaid Chief Juſtice, or other Juſtice, is hereby impowered to iſſue a Commiſſion

miſſion to one or more Perſons to take the Depoſition of ſuch Witneſs, Ten Days Notice being previouſly given to the adverſe Party, or his or her Attorney, of the Time and Place when ſuch Commiſſion is to be executed; which Depoſition, when returned, ſhall be received as legal Evidence. *A. D.* 1773.

Pen. for Refuſal to give Evidence.

XLII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon who ſhall be ſummoned as a Witneſs in any of the ſaid Courts, or before any Perſons appointed to take Depoſitions, ſhall refuſe to give Evidence on Oath, ſuch Perſon ſo refuſing ſhall be committed to the common Gaol, there to remain without Bail or Mainprize, until he or ſhe be willing to give Teſtimony, in ſuch Manner as the Law now doth, or hereafter ſhall direct; *provided* that the People called Quakers ſhall have the ſame Liberty of giving their Teſtimony, by Way of ſolemn Affirmation, as by an Act of Parliament made in the Eighth Year of the Reign of his Majeſty King *George* the Firſt, intituled, *An Act for granting the People called Quakers ſuch Terms of Affirmation or Declaration, as may remove the Difficulty which many of them lie under*; and that all Negroes, *Indians*, Mulattoes, and all of mixed Blood, deſcended from Negro or *Indian* Anceſtors, to the Fourth Generation, bond or free, ſhall be deemed and taken to be incapable in Law to be Witneſſes in any Caſe whatſoever, except againſt each other.

Proviſo for Quakers.

Negroes, &c no Evidence, except againſt each other.

Witneſſes Privilege.

XLIII. *AND be it further Enacted, by the Authority aforeſaid*, That during the Attendance of any Perſon ſummoned as a Witneſs to any Superior or Inferior Court, and as ſuch Perſon is going to or returning from the Place of ſuch Attendance, allowing one Day for every Twenty Five Miles ſuch Perſon's Reſidence ſhall be diſtant from the ſame, no Sheriff, or other Officer, ſhall ſerve or execute on any Perſon ſo attending, going to, or returning from ſuch Court, any Writ, Proceſs, Warrant, Order, Judgment, or Decree, in any Cauſe; and if any ſuch ſhall be ſerved or executed, the ſame ſhall, and is hereby declared to be null and void.

Their Allowance for Attendance.

XLIV. *AND be it further Enacted, by the Authority aforeſaid*, That for every Mile any Witneſs ſhall travel, either going to or returning from the Court to which ſuch Witneſs ſhall be ſummoned to appear, there ſhall be paid to him, by the Party at whoſe Inſtance the Subpœna iſſued, Three Half Pence, Proclamation Money, *per* Mile, together with the neceſſary Charges of Ferriages; and Three Shillings, like Money, for every Day's Attendance, from the Time appointed for the Appearance until the Time ſuch Perſon ſhall have given Evidence, or ſhall be diſcharged. *Provided*, That in any Bill of Coſts, there ſhall not be allowed the Charge of more than Two Witneſſes to any one particular Matter of Fact.

Clerks to take Probate of Evidence Tickets.

XLV. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerks of the Superior Courts are impowered, and are hereby directed, to take Probate of all Evidence Tickets, upon Oath, and to certify the ſame.

Writs of Error granted.

XLVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Superior Courts ſhall have Power and Authority to grant Writs of Error, for correcting the Errors of any Inferior Court, where the ſame ſhall be neceſſary; and the Party praying ſuch Writ of Error, before the ſame ſhall iſſue, ſhall aſſign Error, and give Bond and Security, to be approved by the Court, to abide by, perform, and fulfil the Judgment which ſhall be given thereon by ſuch Court: And if upon Argument of any Writ of Error, or Trial of any Appeal from any Inferior Court, the Judgment or Decree of the Inferior Court ſhall be reverſed, the Superior Court ſhall grant Judgment, or make ſuch Decree thereupon, as ſhould have been entered or made up in ſuch Inferior Court, and ſhall and may iſſue Execution thereon, without granting a Writ of *Procedendo*; and to prevent the obtaining Writs of Error by Surprize, the Party praying ſuch Writ in a civil Cauſe, ſhall give Notice to the adverſe Party of his moving for ſuch Writ, at leaſt Ten Days before ſuch Motion; and no ſuch Writ ſhall be granted without an Affidavit of ſuch Notice.

XLVII. AND

A. D. 1773.

Habeas Corpus may be granted, to remove the Body to the Superior Court.

XLVII. AND for preventing long and oppreſſive Impriſonments, *Be it Enacted, by the Authority aforeſaid*, That when any Perſon ſhall be committed in any civil Action to the Gaol of any County, by Proceſs iſſuing out of any Inferior Court, for any Matter cognizable in the Superior Court, it ſhall and may be lawful for the ſaid Superior Court for the Diſtrict in which ſuch Perſon ſhall be impriſoned, upon Petition, and Cauſe ſhewn by the Perſons ſo impriſoned, to iſſue out a *Habeas Corpus cum Cauſa*, to remove the Body of ſuch Defendant into the Gaol of the Superior Court, and the Cauſe of Commitment into the ſaid Court; and the Clerk of the ſaid Court is hereby authorized, directed, and required, by Order of the Court, to iſſue ſuch Writ accordingly; and the Court ſhall and may proceed therein, and bail, diſcharge, or retain ſuch Priſoner, as the Right of the Caſe may require.

Cauſes tranſpoſed to the Superior Court Dockets

XLVIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Cauſes, Actions, Writs, Suits, Attachments, Plaints, Proceſs, Recognizances, Indictments, and Preſentments whatſoever, that are or ſhall be depending in any of the late Superior Courts of Juſtice within this Province, or ſuch as ſhall be returnable to, or had, or ſhall have Day or Days, in any of the ſaid late Courts, or other Matters or Things in them depending, and not fully determined, ſhall be transferred and put on the Dockets of the reſpective Courts hereby eſtabliſhed, in the ſame Order they ſhall then ſtand in the Dockets of the ſaid late Superior Courts reſpectively; and ſhall be proceeded in by the ſaid Superior Courts hereby eſtabliſhed, according to the Method by this Act directed, as if the ſame had been originally commenced in any of the ſame, due Regard being had that ſuch Courts take Cognizance of ſuch Suits, Matters, and Things, the Cauſe or Cauſes whereof aroſe, or is ſuggeſted to have ariſen, within their reſpective Diſtricts.

Action given in the late Superior Courts, Suit may be brought for the ſame in the preſent Courts.

XLIX. *AND be it further Enacted, by the Authority aforeſaid*, That in all Caſes, wherein by any Act of Aſſembly heretofore made, Action is given, or Recovery directed to be had, in any of the late Superior Courts within this Colony, in every ſuch Caſe, after the paſſing of this Act, Suit may be brought for the ſame Cauſe of Action, and Recovery had in the Superior Courts hereby eſtabliſhed, and Judgment and Execution ſhall be entered, as in other Caſes by this Act directed.

Proceſs begun in the late Courts, may be taken Cognizance of in the preſent Courts.

L. *AND be it further Enacted, by the Authority aforeſaid*, That all Writs and other Proceſs, and all Suits, Appeals, and Proceedings whatſoever, iſſued, granted, or proſecuted in the late Superior Courts, wherein Judgment hath been entered, or Decree made, ſhall and may be taken Cognizance of by the Superior Courts of the reſpective Diſtricts hereby eſtabliſhed, wherein the Cauſe of Action did ariſe, or was ſuggeſted to have ariſen; and ſuch Courts may reſpectively award Execution, or other neceſſary Proceedings on ſuch Judgment or Decree, in the ſame Manner as if ſuch Suit had been originally commenced in ſuch Court; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

Forfeited Recognizances in the late Courts how levied.

LI. *AND be it further Enacted, by the Authority aforeſaid*, That wherein any of the late Superior Courts any Recognizance has been forfeited, or Fine impoſed, and not hitherto paid, it ſhall and may be lawful for the Superior Courts hereby eſtabliſhed, of the Diſtrict in which ſuch Recognizance was or ſhall be forfeited, or Fine impoſed, to iſſue Execution for levying the ſame, after the Party ſhall be ſerved with a Writ of *Scire Facias*, and fails to ſhew ſufficient Cauſe to the contrary; and in all Recognizances which ſhall hereafter be forfeited, or Fines which ſhall be hereafter impoſed, in any of the Superior Courts, the ſame Proceſs ſhall iſſue, and the Forfeiture be levied in the ſame Manner, unleſs ſufficient Cauſe be ſhewn, on the Return of the *Scire Facias*, why ſuch Forfeitures ſhould be diſcharged, or mitigated by the Court.

Commiſſion of Oyer and Terminer may be iſſued.

LII. AND whereas many of the Priſons within this Province are inſufficient for the Retention of Perſons who may commit capital and other Offences againſt his Majeſty, his Peace and Government; therefore, for the ſpeedy Trial of ſuch Offenders,

fenders, *Be it Enacted, by the Authority aforesaid*, That the Governor, or Commander in Chief for the Time being, so often as he shall find it necessary, is hereby impowered and authorized to issue a Commission of *Oyer* and *Terminer* and General Gaol Delivery, under the Great Seal of the Province, directed to the Chief Justice and his Associates, or either of them, for the Trial of any such Offenders; and the said Justices so commissioned, or either of them, after Receipt thereof, are hereby impowered to hold a Court, within the Time limited by such Commission, for the Trial of every such Offender; and to hear and determine all Crimes and Misdemeanors, of what Nature or Kind soever, wherewith such Offender or Offenders is or shall stand charged, and give Judgment, and award Execution thereon. *A. D.* 1773.

The Governor to appoint Justices of Quorum.

LIII. *AND be it further Enacted, by the Authority aforesaid*, That his Excellency the Governor, or Commander in Chief for the Time being, shall by Commission constitute Justices of the Peace for the several Counties in this Province, and in such Commission shall for each County nominate and appoint not more than Seven, nor less than Five of the Quorum; which Justices shall be stiled of the Quorum in such Commission, and shall be Inhabitants of the County to which they shall be so appointed.

To be Judges of the Inferior Courts.

LIV. *AND be it further Enacted, by the Authority aforesaid*, That such Justices of the Quorum, together with others named in the Commission, shall be Judges of the Inferior Court of Pleas and Quarter Sessions, and have all the Powers incident to such Jurisdiction. *Provided always*, That of the Justices sitting on the Bench, there shall be a greater Number of the Quorum than of the other Justices not of the Quorum; which Courts shall be called Inferior Courts of Pleas and Quarter Sessions, and taken and held to be Courts of Record.

Who are to take the Oaths of Government, and the

LV. *AND be it further Enacted, by the Authority aforesaid*, That every Person nominated and appointed a Justice of any Inferior Court, before his entering upon and executing the said Office, shall publicly in the Court-House of his County, on a Court Day, take the Oaths appointed, or which shall be appointed to be taken by Act of Parliament, for the Qualification of Public Officers, repeat and subscribe the Test; and shall also take the following Oath, *to wit*,

Oath of a Justice.

I A. B. *do swear, That as a Justice of Peace in the County of in all Articles in the Commission to me directed, I will do equal Right and Justice to the Poor and to the Rich, after my Cunning, Wit, and Power, and according to Law; and I will not be of Council in any Quarrel hanging before me; I will not let for Gift or other Cause, but well and truly I will do my Office of a Justice of the Peace, as well within the Inferior Court of Pleas and Quarter Sessions of the said County as without; and I will not take any Fee, Gift, or Gratuity, for any Thing to be done by Virtue of my Office; and I will not direct, or cause to be directed, any Warrant by me to be made to the Parties, but I will direct them to the Sheriff or Constable of the County, or other the King's Officers or Ministers, or other indifferent Person, to do Execution thereof.*

SO HELP ME GOD.

Pen. for acting without qualifying.

And if any Person whatsoever shall presume to execute the Office of a Justice of any Inferior Court, without first qualifying himself in the Manner by this Act before required, he shall, for every such Offence, forfeit and pay One Hundred Pounds, Proclamation Money; one Moiety to his Majesty, his Heirs and Successors, towards the Support of this Government, and the other Moiety to the Informer; to be recovered with Costs, by Action of Debt, in any Court wherein the same is cognizable.

Courts when held.

LVI. *AND be it further Enacted, by the Authority aforesaid*, That the said Inferior Courts of Pleas and Quarter Sessions shall be constantly held upon the Days following, *to wit*, *Dobbs* and *New Hanover*, on the First *Tuesdays* in *January*, *April*, *July*, and *October*. *Onslow* and *Anson*, on the Second *Tuesdays* in *January*, *April*,

A. D. 1773. *July*, and *October*. *Perquimons*, on the Third *Monday* in *January*, *April*, *July*, and *October*. *Duplin* and *Mecklenburg*, on the Third *Tuesday* in *January*, *April*, *July*, and *October*. *Cumberland*, *Pitt*, and *Tryon*, on the Fourth *Tuesdays* in *January*, *April*, *July*, and *October*. *Bute*, on the laſt *Tuesdays* in *January*, *April*, *July*, and *October*. *Granville*, *Bladen*, and *Rowan*, on the Firſt *Tuesdays* in *February*, *May*, *Auguſt*, and *November*. *Chatham* and *Surry*, on the Second *Tuesdays* in *February*, *May*, *Auguſt*, and *November*. *Johnſton*, *Guilford*, and *Hertford*, on the Third *Tueſdays* in *February*, *May*, *Auguſt*, and *November*. *Edgcomb*, *Orange*, and *Tyrrell*, on the Fourth *Tueſays* in *February*, *May*, *Auguſt*, and *November*. *Northampton*, *Wake*, *Currituck*, and *Hyde*, on the Firſt *Tueſdays* in *March*, *June*, *September*, and *December*. *Craven*, *Halifax*, and *Paſquotank*, on the Second *Tueſdays* in *March*, *June*, *September*, and *December*. *Carteret*, *Chowan*, and *Brunſwick*, on the Third *Tueſdays* in *March*, *June*, *September*, and *December*. *Beaufort* and *Bertie*, on the Fourth *Tueſdays* in *March*, *June*, *September*, and *December*, in each Year.

And how long to ſit.

LVII. *PROVIDED neverthelefs*, That if the Buſineſs of any of the ſaid Courts cannot be determined on the Court Day, the Juſtices may adjourn from Day to Day, not exceeding Five Days; at the End of which Time, if the Cauſes and Matters depending before them ſhall not be finally determined, or otherwiſe continued in the Manner herein after directed, the ſame ſhall be continued to the next ſucceeding Court.

One Juſtice may adjourn from Day to Day, not exceeding 3 Days.

LVIII. *PROVIDED alſo*, That if through Sickneſs, or other Inability, Badneſs of Weather, or other Accidents, it ſhall ſo happen that a ſufficient Number of Juſtices ſhall not meet for holding the ſaid Courts on the Days herein before appointed, in ſuch Caſe it ſhall and may be lawful for any one Juſtice to adjourn the Court whereof he ſhall be a Member, from Day to Day, not exceeding Three Days, until a ſufficient Number of Juſtices can attend to hold Court.

Courts, or Proceſs in them, not to be diſcontinued.

LIX. *AND be it further Enacted, by the Authority aforeſaid*, That none of the ſaid Courts, or Proceſs in any of them depending, ſhall be diſcontinued for or by Reaſon of the Juſtices failing to hold Court upon the Day by Law appointed, or of any Alteration of any of the ſaid Days appointed for holding the ſaid Courts; but in every ſuch Caſe, all ſuch Proceſs, Matters, and Things depending, ſhall ſtand continued, and all Appearances upon Returns of Proceſs, ſhall be made to the next ſucceeding Court in Courſe, in the ſame Manner as if ſuch ſucceeding Court had been the ſame Court to which ſuch Proceſs ſtood continued, or ſuch Returns or Appearances had been made; and all Recognizances, Bonds, and Obligations for Appearances, and all Returns, ſhall be of the ſame Force and Validity for the Appearance of any Perſon or Perſons at ſuch ſucceeding Court, and all Summons for Witneſſes as effectual, as if the next ſucceeding Court had been expreſsly mentioned therein.

Juſtices Power,

LX. *AND be it further Enacted, by the Authority aforeſaid*, That the Juſtices of the ſaid Inferior Courts of Pleas and Quarter Seſſions, or any Three of them, Two whereof to be of the Quorum, ſhall and may take Cognizance of, and are hereby declared to have full Power, Authority, and Juriſdiction, to hear and determine all Cauſes whatſoever at the common Law within their reſpective Counties, where the Debt, Damages, and Cauſe of Action, is above Five Pounds, Proclamation Money, and ſhall not exceed Fifty Pounds, like Money (Actions of Treſpaſs in Ejectment, Formedon in Deſcender, Remainder, and Reverter, Perjury and Felony, and ſuch criminal Cauſes where the Judgment, upon Conviction, ſhall be for the Loſs of Life or Member, excepted) and all Petit Larcenies, Aſſaults, Batteries, and Treſpaſſes (other than ſuch Treſpaſſes wherein the Title of the Freehold ſhall or may come in Queſtion) Breaches of the Peace, and other Miſdemeanors of what Kind ſoever of an Inferior Nature, and all filial Portions and Legacies, and Diſtributions of Inteſtates Eſtates, and other Matters thereto relating, for any Sum or Sums not exceeding Fifty Pounds, Proclamation Money; and the ſaid Juſtices

of

of the Peace, and every of them, at all Times during their Continuance in their Office, as well within their Inferior Court of Pleas and Quarter Seſſions as without, ſhall have full Power and Authority, as amply and as fully, to all Intents and Purpoſes, as the Juſtices of the Peace in the Counties of *England*, to preſerve, maintain, and keep the Peace within their reſpective Counties. *A. D.* 1773.

Courts Power to take Probate of Wills.

LXI. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Inferior Courts reſpectively ſhall and may, by Summons or other legal Proceſs, upon Application made to them, compell any Perſon or Perſons whatſoever, having in their Poſſeſſion any Will or Teſtament of any deceaſed Perſon, to exhibit the ſame to the Court, in Order to a legal Probation thereof, and alſo to receive the Probate of Wills, and order the ſame to be recorded, and make Orders for iſſuing Letters Teſtamentary and Letters of Adminiſtration; and the Clerk ſhall and may take Two Shillings and Eight Pence for recording each Will.

Proviſo, where Caveats are entered.

LXII. *PROVIDED always*, That any Perſon who hath a Right to execute a Will, or to adminiſter the Eſtate of any Inteſtate, who ſhall think himſelf injured by ſuch Order, may enter a Caveat in the Court wherein ſuch Order ſhall be made, againſt the Perſon obtaining the ſame; and the Secretary, and his Deputy, ſhall forbear to ſeal and counterſign Letters Teſtamentary or of Adminiſtration, till the Matter in Controverſy ſhall be reheard and determined before the Governor, or Commander in Chief for the Time being, and Council.

Clerks to take the Oaths.

LXIII. *AND be it further Enacted, by the Authority aforeſaid*, That every Perſon nominated and appointed Clerk of any Inferior Court, before his entering upon and executing the ſaid Office, ſhall take the Oaths by Law appointed for the Qualification of Public Officers, repeat and ſubſcribe the Teſt, and alſo take the following Oath, *to wit*,

I A. B. *do ſwear, That I will well and truly execute the Office of Clerk of the Inferior Court of Pleas and Quarter Seſſions for the County of according to the beſt of my Skill and Ability.* SO HELP ME GOD.

Wills to remain in the Clerk's Office.

LXIV. AND for the better Preſervation of Wills, *Be it further Enacted, by the Authority aforeſaid*, That all original Wills ſhall remain in the Clerk's Office, among the Records of the reſpective Counties where they ſhall be proved; whereunto any Perſon may have Recourſe as to the other Records, except for the Time the ſame ſhall or may be removed before any other Court, upon the Determination of any Controverſy.

Clerks to tranſmit Liſts of Wills proved to the Secretary's Office.

LXV. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of every Inferior Court aforeſaid, in the Month of *October* annually, ſhall return to the Secretary's Office a Liſt of all Certificates for obtaining Probates or Adminiſtrations, granted by their reſpective Courts from Time to Time, containing the Names of the Teſtators or Inteſtates, their Executors or Adminiſtrators, and the Names of the Securities; which Liſts the Secretary is hereby required to cauſe to be recorded in his Office, alphabetically, in Books for that Purpoſe, and ſhall and may take and receive Two Shillings and Eight Pence, Proclamation Money, for every ſuch Order therein mentioned.

Attorney General to appoint a Deputy in every County.

LXVI. *AND be it further Enacted, by the Authority aforeſaid*, That the Attorney General is hereby authorized and required to appoint a Deputy in each County within this Province, which ſaid Deputy ſhall and may proſecute all Matters cognizable in the Inferior Court of Pleas and Quarter Seſſions for and in Behalf of his Majeſty, and ſhall take and receive Thirteen Shillings and Four Pence, Proclamation Money, on each and every Bill of Indictment found, or Preſentment made, in the ſaid Court, in which he or his Deputy ſhall be.

LXVII. *AND*

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Courts to lay a Tax for Contingencies of the County.

LXVII. *AND be it further Enacted, by the Authority aforesaid*, That the said Inferior Courts of Pleas and Quarter Sessions respectively shall, and they are hereby authorized and impowered, annually, between the First Day of *May* and the First Day of *November*, to assess and lay such a Tax on the taxable Persons in their respective Counties, as shall be sufficient to defray the contingent Charges of the same; which Tax shall be collected by the Sheriff, and paid and accounted for in the same Manner as Public and Parish Taxes are, or shall be by Law directed, and by him accounted for and paid to the Court, or their Order.

Justices Power to rebuild or repair Court-Houses.

LXVIII. AND whereas it often becomes expedient that Court-Houses and Gaols should be rebuilt or repaired, and it being in Doubt whether the Justices of the said Inferior Courts have any Power to rebuild or repair such Court-House or Gaol; *Be it therefore Enacted, by the Authority aforesaid*, That from and after the passing of this Act, the Justices of the several and respective Courts in this Province have full Power and Authority, from Time to Time, as Occasion shall require, to agree and contract with Workmen, or other proper Persons, to rebuild at the same Place, or repair, any Court-House or Gaol as aforesaid; and the said Justices shall have full Power and Authority to lay a reasonable Tax on each taxable Person in their respective Counties, for defraying and paying the Charges and Expences thereof; *provided*, that there shall not be less than Five Justices on the Bench, Three whereof to be of the Quorum, at the Time of passing such Order, for building or repairing as aforesaid: And all Debts and Demands of Five Pounds, Proclamation Money, or under, are hereby declared to be cognizable and determinable by any one Justice of the Peace, who may give Judgment, and thereupon award Execution, against the Goods and Chattels, or Body, of the Debtor, or Party against whom such Judgment shall be given; which shall be executed and returned by the Sheriff or Constable, to whom directed, in the same Manner as other Writs of *Fieri Facias*, or *Capias ad Satisfaciendum*, are to be executed and returned.

All Debts of 5l. or under cognizable before one Justice.

Right of Appeal.

LXIX. *PROVIDED nevertheless*, That if either of the Parties shall be dissatisfied with the Judgment given by such Justice, he may appeal to the next Inferior Court of Pleas and Quarter Sessions, first giving Security for prosecuting such Appeal with Effect; which Cause shall be tried, and finally determined, the same Court, without any further Process, in the same Manner as Causes are there tried, brought by original Process; and Judgment shall thereupon be given, and the Party cast shall pay the Cost of all Proceedings had thereon, to be taxed by the Court.

Justice that tries the Cause, not to sit on the Appeal.

LXX. *PROVIDED nevertheless*, That the Justice before whom such Suit was first heard and determined, shall not sit in Court, or give Judgment on the Trial of such Appeal.

Attachment granted, returnable to a Justice.

LXXI. *AND be it further Enacted, by the Authority aforesaid*, That it shall and may be lawful for any Creditor, where his Debt or Demand doth not exceed Five Pounds, Proclamation Money, to go before any Justice of the Peace, and make Oath how much is justly due to him, and that he has Grounds to suspect that his Debtor hath, or intends to remove himself and Effects privately out of the County, or so absconds that Process cannot be served upon him; and thereupon such Justice, having first taken Bond and Security as in other Cases of Attachments, shall issue an Attachment against the Estate of such Debtor, returnable before any Justice of the County, directed to the Sheriff, or any Constable of the County, and by Virtue thereof, it shall be lawful for such Sheriff or Constable to pursue and attach such Effects, and make due Return of such Attachment; and the Proceedings thereon by the said Justice shall be in a summary Way, in the same Manner as on a Warrant.

Attachment returnable to Crt.

LXXII. *AND be it further Enacted, by the Authority aforesaid*, That any Justice of the Peace shall and may have Power, and is hereby authorized, upon Complaint being made by any Person or Persons, for any Matter or Thing, Debt or Damage, cognizable

cognizable in the Inferior Courts of Pleas and Quarter Seſſions of this Province, to grant an original Attachment againſt the Eſtate of any Perſon abſconding, or concealing, and removing himſelf out of the County, returnable to ſuch Court, obſerving therein the Rules and Reſtrictions directed for granting original Attachments returnable to the Superior Courts of Juſtice; and all Sheriffs, and other Officers, ſhall execute and return the ſame, and obſerve the Rules and Directions appointed to be obſerved in executing Attachments returnable to the Superior Court, and the like Judgment, Recovery, Relief, Remedy, and Proceedings, ſhall be had thereupon, as in the like Caſes is grantable in the ſaid Superior Courts. *A. D.* 1773

Proceſs how iſſued and returned.

LXXIII. *AND be it further Enacted, by the Authority aforeſaid*, That all original Proceſs, by Writ, or other Manner or Means, and all ſubſequent Proceſs thereupon, to bring any Perſon or Perſons to anſwer to any Action, Suit, Bill, Information or Plaint, in any Inferior Court of Pleas and Quarter Seſſions (except Subpœnas to ſummon Evidences, which may be made returnable immediately) ſhall be iſſued and bear Teſt by the Clerk of every Inferior Court of Pleas and Quarter Seſſions reſpectively, and ſhall be returnable on the Firſt Day of the ſitting of the Court, and ſhall be executed at leaſt Five Days before the Return thereof; and if any Perſon iſſues any Writ or Proceſs whilſt ſuch Court is ſitting, or within Five Days before the Beginning of the Court, ſuch Writ or Proceſs ſhall be returnable to the Court next after that then ſitting, or beginning to ſit, within Five Days as aforeſaid, and not otherwiſe; and all Writs and Proceſs iſſued, made returnable, or executed in any other Manner, or at any other Time, than is herein before directed, may be abated upon the Plea of the Defendant.

Proviſo in criminal Caſes.

LXXIV. *PROVIDED always*, That nothing herein contained ſhall extend, or be conſtrued to invalidate or vacate any Writ, Proceſs, Warrant, or Precept, iſſued by any Juſtice of the Inferior Courts of Pleas and Quarter Seſſions, on any criminal Proſecution, or in his Majeſty's Behalf, but the ſame may be returnable on any Day in the ſitting of the Court; and the Proceedings in all criminal Caſes ſhall be had according to the Laws and Statutes of *Great Britain*, and this Province; any Thing herein contained to the contrary notwithſtanding.

Proceed. where Proceſs iſſues to the Sheriff in civil Caſes.

LXXV. *AND be it further Enacted, by the Authority aforeſaid*, That when any Writ or Proceſs ſhall iſſue to take the Body of any Perſon or Perſons, to anſwer unto any Plaintiff in any civil Action in any Inferior Court of Pleas and Quarter Seſſions, the Sheriff ſhall return therewith a Bond, with Two ſufficient Securities, for double the Sum for which the Perſon ſhall be held in Arreſt (Executors, Adminiſtrators, and Perſons ſued on Penal Statutes, excepted) to the Clerk, on or before the Firſt Day of every Court; and if the Sheriff ſhall not return Bail, or the Bail ſo returned ſhall be found inſufficient, upon Exception taken thereto, then and in ſuch Caſe the Sheriff ſhall be taken and ſtand Bail for the Defendant, and the Plaintiff may proceed in his Suit to Judgment, according to the Rules hereafter mentioned, and on Judgment or Recovery, may take out Execution againſt the Defendant or Sheriff, or both; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. *Provided always*, That if the Defendant puts in Bail before the Time to plead given him by the Rules hereafter mentioned is expired, then the Sheriff ſhall be diſcharged. *Provided alſo*, That the Sheriff may ſurrender the Defendant in Diſcharge of himſelf, at any Time before final Judgment obtained againſt the Defendant.

Execution to iſſue to any County after Judgment.

LXXVI. *AND be it further Enacted, by the Authority aforeſaid*, That where any Judgment or Decree ſhall be obtained in any Inferior Court of Pleas and Quarter Seſſions, for any Debt, Damages, Portion, or Legacy, or Proportion of any Inteſtates Eſtate, and the Perſon againſt whom ſuch Decree ſhall be obtained ſhall remove him or herſelf and Effects, or ſhall reſide out of the Limits of the Juriſdiction of ſuch Court, it ſhall be lawful for the Clerk of the Court where Judgment was given, or Decree made, at the Requeſt of the Party for whom the ſame was rendered,

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dered, to iſſue a Writ of *Fieri Facias*, *Capias ad Satisfaciendum*, or other Proceſs, under the Teſt herein before preſcribed, and to direct the ſame to the Sheriff, or other Officer, of any County of this Province, where the Defendant or Debtor, or his Goods, ſhall be found; which ſaid Sheriff or other Officer, to whom the ſame ſhall be directed, is hereby impowered and required to ſerve and execute the ſame, and ſhall make return thereof to the Court where the Judgment or Decree was given, in the ſame Manner as if ſuch Proceſs had iſſued from the Superior Court of Juſtice.

Proceed. where Non eſt Inventus is returned.

LXXVII. AND for the better aſcertaining what Proceſs may be iſſued, where the Sheriff ſhall return that the Defendant is not to be found in his Bailiwick; *It is hereby Enacted*, That when any Sheriff ſhall make ſuch Return, the Plaintiff or Plaintiffs, in any civil Action, may ſue an Attachment againſt the Eſtate of ſuch Defendant, returnable as is herein before directed for the Return of original or other ſubſequent Proceſs, thereupon to enforce an Appearance, or an *Alias* or *Pluries Capias*, until ſuch Defendant be arreſted, at the Election of the Plaintiff or Plaintiffs; and if the Sheriff ſhall return ſuch Attachment executed, the Plaintiff ſhall file his Declaration according to the Rules of the Court, and be intitled to a Judgment.

Proceedings on Attachments the ſame as in the Superior Courts.

LXXVIII. *AND be it further Enacted, by the Authority aforeſaid*, That the ſame Rules, Methods, and Proceedings, ſhall be had, kept, uſed, and obſerved, by the ſaid Inferior Courts of Pleas and Quarter Seſſions, and Officers, in the granting, iſſuing, executing, returning, and awarding Judgment on judicial Attachments, and the like Remedy, Recovery, and Relief, againſt Sheriffs and Bail, as in like Caſes is provided by Law in Suits depending in the Superior Courts of Juſtice.

Rules of Court.

LXXIX. AND for the regular Proſecution and Determination of Suits, entering up Judgments, and Preſervation of the Records; *Be it therefore Enacted, by the Authority aforeſaid*, That the following Rules and Methods ſhall be obſerved, *to wit*,

That the Plaintiff in every Suit ſhall file his Declaration on the Firſt Day of the Court, or firſt calling of the Cauſe in Court; and at the ſame Time ſerve the Defendant, or his Attorney, with a Copy thereof, if required.

That if the Plaintiff fail to file his Declaration, or appear and proſecute his Suit, the Defendant may enter a *Non Pros.*

That the Defendant ſhall enter his Appearance, and file his Plea in Writing, whether general or ſpecial, the firſt Court; and if he fails ſo to do, the Plaintiff ſhall have Judgment, which in Actions of Debt ſhall be final, except where Damages are to be ſuggeſted on the Roll; in which Caſe, and in all others where the Plaintiff ſhall recover in Damages, a Writ of Enquiry ſhall be executed the next Court.

That the Defendant may plead as many ſeveral Matters as he ſhall think neceſſary for his Defence, ſo that he be not admitted to plead and demur to the whole.

That all Iſſues, whether general or ſpecial, ſhall be heard and tried the next ſucceeding Court, unleſs ſufficient Cauſe is ſhewn to ſuch Court why ſuch Cauſes ſhall be continued.

That all Cauſes at Iſſue ready for Trial be firſt heard and tried.

That every Motion in Arreſt of Judgment ſhall be argued the laſt Day of the ſame Court the Iſſue is tried, the Defendant's Attorney firſt ſerving the Plaintiff's Attorney with a Copy of the Reaſons in Arreſt of Judgment; unleſs, upon ſufficient Reaſons ſhewn, and approved of by the Court, further Time ſhall be allowed.

That when any ſpecial Verdict ſhall be found, or Demurrer to Evidence, at the Motion of either Party, Time ſhall be allowed to the next ſucceeding Court for hearing.

LXXX. *AND*

LXXX. AND for Prevention of Delay and Vexation by dilatory Pleas, *It is hereby further Enacted*, That no Plea in Abatement ſhall be received in any Action or Suit, unleſs the Truth thereof be ſufficiently ſhewn to the Court, by Affidavit or otherwiſe; and in all Actions where the Declaration ſhall plainly ſet forth ſufficient Matter of Subſtance for the Court to proceed upon the Merits of the Cauſe, the Suit ſhall not abate for Want of Form; and that when any Plea in Abatement ſhall be pleaded in any Action, and upon Argument thereof the ſame ſhall be judged inſufficient, the Plaintiff or Plaintiffs in ſuch Action ſhall recover againſt the Defendant or Defendants full Coſts to the Time of overruling ſuch Plea, including the Coſts of that Court, a Lawyer's Fee only excepted. *A. D.* 1773. Dilatory Pleas prevented.

LXXXI. AND for granting Appeals from the Inferior Courts of Pleas and Quarter Seſſions to the Superior Courts of Juſtice, and obtaining Writs of Error to the ſaid Courts; *Be it further Enacted, by the Authority aforeſaid*, That when any Perſon or Perſons, either Plaintiff or Defendant, ſhall be diſſatisfied with the Judgment, Sentence, or Decree, of any Inferior Court, he may pray an Appeal from the Judgment, Sentence, or Decree of ſuch Court, to the Superior Court of Juſtice of the Diſtrict wherein ſuch Inferior Court of Pleas and Quarter Seſſions is held; but before obtaining the ſame, ſhall enter into Bond, with Two ſufficient Securities, for proſecuting the ſame, and for performing the Judgment, Sentence, or Decree, that the Superior Court ſhall enter or make thereon, in Caſe ſuch Appellant ſhall be caſt. Appeals granted.

LXXXII. AND becauſe it may happen that in iſſuing Proceſs, carrying on the Proceedings, and rendering Judgments in the ſaid Inferior Courts of Pleas and Quarter Seſſions, there may be Error to reverſe Judgments; *Be it Enacted*, That when any Defendant is deſirous to proſecute a Writ of Error, he ſhall move the Inferior Court of Pleas and Quarter Seſſions where ſuch Suit is depending, to allow a Writ of Error, he firſt entering into Bond as afore-mentioned; and the Court is hereby impowered and required to allow thereof, as if ſuch Writ of Error was then and there produced. Writs of Error granted.

LXXXIII. AND for carrying on and proſecuting ſuch Appeals and Writs of Error, *Be it Enacted, by the Authority aforeſaid*, That the following Rules and Methods of Practice ſhall be obſerved, *to wit*, That when any Perſon, either Defendant or Plaintiff, conceives he is injured by the Judgment, Sentence, or Decree, of any Inferior Court, and ſhall have appealed to the Superior Court, in Manner above directed, a Tranſcript of the Proceedings of the Inferior Court ſhall be filed by the Clerk of ſuch Superior Court Fifteen Days before the ſitting of the Court; and if the Trial in the Inferior Court was of an Iſſue to the Country, a Trial *de Novo* ſhall be had; and if on a hearing on a Petition for a filial Portion or Legacy, or Diſtribution of an Inteſtate's Eſtate, or other Matter thereto relating, a re-hearing at the ſaid Court, without Notice given by either Party; and if ſuch Tranſcript of the Proceedings is not filed within the Time aforeſaid with the Clerk of the Superior Court, or if the Appellant ſhall fail to appear and proſecute his Appeal, then the Judgment, Sentence, or Decree, of the Inferior Court, ſhall be affirmed, and the Appellant ſhall be adjudged to pay double Coſts, provided that there ſhall be Thirty Days between the Day of Trial or Hearing in the Inferior Court and the next Superior Court; but when it ſo happens that there are not Thirty Days between ſuch Trial or Hearing and the Superior Court, ſuch Appeal ſhall be continued, and a Tranſcript of the Proceedings tranſmitted to the Superior Court next after: And where any Defendant will proſecute a Writ of Error, he may move the Inferior Court where the Trial is had, and enter into Bond, with Security, as before-mentioned; whereupon a Tranſcript of the Proceedings ſhall be filed with the Clerk of the Superior Court Fifteen Days before the Court, and the Party proſecuting ſuch Writ of Error ſhall aſſign and file Error the firſt Four Days of the Court; and in Caſe ſuch Defendant ſhall neglect to file ſuch Writ, and aſſign Error as aforeſaid, or ſhall fail to appear and proſecute the ſame, then the Judgment of the Inferior Court How proſecuted.

ſhall

A. D. 1773. shall be affirmed, and the Plaintiff in Error shall be adjudged to pay double Costs; provided that there shall be Thirty Days between such Motion for obtaining a Writ of Error, and the Time of holding the Superior Court.

On Appeals, Clerks to make up a Record of Proceedings for the Appellant.

LXXXIV. *AND be it further Enacted, by the Authority aforesaid*, That in every Inferior Court within this Province, when an Appeal shall be granted, or Writ of Error allowed, the Clerk of such Court shall immediately make up a full and perfect Record of all the Proceedings in such Cause; and shall, within Ten Days after the Adjournment of the Court, give an attested Copy of such Record, with a Taxation of all Costs accrued, to the Person appealing, or to whom the Writ of Error is allowed, if required; and every Clerk neglecting to do the same, shall forfeit and pay to the Person intitled to such attested Copy, the Sum of Five Pounds, Proclamation Money; to be recovered by Action of Debt, Plaint, or Information, in any Court of Record; and the said Clerk shall be further liable to an Action on the Case, for all such Damages as such Person shall sustain for Want thereof.

Actions transposed to the present Court Dockets.

LXXXV. *AND be it further Enacted, by the Authority aforesaid*, That all Causes, Actions, Suits, Writs, Plaints, Process, Recognizances, Indictments, and Presentments whatsoever, heretofore commenced, and not yet determined, in either of the late Inferior Courts of Pleas and Quarter Sessions in this Province, or such as shall be returnable to, or had, or shall have Day or Days in any of the said Courts, or other Matters or Things in them depending, not fully determined, after the passing of this Act, shall be transposed and carried off the Dockets of each of the said late Inferior Courts, into the Dockets of the several Courts by this Act established, in the same Order in which they shall then stand on the Dockets of the said late Inferior Courts respectively, and shall be proceeded on by the said Courts according to the Method by this Act directed, as if the same had been originally commenced therein.

Process in the late Courts to be cognizible in the present Courts.

LXXXVI. *AND be it further Enacted, by the Authority aforesaid*, That all Writs and other Process, and all Suits and Proceedings whatsoever, issued, granted, or prosecuted in any of the said late Inferior Courts, wherein Judgment hath been entered or Decree made, shall and may be taken Cognizance of by the said Courts of the respective Counties by this Act established; and such Courts may respectively award Execution, or other necessary Proceedings on such Judgment or Decree, in the same Manner as if such Suit had been originally commenced in such Court by this Law hereby established; any Law, Usage, or Custom, to the contrary, notwithstanding.

Suspending Clause.

LXXXVII. *PROVIDED*, That the Execution of this Act be suspended and deferred, till his Majesty's Royal Will and Pleasure be known thereupon.

CHAP. II.

An Act for regulating the Town of Hertford, *and other Purposes.*

Preamble.

I. WHEREAS from many unavoidable Hindrances, it hath been impracticable for the Proprietors of Lots in the Town of *Hertford* to complete the Buildings on the Lots in the said Town;

Lots vested in the Grantees.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That every Lot in the said Town, on which a House shall be erected and built, of the Dimensions mentioned in an Act of Assembly, intituled, *An Act for establishing a Town on the Lands of* Jonathan Phelps, *in* Perquimons *County*; or in another Act of Assembly, intituled, *An Act for enlarging the Time allowed for saving Lots in the Town of* Hertford, *and other Purposes*; or in one other Act of Assembly, intituled, *An Act to continue an Act, intituled, An Act for enlarging the Time allowed for saving Lots in the Town of* Hertford, *and other Purposes, and to establish a Ferry from*

from the Town of Hertford, *on the Weſt Side of* Perquimons *River, to* Newby's *Point, on the Eaſt Side of the ſaid River*, within the Space of Five Years next after the paſſing of this Act; and alſo every Lot therein which ſhall be hereafter ſold or conveyed, on which ſuch Houſe ſhall be erected, within the Space of Five Years after the Date of the Conveyance executed for the ſame, ſhall and is hereby declared to be veſted in the Grantee thereof, and his Heirs and Aſſigns, in Fee-Simple; any Thing contained to the contrary in any of the ſaid recited Acts, notwithſtanding. A. D. 1773.

III. *AND be it further Enacted, by the Authority aforeſaid*, That when any Lot in the ſaid Town ſhall hereafter lapſe by Reaſon of its not being built on, the Directors and Truſtees of the ſaid Town, or the Majority of them, ſhall and may, and they are hereby directed and required, to ſell ſuch Lot at Public Vendue, for the beſt Price that can be got, and to give the Purchaſers a Deed of Bargain and Sale for the Lot by him ſo purchaſed. Lapſed Lots to be ſold.

IV. AND whereas there are ſeveral Lots in the ſaid Town which have never been drawn in Manner directed by Law, *Be it further Enacted, by the Authority aforeſaid*, That the Directors hereafter appointed, and each or either of them, are impowered and required to take Subſcriptions for the ſaid Lots, or ſo many of them as ſhall be ſubſcribed for within Six Months after the paſſing of this Act; and when the Directors have taken ſuch Subſcriptions, ſhall appoint a Day, and give Public Notice to the Subſcribers of the Day appointed, for drawing the ſaid Lots, which ſhall be done by Ballot, in a fair and open Manner, by the Direction, and in the Preſence of the Majority of the ſaid Directors; and ſuch Subſcriber ſhall be intitled to the Lot and Lots which ſhall happen to be drawn for him, and correſpond with the Mark and Number contained in the Plan of the ſaid Town: And the Directors, or a Majority of them, ſhall execute and deliver Deeds for granting and conveying the ſaid Lots to the Subſcribers, their Heirs and Aſſigns, for ever, and alſo to every other Perſon 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; 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: And if any Lot or Lots ſhould not be ſubſcribed for, and drawn in Manner by this Act directed, the ſame ſhall be ſold at Public Vendue, by Direction of the Directors, or a Majority of them, and Deeds ſhall be made for ſuch Lots to the beſt Bidders reſpectively, in the ſame Manner as for ſuch Lots as may be drawn as before directed. Lots to be drawn for.

V. *AND be it further Enacted, by the Authority aforeſaid*, That each reſpective Subſcriber, or Purchaſer of ſuch 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 Forty Five Shillings, Proclamation Money, for each Lot; Forty Shillings of which Sum ſhall be paid over to the Heir at Law of the ſaid *Jonathan Phelps*, deceaſed, in full Satisfaction for the ſaid Land, and the other Five Shillings ſhall be applied towards defraying the Expence of laying off and improving the ſaid Town, as a Majority of the Directors ſhall think proper: And in Order to do Juſtice to the Heirs at Law of the ſaid *Jonathan Phelps*, for ſuch Lots as may be ſold at Vendue, there ſhall be paid out of the Sale of ſuch Lots the whole Amount of the Sales, if not more than Forty Shillings for each Lot, on an Average; and that all above that Sum ſhall be applied by the Directors for the Benefit of the ſaid Town, in Manner as by this Act directed: And in Caſe of a Refuſal or Neglect of any of the Subſcribers or Purchaſers of Lots to pay their reſpective Sums, the ſaid Directors ſhall and may warrant or ſue the Perſon or Perſons (according to the Dignity of the Debt) in their own Names, and therein ſhall recover, with Coſts. Purchaſers of Lots to pay 45 s.

VI. AND whereas the Plan of the ſaid Town is thought to be incorrect and uncertain; *Be it Enacted, by the Authority aforeſaid*, That the Directors, or a Majority of them, ſhall have full Power and Authority to meet as often as they ſhall think Directors to make a Re-Survey and Plan of the Town.

A. D. 1773. neceſſary, and cauſe a Re-Survey of the ſaid Town, and a Plan to be made from the ſaid Re-Survey, and therein to inſert a Mark or Number to each Lot, and ſhall give the Courſes and Diſtance of each ſeveral Street and Lot in the ſaid Town.

Not to affect Purchaſers of Lots.

VII. *PROVIDED neverthelefs*, That if any Houſe hath been built on any Street, Lot, or Common, in the ſaid Town, contrary to the Intent and Meaning of the ſeveral before recited Acts, the Proprietor of ſuch Houſe ſhall not be injured by the ſaid Re-Survey; but ſuch Houſe, and the Ground whereon it ſtands, ſhall, and is hereby declared to belong to the ſaid Proprietor or Proprietors, his, her, or their Heirs or Aſſigns, any Thing in the before recited Acts to the contrary, notwithſtanding.

Commons to be ſold.

VIII. AND whereas in the Plan of the ſaid Town, heretofore taken, there is common Ground left between the Streets and the River, where Warehouſes and Wharfs might be built, for the Benefit and Convenience of Commerce; *Be it Enacted, by the Authority aforeſaid*, That the Directors, or a Majority of them, are impowered and required to ſell ſuch Pieces of Ground as may be conſidered the Commons of the ſaid Town, as ſhall be by them judged conveniently ſituated for ſuch Buildings and Improvements, at Public Vendue, to the higheſt Bidder, and to make proper Deeds and Conveyances for the ſame; and the Money ariſing from ſuch Sale, to be applied towards the Benefit of the ſaid Town.

Lots oppoſite to have the Preference.

IX. *PROVIDED neverthelefs*, That when any Lot has been heretofore drawn, ſold, or conveyed, and is now the Property of any Perſon or Perſons next oppoſite to which ſuch Lot or Lots belong, on tendering and paying to any One or more of the Directors, within Six Months after the paſſing hereof, the Sum of Twenty Shillings, Proclamation Money, the Directors ſhall make and execute a Deed or Deeds for them, in the ſame Manner as is before directed, and the Money to be applied as herein before directed.

Directors to give Certificates of ſaved Lots.

X. *AND be it further Enacted, by the Authority aforeſaid*, That the Directors, or a Majority of them, ſhall, on Application of any Perſon or Perſons who hath already ſaved, or ſhall hereafter ſave any Lot or Lots within the ſaid Town, give ſuch Perſon or Perſons a Certificate of the Lot or Lots having been ſo ſaved, agreeable to Law; which ſhall be proved or acknowledged, and regiſtered in the ſaid County of *Perquimons*, at the proper Coſt and Charges of the Perſon or Perſons requiring ſuch Certificate; and the ſaid Lot or Lots ſhall thereafter be held, deemed, and taken, to be ſufficiently ſaved, and ſhall continue to be the Property of the Grantee or Grantees thereof, his, her, or their Heirs or Aſſigns, for ever; any Thing in this, or any of the before recited Acts, to the contrary, notwithſtanding.

Overſeer of the Streets to be appointed.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Inferior Court of *Perquimons* County, and they are hereby directed and required, within Six Months after the paſſing of this Act, and from Time to Time thereafter, as Occaſion may require, to appoint an Overſeer to work on the Streets and Alleys of the ſaid Town, who ſhall have equal Power and Authority, and be liable to the like Pains and Penalties, as other Overſeers; and the Inhabitants of the ſaid Town ſhall, at all Times hereafter, by Order of the Overſeer, work on the Streets and Alleys of the ſaid Town, in the ſame Manner, and under the ſame Penalties, as others are liable to, in and by an Act of Aſſembly, intituled, *An Act to impower the Inferior Courts of the ſeveral Counties in this Province to order the laying out of Public Roads, and eſtabliſh and ſettle Ferries, and to appoint where Bridges ſhall be built, for the Uſe and Eaſe of the Inhabitants of this Province, and to clear navigable Rivers and Creeks:* And the Overſeer, and Inhabitants of the ſaid Town, ſhall not be liable to work on any other Road hereafter; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

XII. *AND*

A. D. 1773.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Overſeer, within Six Months after his Appointment, ſhall cauſe all Perſons liable to work on the Streets and Alleys of the ſaid Town, to make a ſufficient Fence from and to the Water, on each Side of the ſaid Town, in the moſt convenient Place, and ſhall hang a Gate or Gates at one or more of the moſt Public Streets of the ſaid Town, as Occaſion may require; and the ſaid Overſeer and Company, for the Time being, ſhall, from Time to Time, and at all Times thereafter, keep the ſaid Fence and Gates in good and ſufficient Repair, under the like Fines and Forfeitures, as for neglecting to work on the Streets and Alleys of the ſaid Town.

Town Fence to be made.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That no Inhabitant of the ſaid Town ſhall, on any Pretence whatſoever, keep any Hog or Hogs, Shoat or Pigs, running at large within the Bounds of the ſaid Town, on Penalty of forfeiting and paying the Sum of Twenty Shillings, Proclamation Money, to the Party aggrieved; and further, that it ſhall and may be lawful for any Perſon whatſoever, after the Firſt Day of *January* next, to ſhoot, kill, or otherwiſe deſtroy, ſuch Hog or Hogs, Shoat or Pig, ſo running at large in the ſaid Town.

Hogs not to run at large in Town.

XIV. *PROVIDED always*, That the Perſon or Perſons killing ſuch Hog or Hogs, Shoat or Pigs, ſhall not be intitled to them; but the ſame ſhall continue the Property of the Owner, who may take the ſame to his, her, or their Uſe and Benefit.

Property preſerved to the Owner.

XV. AND whereas ſeveral of the Directors of the ſaid Town are dead, whereby their Offices are become vacant; *Be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *Seth Sumner*, *William Skinner*, *Andrew Knox*, *Nathaniel Williams*, and *Thomas Harvey*, be, and are hereby appointed Directors of the ſaid Town, and may uſe and exerciſe the ſame Powers and Authorities, as the Directors appointed by the before recited Act could or might have exerciſed, uſed, or enjoyed, by Virtue of the ſame: And in Caſe of the Death, Refuſal to act, or Removal out of the County, of one or more of the ſaid Directors, the ſurviving or other Directors, or a Majority of them, ſhall, and they are hereby impowered and required, to chooſe another Director or Directors, in the Room of him or them ſo dying, refuſing to act, or removing out of the County, agreeable to the Directions of the ſaid Act.

Directors appointed.

XVI. AND whereas the Court-Houſe in *Perquimons* County is ſituate in the Town of *Hertford*, on the Weſt Side of *Perquimons* River, and the Inhabitants on the Eaſt Side of the ſaid River are obliged to attend at the ſaid Court-Houſe during the ſitting of the Inferior Court, at the Election of Members of Aſſembly and Veſtrymen, General Muſters, and Court Martials of the ſaid County, and the Act of Aſſembly heretofore made for defraying the Expences of ſuch Ferriage is near expiring; *Be it therefore Enacted, by the Authority aforeſaid*, That the Inferior Court of the ſaid County of *Perquimons* are hereby authorized, impowered, and required, at the next Court to be held after the Firſt Day of *May*, yearly, to lay a Tax, not exceeding Three Pence, Proclamation Money, on each taxable Perſon in the ſaid County, to be collected and accounted for with the Inferior Court of the ſaid County, by the Sheriff of the ſaid County, in the ſame Manner, and under the like Regulations and Reſtrictions, as other Taxes of the ſaid County are to be collected and accounted for, and to be by the ſaid Court applied and appropriated as a Premium or Reward to ſeveral Ferrymen now appointed, or hereafter to be appointed by the Court of the ſaid County, to keep a Ferry from *Hertford* to *Newby*'s Point, and from *Newby*'s Point to *Hertford*; for which they ſhall, and are hereby obliged, to ſet over, Ferriage free, all Perſons reſident in the ſaid County, going and returning from the Court or Veſtry of the ſaid County, Election of Members of Aſſembly and Veſtrymen, Muſters, and Court Martials of the ſaid County.

Tax laid for a Public Ferry.

XVII. *AND*

A. D. 1773.

Court to pay the Ferrymen.

XVII. *AND be it further Enacted, by the Authority aforeſaid*, That the Inferior Court of the ſaid County are hereby authorized, impowered, and required, out of the Monies ariſing by the Tax ſo laid and collected as aforeſaid, yearly, and every Year, to allow and pay to the ſeveral Ferrymen attending at the Ferry aforeſaid, ſuch Sums of Money as they ſhall think reaſonable, for their Trouble in tranſporting all Perſons who ſhall or may have Occaſion to attend the ſaid Court-Houſe on the Days and Times aforeſaid.

Perſons to be Ferry free.

XVIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Ferrymen that now are appointed, or ſhall hereafter be appointed by the Court of the ſaid County, to keep a Ferry at *Hertford* and *Newby*'s Point, are hereby required to ferry over the ſaid River, free from any Expence, all Perſons reſident in the ſaid County, during the ſitting of the Inferior Court and Veſtry of the County, and alſo all Perſons whatever on the Days of Election of Members of Aſſembly or Veſtrymen, and alſo all Perſons going to, and returning from, the Muſters and Court Martials of the ſaid County, under the Penalty of forfeiting and paying the Sum of Ten Shillings, Proclamation Money, for each Neglect or Refuſal; to be recovered by a Warrant, on Proof made before any Magiſtrate of the ſaid County.

Ferry Keepers to give Bond.

XIX. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices of the ſaid Court to take Bond and Security of the ſaid Ferry Keepers, in the Sum of Twenty Pounds, Proclamation Money, for their due and faithful Performance of the Duties enjoined by this Act; and that all Fines that ſhall be recovered againſt any Ferry Keeper in Virtue of this Act, ſhall be paid to the Juſtices of the ſaid Court, to be by them applied towards defraying the Charges of the County; and all other Fines by this Act impoſed ſhall be recoverable by the Directors, or a Majority of them, and applied towards the Benefit of the ſaid Town.

Fines how recoverable.

CHAP. III.

An Act to regulate and aſcertain the Fees of the Clerks of the Pleas in the Superior and Inferior Courts in this Colony, directing the Method of paying the ſame, and for taxing Law Suits.

Preamble.

I. WHEREAS frequent Complaints have been made that the Fees of the Clerks of the Superior and Inferior Courts, as regulated by former Acts of Aſſembly, are doubtful and ambiguous: For Explanation whereof,

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That for the future the following Fees only ſhall be received by the Clerks of the Superior and Inferior Courts, and no other or greater Fees or Charges whatſoever ſhall be deemed or conſtrued to be allowed by the former Acts of Aſſembly, *to wit*,

Clerks Fees regulated.

For every Writ or leading Proceſs returned to the firſt Court, and all ſubſequent Proceſs, Appearances, Pleas, Rules, Orders, and other Services neceſſary thereon, until the making up an Iſſue incluſive; and alſo for Diſmiſſion or final Judgment, where either happens, or for Confeſſion of Judgment, to the Clerk of the Court, Fourteen Shillings.

For every Continuance or Reference of every Cauſe after the ſecond Court, including all Fees for every Service neceſſary thereon, Four Shillings.

For the Court at which the Cauſe is determined, including all Fees for every neceſſary Service thereon, and entering final Judgment incluſive, Eighteen Shillings.

For every Subpœna, provided the Party inſert no more than Four Witneſſes in the ſame, Two Shillings.

For every Execution or Order of Sale, when neceſſary, iſſued and returned, including all Services thereon, with taxing Coſts, and Copy, and entering Satisfaction, Five Shillings.

For

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For every *Scire Facias* againſt Bail, with making up an Iſſue thereon, or entering Judgment, without Plea, including all Fees for every Service neceſſary thereon (provided that the Party paying Coſts ſhall not be ſubject to this, unleſs the *Scire Facias* is requiſite, and required by the Plaintiff) Eight Shillings.

For giving a Copy of the Record of any Cauſe, when demanded by either of the Parties, Six Shillings.

For every Order or Rule of Court, made on Matters foreign to the Suits depending in Court, and Copy thereof, when demanded, Two Shillings and Eight Pence.

For entering on the Minutes the Probate of a Will, qualifying Executors, making Certificate, recording the Will, and giving Copy thereof, Ten Shillings and Eight Pence.

For granting Adminiſtration, taking Bond, and all other Services thereon, Ten Shillings and Eight Pence.

For all Services neceſſary to be done by the Clerk of the Court, towards procuring Letters of Adminiſtration or Letters Teſtamentary, if he furniſhes the ſaid Letters, including the Governor's, Secretary's, and private Secretary's Fees, Twenty Six Shillings and Eight Pence.

For all Services in proving, recording, and filing an Inventory, Account of Sales, or Account Current, exhibited by an Executor, Adminiſtrator, or Guardian, or for Search, Copy, and Certificate of the ſame, if the Eſtate be under One Hundred Pounds, One Shilling and Four Pence; if above One Hundred Pounds Value, Four Shillings.

For every Marriage Licence and Bond, and all the neceſſary Services thereon, Five Shillings.

For an Ordinary Licence and Bond, and all the Services neceſſary to be done thereon, Five Shillings.

For Tavern Rates, Two Shillings and Six Pence.

For ſearching a Record out of Court, Eight Pence.

For proving or entering Acknowledgment of a Conveyance of Land or other Eſtate, and certifying the ſame, with the Order for Regiſtration, and Examination of a Feme Covert, without Commiſſion, Two Shillings and Eight Pence.

For a Commiſſion to take the Examination of a Feme Covert, or Witneſſes in any Cauſe depending in the Superior Court, the Return thereon, entering, and all other Services neceſſary thereon, Three Shillings.

For Guardian or other Bonds taken in Court, and for all neceſſary Services thereon, every Fee relative thereto included, Eight Shillings.

For Indentures for binding out Apprentices, making Order thereon, and for filing and recording the ſame, including all Fees for every Service neceſſary, Five Shillings and Four Pence.

For a ſpecial *Venire Facias* in an Action of Ejectment, or where the Bounds of Land ſhall come in Queſtion, when the ſaid Writ ſhall be iſſued, Eight Shillings.

For a ſpecial Verdict, Demurrer or Motion in Arreſt of Judgment, and Argument thereon, Four Shillings.

For Writ of Error or Appeal, with a Tranſcript of the Record, and all Services thereon, Ten Shillings.

For making out Certificates of Witneſſes or Jurymens Attendance, Eight Pence.

For recording a Mark or Brand, and granting Certificates thereof, if required, One Shilling and Four Pence.

Clerks allowed no other Fees than by this Act, except by the Inferior Courts.

III. *AND be it further Enacted, by the Authority aforeſaid*, That all the Services neceſſary to be done by the Clerks of the Superior and Inferior Courts within this Province, for which Fees are not provided in this Act, ſhall be deemed and conſtrued to be *ex Officio* Services, for which the Clerks ſhall demand no Fee or Reward whatever, except what ſhall be allowed ſuch Clerks by the Inferior Court of their reſpective Counties for ſuch Services.

Clerks may iſſue Executions for their Fees.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That it ſhall and may be lawful for the Clerks of the Superior or Inferior Courts, on the Fees not being

A. D. 1773. paid by the Party from whom they are due, to make out Execution, directed to the Sheriff of the County where the Party reſides; and the ſaid Sheriff ſhall levy the ſame, in Virtue of the ſaid Execution, as in other Caſes; and to the ſaid Execution ſhall be annexed a Copy of the Bill of Coſts of the Fees on which ſuch Execution ſhall iſſue, wrote in Words at length, and without any Abreviation whatſoever; and all Executions iſſuing without the Copy of ſuch Bill of Coſts annexed, ſhall be deemed illegal, and no Sheriff ſhall ſerve or execute the ſame.

When Continuance of a Cauſe is granted, Party praying the ſame to pay all Coſts.

V. *AND be it further Enacted, by the Authority aforeſaid*, That whenever it ſhall be the Opinion of the Court that the Party praying a Continuance ſhould not obtain it without Payment of all Coſts attending the ſame, the whole of theſe Coſts ſhall be paid before the Continuance is granted; and the Party paying ſuch Coſts ſhall not be intitled to recover them, although the Judgment of the Court ſhould finally be in his Favour.

Proceed. where Clerks charge more Fees than is allowed by this Act.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That if any Perſon ſhall hereafter conceive himſelf aggrieved by any Clerk of the Superior or Inferior Courts, in taxing or charging other or greater Fees than by this Act are allowed, it ſhall and may be lawful for ſuch Perſon ſo aggrieved, either by himſelf or his Attorney, to complain to the Court where ſuch Offender is Clerk, and the ſaid Court ſhall, in a ſummary Way, take the Matter under their Conſideration; and if it ſhall appear to them that ſuch Clerk hath taxed and charged other or greater Coſts or Fees than are by this Act allowed, then the ſaid Court ſhall not only order immediate Reſtitution to be made to the Party injured, together with all Coſts and Damages, but alſo may, and they are hereby required, to ſet ſuch Fine as they ſhall think proper on ſuch Clerk, not exceeding the Sum of Five Pounds; and the Court ſhall commit ſuch Clerk to Gaol, if he refuſes or delays to obey their Judgment, there to remain until he has ſatisfied the Party injured, agreeable to the Judgment of the Court, and alſo paid the Fine inflicted on him to the Sheriff; which Fine ſhall be applied towards defraying the contingent Charges of the County where ſuch Court ſhall be held, and ſhall be accounted for by the Sheriff at the ſame Time as he accounts for the County Tax: *Provided*, That ſuch Clerk ſhall have Ten Days Notice in Writing previous to the ſitting of the Court where ſuch Complaint is intended to be made, and that there ſhall be at leaſt Five Juſtices on the Trial of ſuch Complaint, if in the Inferior Court; and the Notice ſhall be in theſe Words, or to this Effect:

I INTEND to complain of you to the next Court, for taking more Fees in the Suit of againſt than the Law allows.

And a Copy of this Notice, directed to the Clerk, and ſigned by the Complainant, proved by the Oath of the Perſon who ſerved it, with a Copy of the Bill of Coſts from the Officer who levied the ſame, ſhall be ſufficient for the Court to judge upon, without any other or further Proceſs.

Clerks demanding greater Fees than they are allowed during the ſitting of Court, to be determined by the Court.

VII. *AND be it Enacted, by the Authority aforeſaid*, That if any Clerk ſhall, during the ſitting of the Court whereof he is Clerk, demand other or greater Fees than by this Act allowed, the Court ſhall immediately, on Complaint being made thereof, determine what Fee or Fees ſhall be paid to the ſaid Clerk by the Party complaining.

Second Conviction of Neglect of Duty in any Clk. a Miſbehaviour in Office.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That if any Clerk of any Court in this Province ſhall hereafter be guilty of any Breach or Neglect of Duty enjoined by this Act, ſuch Breach or Neglect of Duty ſhall, on a ſecond Conviction, be adjudged and deemed a Miſbehaviour in Office, for which ſuch Clerk ſhall be ſuſpended by the ſaid Court, on Complaint.

IX. *PROVIDED*

IX. *PROVIDED neverthelefs*, That in Cafe the Clerk ſhall be diſſatisfied with the Determination of the Inferior Court, he may appeal to the Superior Court of the Diſtrict, in which Caſe there ſhall be a Trial *de Novo*; where, if the Suſpenſion of the Inferior Court ſhall be confirmed, the ſaid Clerk ſhall ever after be rendered incapable of acting as Clerk in any Court of Juſtice in this Province. *A. D.* 1773. Right of Appeal.

X. *AND be it further Enacted, by the Authority aforeſaid*, That there ſhall be paid to the Clerk, at the Time of iſſuing any Writ, or other leading Proceſs, by the Perſon ſuing out the ſame, returnable to the Superior Court, the Sum of Twenty Shillings; and if returnable to the Inferior Court, the Sum of Five Shillings, for the Uſe of the contingent Fund; to be recovered by the Party caſt, in the ſame Manner as other Coſts. Law Suits taxed.

XI. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of each Superior Court ſhall account for and pay to the Treaſurer of his reſpective Diſtrict, at the ſitting of the Superior Court whereof he is Clerk, or in One Month after, all the Monies received by him for the contingent Fund, in Virtue of this Act; and ſhall make and deliver therewith an exact Liſt, on Oath, of every leading Proceſs iſſued by him, or returned by the Court whereof he is Clerk: And the Clerks of the Inferior Courts ſhall, at the Superior Courts of their reſpective Diſtricts, or in One Month after the ſame, account for and pay to the Treaſurer of their reſpective Diſtricts, all Monies received by them for the Uſe of the contingent Fund, in Virtue of this Act; and ſhall alſo make and deliver therewith an exact Liſt, on Oath, of every leading Proceſs by them iſſued or returned to the Court of which they are reſpectively Clerks; which Liſt ſhall be certified by a Magiſtrate, at the Court of the County whereof he is Clerk, immediately preceding the Superior Court at which he is to account. Clerks to account for the Tax.

XII. *PROVIDED neverthelefs*, That where any Suit ſhall be brought by an Executor, Adminiſtrator, or Guardian, and no Recovery is had on the Trial, the Tax ſhall be returned to the Party paying the ſame; and alſo when a Writ, or other leading Proceſs, cannot be executed, and the Plaintiff or Plaintiffs ſhall diſmiſs the ſame, he or they ſhall receive from the Clerk the Tax paid on ſuch Writ or leading Proceſs; which Sums ſo repaid, ſhall be allowed to the Clerk on his Settlement with the Treaſurer, on his producing a Liſt of ſuch Suits, certified by the Court of which he is Clerk; any Thing herein contained, to the contrary, notwithſtanding. Suits brought where no Recovery is had, Tax to be returned.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerks of the reſpective Courts ſhall tranſmit to the Clerk of the Aſſembly, at each Seſſions of Aſſembly, Copies of the Account ſettled with the Treaſurer preceding ſuch Seſſions of Aſſembly, provided ſuch Copies were not before tranſmitted; and ſhall be allowed by the Treaſurer the Sum of Eight *per Cent.* on all Monies paid by Virtue of this Act, out of the contingent Fund; and the Money received by the Treaſurer in Virtue of this Act, ſhall be by him accounted for as other Monies received for the Uſe of the contingent Fund. Clerks to tranſmit to the Clerk of the Aſſembly Copies of the Accounts ſettled with the Treaſurer.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerks of the Superior and Inferior Courts ſhall, reſpectively, enter into Bonds, with good and ſufficient Security, in the Sum of Five Hundred Pounds, for the faithful Diſcharge of their Office, in collecting the Tax herein before-mentioned; which Bonds ſhall be taken by their reſpective Courts, at the firſt Court after the Firſt Day of *June* next, and made payable to the Governor, or Commander in Chief for the Time being, and lodged with the Treaſurer of the Diſtrict where ſuch Clerk ſhall reſide. Clerks to give Bond for collecting the Tax.

XV. *AND be it further Enacted, by the Authority aforeſaid*, That every Act and Acts of Aſſembly now in Force, allowing Fees to the Clerks of the Superior and Inferior Courts within this Province, and all other Acts laying Taxes on Suits, ſo far as comes within the Purview of this Act, are, and ſhall be henceforth repealed and made void. Repealing Clauſe.

XVI. *AND*

A. D. 1773.

Continuance of the Act.

XVI. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall be and continue in Force for and during the Term of Six Months, and from thence to the End of the next Session of Assembly, and no longer.

CHAP. IV.

An Act for the Relief of Insolvent Debtors, with Respect to the Imprisonment of their Persons.

Prisoners for Debt proving themselves not worth 40 s. to be set at Liberty.

I. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That if any Person or Persons now are, or hereafter shall be taken or charged on mesne Process or Execution for any Debt, and shall have remained in close Prison by the Space of Twenty Days, it shall and may be lawful for Two Justices of the Peace, or any Two of the Judges of the Inferior, or any One of the Judges of the Superior Courts of this Province, either in or out of Court, upon Petition or Petitions of such Prisoner, under his or their Hands and Seals, whereof Notice shall be given to the Person or Persons, his or their Executors, Administrators, Attornies, or Agents, at whose Suit such Prisoner or Prisoners shall be imprisoned, to require the Sheriff, Gaoler, or Keeper of any Prison, within their respective Jurisdictions, to bring before such Justices of the Peace, Judges of the Inferior Court of Pleas and Quarter Sessions, or Judge of the Superior Court, issuing such Warrant, either in or out of Court, the Body of any Person being in Prison as aforesaid, together with a List of the several Writs, mesne Processes, and Executions, with which he, she, or they, is or are charged in the several Gaols as aforesaid; which Warrant every such Sheriff, Gaoler, or Keeper, is hereby commanded to obey: And such Prisoner or Prisoners coming before the said Justices or Judges, (the Creditor or Creditors, if resident in this Province, at whose Suit he is confined, being first personally summoned, according to the Directions of this Act) if he, she, or they, have no visible Estate, real or personal, and shall make Oath before the said Justices of the Peace, or Judges of the Inferior Court, or Judge of the Superior Court respectively, issuing such Warrant, that he hath not the Worth of Forty Shillings, Sterling Money, in any worldly Substance, either in Debts owing to him, or otherwise howsoever, over and besides his wearing Apparel, working Tools, and Arms for Muster; and that he has not at any Time since his Imprisonment, or before, directly or indirectly, sold, assigned, or otherwise disposed of, or made over, in Trust for himself or otherwise, any Part of his real or personal Estate, whereby to have or expect any Benefit or Profit to himself, or to defraud any of his Creditors to whom he is indebted; and if there be no Person present that can prove the contrary, then such Person, by such Court or Justices, without Form of Trial, shall be immediately set at Liberty, and shall stand for ever discharged of all such Debts so sued for, and all Costs of Suit: But in Case such Person shall afterwards be discovered to have sworn falsely, he shall be indicted for Perjury; and if convicted, shall lose both his Ears in the Pillory, and be liable to satisfy the Debt and Damages, and be rendered incapable of taking the Benefit of this Act.

Justices, &c to put the Proceedings out of Court in Writing, and make Return to Court, on Pen. of 5 l.

II. *AND be it further Enacted*, That the said Justices of the Peace, Judges of the Inferior, and Judge of the Superior Court, respectively, before whom such Prisoner or Prisoners shall, upon Oath, have discharged themselves, when the Proceedings are before them out of Court, shall put the same in Writing, under their Hands, and return the same into the Court from whence the mesne Process or Execution issued, there to be kept on Record, under the Penalty of Five Pounds, Proclamation Money, for each Judge or Justice for such Omission and Neglect; to be paid to the Person injured, by Order of the said Court.

Persons in Execution may deliver up their Effects by Petition to Court.

III. *AND be it further Enacted*, That if any Person or Persons now are, or hereafter shall be taken or charged in mesne Process or Execution for any Sum, and shall have remained in Prison by the Space of Twenty Days, and shall have any Estate, real or personal, and be minded to deliver up his, her, or their Effects, to his

his or their Creditors, it ſhall be lawful for ſuch Priſoner to preſer a Petition to the Court from whence the Proceſs iſſued, ſetting forth the Cauſe of Impriſonment, and an exact Account of his or their Eſtate, and all Circumſtances relating thereto; which Petition, ſubſcribed by him, her, or them, and Schedule, ſhall be lodged with the Clerk of the Court of the ſaid County from which ſuch Proceſs iſſued, Twenty Days at leaſt before the next ſucceeding Court: And upon ſuch Petition ſo filed, the Clerk of the ſaid Court ſhall iſſue, under his Hand and Seal, a Copy of the ſaid Schedule, and a Notice to the Creditor or Creditors, at whoſe Suit ſuch Priſoner or Priſoners are or ſhall be confined, ſetting forth the Subſtance of the ſaid Petition, and ſummoning them to attend the next ſucceeding Court, to ſhew Cauſe, if any they have, why the Prayer of the ſaid Petition ſhould not be granted; which Notice being duly ſerved upon the Perſon or Perſons, his, her, or their Executors, Adminiſtrators, Attorney, or Agent, at whoſe Suit ſuch Priſoner or Priſoners ſhall be impriſoned, Ten Days at leaſt before the ſitting of the ſaid Court, the Court ſhall order the ſaid Priſoner or Priſoners to be brought before them; and if the ſaid Creditor or Creditors, at whoſe Suit he is impriſoned, ſhall appear, or being duly ſummoned ſhall fail to appear, the Court ſhall proceed to examine the Nature of the ſaid Petition in a ſummary Way, and ſhall tender to ſuch Perſon an Oath, to the Effect following: *A. D. 1773.*

Debtor's Oath.

I A. B. *in the Preſence of Almighty God, ſolemnly ſwear, profeſs, and declare, That the Schedule now delivered, and by me ſubſcribed, doth contain, to the beſt of my Knowledge and Remembrance, a full, juſt, true, and perfect Account and Diſcovery, of all the Eſtate, Goods, and Effects, unto me any Ways belonging, and ſuch Debts as are to me owing, or to any Perſon in Truſt for me; and of all Securities and Contracts, whereby any Money may hereafter become payable, or any Benefit or Advantage accrue to me or to my Uſe, or to any other Perſon or Perſons in Truſt for me; and that I, or any other Perſon or Perſons in Truſt for me, have not Land, Money, or Stock, or any other Eſtate, real or perſonal, in Poſſeſſion, Reverſion, or Remainder, of the Value of the Debt or Debts with which I am charged in Execution; and that I have not, directly or indirectly, ſold, leſſened, or otherwiſe diſpoſed of in Truſt, or concealed, all or any Part of my Lands, Money, Goods, Stocks, Debts, Securities, Contracts, or Eſtate, whereby to ſecure the ſame, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am indebted, in any-wiſe howſoever.*

SO HELP ME GOD.

Oath taken, Debtor to be ſet at Liberty.

IV. *BE it further Enacted*, That if ſuch Priſoner take ſuch Oath, and the Court be convinced of the Truth thereof, the Schedule ſo ſubſcribed being filed with the Clerk of the Court for the better Information of the Creditors of ſuch Priſoner or Priſoners, then, and in that Caſe, it ſhall and may be lawful for the Court before whom ſuch Oath was taken, by Warrrant, to command the Sheriff, Gaoler, or Keeper of any Priſon, forthwith to ſet at Liberty ſuch Priſoner; which Warrant ſhall be a ſufficient Diſcharge to ſuch Sheriff, Gaoler, or Keeper, and ſhall indemnify him or them againſt any Eſcape or Eſcapes, or Action or Actions, whatſoever, which ſhall or may be brought, commenced or proſecuted, againſt him or them, by Reaſon thereof; and if any ſuch Action ſhall be commenced againſt any Sheriff or other Officer, for performing his Duty in Purſuance of this Act, ſuch Sheriff or other Officer may plead the General Iſſue, and give this Act in Evidence.

Debtors Lands, &c. to be ſold, and Money paid the Clerk of the Court.

V. *AND be it further Enacted, by the Authority aforeſaid*, That all the Lands, Tenements and Hereditaments, which ſhall be contained in ſuch Schedule, for ſuch Uſe, Intereſt, Right, or Title, as ſuch Priſoner or Priſoners then ſhall have in the ſame which he or ſhe may lawfully depart withall, and alſo all Goods and Chattles whatſoever in ſuch Schedule alſo contained, ſhall be veſted in the Sheriff of the County wherein ſuch Lands, Tenements, Hereditaments, Goods and Chattles, ſhall lie, or be found; and ſuch Sheriff is hereby authorized, impowered, and required, to ſell at Public Vendue, and convey the ſame to any Perſon or Perſons

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whatſoever for the beſt Price that can be got for the ſame, and the Monies ariſing by ſuch Sale ſhall be by ſuch Sheriff or Officer, upon Oath, paid into the Hands of the Clerk of the Superior Court of the Diſtrict where ſuch Priſoner ſhall be confined, for the Uſes and Purpoſes hereafter mentioned; ſaving to every ſuch Priſoner his or her neceſſary Apparel and Utenſils of Trade.

Commiſſioners to examine Claims of Creditors, who are to be paid in Proportion to their Debts.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Judges of the Superior Court ſhall appoint two Commiſſioners, who ſhall have full Power to examine into the Claims of all and ſingular the Creditors of the Perſon or Perſons impriſoned, as well thoſe at whoſe Suit he was committed, as of all others; and the ſaid Commiſſioners ſhall by Advertiſement, at the Court-Houſe of the Diſtrict, or in ſome Public News Paper or Gazette, make known the Time at which they propoſe to examine ſuch Claims (which ſhall be within Sixty Days after their being appointed) and upon ſuch Creditors, their Executors or Adminiſtrators, Agents or Attornies, appearing before them, and ſatisfying them of the Juſtice of their Claims, they ſhall proceed to make Diſtribution amongſt each and every of the Creditors ſo appearing in Propotion to their reſpective Demands; and the Clerk of the ſaid Court is hereby directed to pay ſuch Monies ſo received upon the Sale of ſuch Inſolvents Eſtate into the Hands of the ſaid Commiſſioners, for the Purpoſes aforeſaid.

Debtors diſcharged from the ſame Debts.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Perſon of ſuch Debtor ſo diſcharged ſhall never be arreſted for the ſame Debt, but the Judgment ſhall be held to be fully ſatisfied, and no Execution whatever ſhall by Virtue thereof iſſue againſt any Eſtate which the ſaid Inſovent Debtor or Debtors may afterwards acquire.

Proceedings where Creditors reſide out of the Country.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That whereas it has ſometimes happened that poor Inſolvent Debtors have been a long Time confined in Gaol for want of knowing to whom to give Notice of their Intention to take the Benefit of the Act for the Relief of ſuch Inſolvents, where the Party at whoſe Suit ſuch Debtor was in Execution did not reſide in this Colony, nor had any known Agent or Attorney here to whom he could give ſuch Notice, which by the Laws in Force in ſuch Caſes is required to be given; which long Confinements have alſo happened in Caſes where Debtors have remained in Priſon Twenty Days, and the Sheriffs or Gaolers have not known to whom to give Notice thereof, or of whom to demand Security for their Priſon Fees after the Expiration of the Twenty Days: For the further Relief therefore of ſuch Inſolvent Debtors, *Be it Enacted, by the Authority aforeſaid*, That when the Party at whoſe Suit or Inſtance any ſuch Debtor ſhall be confined in Execution does not reſide in this Colony, nor hath any known Agent or Attorney here, it ſhall and may be lawful and ſufficient for ſuch Inſolvent Debtor to give Notice of ſuch his Intention to take the Benefit of the ſaid Act for the Relief of Inſolvents, to the Attorney at Law who proſecuted the Suit againſt him; and alſo where the Debtor ſhall have remained in Execution for the Space of Twenty Days, it ſhall be lawful and ſufficient for the Sheriff or Gaoler, in the like Caſes, to give Notice thereof to the Attorney who proſecuted the Suit, and to demand Security of him for the Priſon Fees that ſhall ariſe after the Expiration of the Twenty Days; and if he ſhall fail or refuſe to give ſuch Security, then to diſcharge ſuch Debtor out of Cuſtody.

Debtors unable to pay Priſon Fees, to be diſcharged

IX. *AND be it further Enacted, by the Authority aforeſaid*, That if at any Time hereafter any Perſon being taken or charged on meſne Proceſs or Execution, ſhall not be able to ſatisfy or pay his or her Priſon Fees, ſhall after the Expiration of Twenty Days be diſcharged by the Creditor, and the Sheriff or Gaoler may demand or recover of the Party or Parties at whoſe Suit ſuch Inſolvent Perſon ſhall be impriſoned, all ſuch Fees as ſhall become due on Account of ſuch Impriſonment.

X. *AND*

X. *AND be it further Enacted, by the Authority aforesaid*, That if any Person who shall take such Oath, shall, upon Indictment of Perjury, be convicted thereon, he shall suffer all Pains of wilfull Perjury, and shall be liable to be taken on a new Process, and shall never after have the Benefit of this Act. A. D. 1773. Pen for Perjury.

XI. *AND be it further Enacted, by the Authority aforesaid*, That where by this Act an Oath is required, the solemn Affirmation of a Quaker shall be taken, in Lieu thereof; and every Person convicted of wilfull and false affirming, shall suffer the like Penalties as for wilfull and corrupt Perjury. Quakers Affirmation allowed.

XIII. *AND be it further Enacted*, That every Law heretofore made, respecting the Relief of poor Debtors, as to the Imprisonment of their Persons, be repealed and made void. Repealing Clause.

CHAP. V.

An Act for appointing Public Treasurers, and directing their Duty in Office.

I. WHEREAS the Act appointing Public Treasurers will expire with the End of the present Session of Assembly, and it being expedient that Treasurers should be appointed to receive the Monies arising from the Duties on Liquors, Public Taxes, and all other Public Money payable into the Treasury of this Province; Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That *Joseph Montfort*, Esquire, be, and is hereby appointed Public Treasurer of the Counties of *Currituck*, *Pasquotank*, *Perquimons*, *Chowan*, *Bertie*, *Tyrrell*, *Northampton*, *Edgcomb*, *Granville*, *Orange*, *Hertford*, *Bute*, *Halifax*, and *Chatham*; and that *Richard Caswell*, Esquire, be, and is hereby appointed Public Treasurer for the Counties of *Anson*, *Beaufort*, *Bladen*, *Brunswick*, *Cumberland*, *Craven*, *Carteret*, *Duplin*, *Dobbs*, *Guilford*, *Hyde*, *Johnston*, *Mecklenburg*, *New Hanover*, *Onslow*, *Pitt*, *Rowan*, *Surry*, *Tryon*, and *Wake*: Which said Treasurers shall, immediately after the Ratification of this Act, give Bonds respectively, and sufficient Security, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Fifty Thousand Pounds lawful Money of *Great Britain* each, with Condition that he will diligently and faithfully collect from the respective Sheriffs, Receivers and Collectors of Duties, and other Persons charged with Public Monies in his District, and well and truly account for and pay to the General Assembly of this Province, when thereto required, all Public Monies which he shall receive, and for the faithful and regular Discharge of the Duties of his said Office; which Bonds shall be lodged in the Secretary's Office, and in Case of a Breach of the Condition thereof, may be recovered in any Court of Law in this Province having Cognizance thereof. Treasurers appointed.

III. *AND be it further Enacted, by the Authority aforesaid*, That the said Treasurers, and each of them, is and are hereby impowered, authorized, and required, to receive all Public Monies and Taxes payable in the several Counties within their respective Districts; and the Sheriff of each of the said Counties, and other Collectors and Receivers of Public Monies within any of the said Counties, are hereby directed and required, on or before the Tenth Day of *June* yearly, to account with, upon Oath, and pay into the Hands of the Treasurer of his respective District, all Public Monies which the said Treasurers, or either of them, are by Law impowered and required to receive. Their Power to receive Taxes.

IV. *AND be it further Enacted, by the Authority aforesaid*, That all Collectors or Receivers of Duties shall, on or before the Tenth Day of *June* yearly, account for, on Oath, and pay to the Treasurer of the respective District, all such Sums of Money by them collected and received in Virtue of the several Acts of Assembly of this Province. Collectors of Duties to pay by 10th of June.

V. *AND*

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Treasurers Allowance.

V. *AND be it further Enacted, by the Authority aforesaid*, That an Allowance of Five *per Cent.* shall be made to the said Treasurers on all Monies by them respectively received, accounted for, and paid into the General Assembly as aforesaid.

Clerks to lodge Sheriffs Bonds with the Treasurers

VI. *AND be it further Enacted, by the Authority aforesaid*, That the Clerk of each County in this Province shall, within Five Months after the Ratification of this Act, lodge with the Public Treasurer of his District wherein such Counties lie, all and every Bond now in his Possession, given by any present or former Sheriff of the said County, for the well and truly collecting, and duly accounting for and paying, the Public Taxes of such County; and the said Clerk shall also lodge with the said Treasurer all such Bonds as shall at any Time hereafter be entered into and given by any succeeding Sheriff of his County for the Purposes aforesaid, within Three Months after the Time of executing such Bond or Bonds (the said Clerk first recording such Bond or Bonds at large among the Records of the Court) an attested Copy thereof, under the Hand of the said Clerk, in Case of the Loss of the original Bond, and due Proof thereof made, shall be as good and valid in any Court of Law in this Province, against any such Sheriff and his Securities, their, or any of their Heirs, Executors, or Administrators, as if the original Bond was there to be produced; and if any such Clerk shall fail or neglect to record such Bond or Bonds, and lodge the same with the Treasurer of his District within the Time before limited, such Clerk shall be liable to a Suspension from his Office, on due Proof thereof made to the Inferior Court whereof he is Clerk; and such Sheriff shall pay to the Clerk the accustomed Fees for recording the same.

And record them,

Sheriffs not paying Public Monies, Treasurers to compell them, or be liable themselves.

VII. *AND be it further Enacted, by the Authority aforesaid*, That when any Sheriff shall fail to make Payment of any Public Monies by him received, at the Time by Law appointed, or shall otherwise incur a Forfeiture of his Bond of Office, that then it may be lawful for the Treasurer in whose District such Sheriff shall be, and he is hereby directed, to issue a *Scire Facias* against such Sheriff and his Securities; and in Case of the Death of the said Sheriff or his Securities, against the Executors and Administrators of such Sheriff or his Securities, which *Scire Facias* shall be returnable to the Superior Court next succeeding; and the said Sheriff and his Securities, or their Executors or Administrators, shall appear and plead, and the Matter shall be tried at the Court to which such Process shall be returnable; and the Judges of the said Court shall proceed to Judgment the First Court, as the Right of the Matter may be, and all Matters of Law relative thereto shall be determined at the same Court, any Law to the contrary notwithstanding: And in Case of Neglect or Failure of either of the said Treasurers to commence Suit against, or otherwise prosecute, any Sheriff or other Person, now in Arrear to the Public, within the Time hereby limited and directed for commencing Suit against such delinquent Sheriff, and other Receivers of Public Monies, and their Securities; that then, and in such Case, the said Treasurer shall be liable to, and stand chargeable with, all Arrearages due to the Public from such Sheriff, and other Receivers of Public Monies, within his respective District.

Treasurers to keep their Accounts in bound Books.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That the Public Treasurers in this Province shall keep, in well bound Books, to be provided for that Purpose at the Public Charge, true, faithful, and just Accounts, with the several Counties of their respective Districts, and therein debit the Sheriff for the Year with the Number of Taxables as by the List returned by the Clerk, and give such Sheriff Credit for all Insolvents allowed by the Inferior Court agreeable to Law, and also for the several Sums he shall receive from such Sheriff; and also keep an Account of all the Money by him received from Time to Time, on the respective Duties, Impositions, and Taxes, by Virtue of any Act or Acts of Assembly; and also of all such Sum and Sums of Money as he shall pay out of the Treasury, pursuant to any Act or Resolution of the General Assembly; which Accounts shall be so kept as the neat Produce of the several and respective Duties, Impositions, and Taxes, and the Money paid out of the Treasury for every particular Service may

Manner of stating them.

appear

appear ſeparate and diſtinct from each other; which Accounts, and all others relative to the Receipt and Diſburſements of Public Monies, ſhall at all Times be open for the Inſpection and Peruſal of the Governor, or Commander in Chief for the Time being; and ſhall by the Public Treaſurer of each Diſtrict, together with the Number of Taxables for each County, be laid before the General Aſſembly, for their Examination, Approbation, and Allowance: And that the Governor, or Commander in Chief for the Time being, may be more readily informed of the State of Public Accounts, the Treaſurer of each Diſtrict ſhall tranſmit to him ſuch Tranſcripts or Information as he ſhall from Time to Time require. A. D. 1773.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Two Years, from and after the paſſing thereof, and from thence to the End of the then next Seſſion of Aſſembly, and no longer. Continuance of the Act.

CHAP. VI.

An Act for annexing the North Part of Rowan *to the County of* Surry, *and the further eſtabliſhing and erecting the Pariſh of* Dobbs *into a ſeparate and diſtinct Pariſh.*

I. WHEREAS the Inhabitants of the North Part of *Rowan* County labour under great Inconveniences in attending the Courts, and other Public Meetings, at the Court-Houſe of the ſaid County; and as it would be much more convenient for them to attend Public Buſineſs in the County of *Surry*, are deſirous of being annexed thereto: And as by an Act, intituled, *An Act for erecting that Part of* Rowan *County, called* Wachovia, *into a diſtinct Pariſh*, the Tract of Land formerly in the County of *Rowan*, called and named *Wacovia*, belonging to the *Unitas Fratrum* (or United Brethren) according to the known Boundaries and Limits thereof, was erected into a Pariſh, diſtinct and ſeparate from the Pariſh of *St. Luke*, in the ſaid County, and called by the Name of the Pariſh of *Dobbs*, and were intended to hold, uſe, and exerciſe, the like Authorities and Powers, and poſſeſs and enjoy the ſame Immunities and other Privileges, as other Pariſhes in this Province: And as by an Act for dividing the Northern Part of *Rowan* County, and erecting a new County and Pariſh, by the Name of *Surry* County, and *St. Jude*'s Pariſh, the dividing Lines between the Counties of *Rowan* and *Surry* ran through the ſaid Pariſh of *Dobbs*, by which Means Part of the ſaid Pariſh was left in each of the ſaid Counties, from which great Inconveniences ariſe to the Inhabitants of the ſaid Pariſh: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the dividing Line between the Counties of *Rowan* and *Surry* ſhall begin at a Point in the Line dividing *Rowan* and *Guilford* Counties, Thirty Six Miles North from the South Eaſt Corner of *Rowan*, thence running a due Weſt Courſe to the Ridge dividing the Waters of the *Yadkin* and *Catawba* Rivers, which Line is to be parallel to Earl *Granville*'s South Boundary Line (excepting where the Bounds of the Pariſh of *Dobbs* interfere, which Pariſh is hereby intended and declared to be included in *Surry* County) and by the ſaid dividing Ridge and the Mountains to the *Virginia* Line; and all that Part bounded to the Northward by the Line before deſcribed to be marked, ſhall be, and is hereby annexed to, and made Part of *Surry* County. Part of Rowan added to Surry County.

III. *AND be it further Enacted, by the Authority aforeſaid*, That that Part of *Rowan* County, and Pariſh of *Dobbs*, which by the Diviſion of *Rowan* and *Surry* Counties fell into *Rowan* County, be added to *Surry* County as aforeſaid; ſo that all that original Tract of Land called *Wachovia*, or *Dobbs* Pariſh, according to the known Bounds and Limits thereof, be made Part of *Surry* County, and be and remain One intire Pariſh as before, diſtinct and ſeparate from the Pariſh of *St. Jude*, Wachovia added to Surry.

A. D. 1773. and any other Pariſh whatever, and be intitled to uſe, hold, and exerciſe the like Authorities and Powers, and poſſeſs and enjoy the ſame Immunities, and other Privileges, as other Pariſhes in this Province.

Pariſhes not deprived of any Privileges.

IV. *PROVIDED always*, That nothing contained in this Act ſhall be conſtrued to deprive the Pariſhes of *St. Luke* and *St. Jude* of any of their Privileges, Powers, and Authorities, excluſive of the ſaid Pariſh of *Dobbs*, as they have heretofore enjoyed them; any Thing contained in this, or any other Law, to the contrary, notwithſtanding.

Not to hinder Sheriffs from diſtraining for Taxes.

V. *PROVIDED alſo*, That nothing herein contained ſhall be intended to hinder any Sheriff or Collector of Public Taxes of *Rowan* County, from collecting or diſtraining for any Taxes, or Arrears of Taxes, now due, and which he as Sheriff, or Collector of Public Taxes of *Rowan*, is or may be accountable for, from any Perſon or Perſons within the Bounds before mentioned and deſcribed.

Commiſſioners appointed to make the Diviſion.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That *Griffith Rutherford*, *Anthony Hampton*, *John Braby*, *Robert Lanier*, and *Chriſtian Ruiter*, Eſquires, are hereby appointed Commiſſioners to run the dividing Lines, agreeable to the Directions of this Act; which ſaid Lines, when run by the Commiſſioners, or a Majority of them, ſhall be by them entered upon Record in the Court of each of the ſaid Counties, and ſhall be hereafter deemed and taken to be the dividing Lines of the Counties of *Rowan* and *Surry*, and the Expence of running the ſaid Lines to be paid by the Inhabitants of *Surry* County, out of the County Tax, to the ſaid Commiſſioners.

Repealing Clauſe.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That ſo much of a former Act of Aſſembly, intituled, *An Act for dividing the Northern Part of* Rowan *County, and erecting a new County and Pariſh, by the Name of* Surry *County, and* St. Jude's *Pariſh*, as comes within the Purview of this Act, is from henceforth repealed and made void.

CHAP. VII.

An Act for building a Gaol in Beaufort *County.*

Preamble.

I. WHEREAS the Gaol in *Beaufort* County was lately burnt;

Commiſſioners appointed for building the Gaol.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Wyriot Ormond*, *William Brown*, and *Chriſtopher Reſpiſs*, are hereby appointed Commiſſioners; and they, or the Majority of them, are hereby authorized and impowered to agree and contract with Workmen and others, to build and compleat the ſaid Gaol: And in Order to enable them to defray the Coſts and Expences thereof, a Poll Tax of Two Shillings, Proclamation Money, is hereby impoſed on each taxable Perſon within the ſaid County for one Year, and the Sheriff of the ſaid County for the Time being is hereby impowered to collect and receive the ſame; and the ſaid Sheriff is hereby required to account for the ſame to the ſaid Commiſſioners, or the Majority of them, under the ſame Rules, Regulations, and Reſtrictions, as Sheriffs are liable to in collecting and accounting for Public Taxes; and the ſaid Commiſſioners ſo acting, are hereby directed and required to account for, and ſettle with the Juſtices of the Inferior Court of the ſaid County; and the Overplus, if any, after the Coſts and Expences of building and compleating the ſaid Gaol, ſhall be applied towards leſſening the County Tax.

CHAP.

CHAP. VIII.

A. D. 1773.

An Act to exonerate John Tagert *and* Francis Adams, *late Sheriffs of* Tryon *County, from being chargeable with the Collection of Taxes taken into* South Carolina.

Preamble.

I. WHEREAS the dividing Line extended between this Province and *South Carolina*, by Order of his Majeſty in Council, a Number of Inhabitants that before the Diviſion aforeſaid were liſted and deemed Taxables of *Tryon* County, in this Colony, are ſince fallen into *South Carolina*, and refuſe to pay their Taxes to this Government; and there being no Law to compell them to pay the ſame, by which Means *John Tagert* and *Francis Adams*, late Sheriffs of *Tryon* County, will become chargeable with thoſe Taxes that they have not collected from the Perſons aforeſaid for theſe ſeveral Years, to their great Injury and Hurt, unleſs timely prevented:

Sheriffs diſcharged from collecting Taxes.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the ſaid Sheriffs of *Tryon* County ſhall not be chargeable with any Taxes due from thoſe Perſons that were liſted and deemed Taxables of *Tryon* County aforeſaid, who ſince the Diviſion of the ſaid Provinces have fallen into *South Carolina*, until a Law or ſome Remedy be had for that Purpoſe from the Province of *South Carolina* aforeſaid, to compell them to pay the ſame; and the Court of *Tryon* County, at any Seſſions, are hereby directed and authorized to give Credit to the ſaid Sheriffs in their Settlement of County Taxes for ſuch Taxables as have fallen into *South Carolina* ſince the running the ſaid dividing Line, who have not paid the ſame; a Certificate of which Settlement ſhall be by the Clerk of the ſaid Court tranſmitted to the Treaſurer of the Diſtrict, by which the ſaid Treaſurer ſhall, and is hereby bound to paſs the ſaid Sheriffs Public Accounts, any Law to the contrary notwithſtanding.

Not to exempt them from paying Taxes they have received.

III. *PROVIDED neverthelefs*, That nothing contained in this Act ſhall be extended to excuſe the ſaid Sheriffs from being chargeable with the Payment of ſuch Taxes which they have received from ſuch Taxable Perſons, now Inhabitants of *South Carolina*, before the running the ſaid Line, or which they ſhall hereafter receive from ſaid Taxables, or from the Inhabitants of ſaid County; but ſhall *bona fide* account for, on Oath, before the Inferior Court of *Tryon* County, and pay the ſame; any Thing herein contained to the contrary notwithſtanding.

CHAP. IX.

An Act for laying out and eſtabliſhing a Public Road from Charlotte *Town, in* Mecklenburg *County, to* Bladen *Court-Houſe.*

Preamble.

I. WHEREAS a public Road from *Charlotte* Town, in *Mecklenburg* County, through the Counties of *Mecklenburg* and *Anſon*, to *Hall*'s Ferry, on *Drowning* Creek, and from thence the neareſt and moſt convenient Way into *Johnſton*'s *Bluff* Road, leading to *Bladen* Court-Houſe, would be of ſingular Advantage to the Inhabitants of the ſaid Counties, and others, and would promote the Trade and Commerce of the ſaid Counties;

Commiſſioners appointed for laying out the Road.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *John Polk*, *Adam Alexander*, *Robert Barnet*, *John Cole*, *Charles Robinſon*, *William Terry*, Jun. *Neil McFall*, *Joſeph Ford*, *Joſeph Riggin*, *James Piggot*, and *Thomas Robinſon*, Jun. Eſquires, be, and they are hereby appointed Commiſſioners, for laying out and eſtabliſhing the ſaid Road; and they, or a Majority of them, are hereby authorized and directed, as ſoon as conveniently may be after the paſſing this Act, to lay off, mark, or eſtabliſh, or cauſe to be laid off, marked, or eſtabliſhed, a public Road from *Charlotte* Town, in *Mecklenburg* County, through the Counties of *Mecklenburg* and *Anſon*, to *Hall*'s Ferry, on *Drowning*

A. D. 1773. *Drowning* Creek, and from thence the neareſt and moſt convenient Way to *Johnſton's Bluff* Road, leading to *Bladen* Court-Houſe; and the ſaid Commiſſioners, or a Majority of them, after having marked, ſtaked, laid out, and eſtabliſhed the ſaid Road, ſhall, and are hereby impowered and directed, to make an accurate Plan thereof, and the ſame to return, with an Account of their Proceedings, to the next Inferior Court of Pleas and Quarter Seſſions to be thereafter reſpectively held for the Counties aforeſaid; and the Juſtices of the ſaid Courts are hereby directed to receive the ſame, and are thereupon authorized and required to appoint ſo many Overſeers or Commiſſioners of the ſaid Road within their reſpective Counties, as to them ſhall from Time to Time appear convenient and neceſſary; and the ſaid Overſeers, and the Inhabitants of the ſaid Counties reſpectively, ſhall clear and work on the ſaid Road, in the ſame Manner, and under the ſame Rules and Regulations, and ſubject to the like Penalties, as is preſcribed by an Act, intituled, *An Act to impower the Inferior Courts of the ſeveral Counties in this Province to order the laying out of Public Roads, and eſtabliſh and ſettle Ferries, and to appoint where Bridges ſhall be built, for the Uſe and Eaſe of the Inhabitants of this Province, and to clear navigable Rivers and Creeks.*

Their Allowance. III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall be allowed and paid for their Trouble and Expences in marking, ſtaking, and laying out the ſaid Road, the Sum of Five Shillings each *per* Day, out of the County Tax of their reſpective Counties.

CHAP. X.

An Act to continue an Act, paſſed the Fifteenth Day of January, *in the Year of our Lord One Thouſand Seven Hundred and Seventy One, intituled*, An Act to alter the Method of working upon the Roads in the County therein mentioned.

Preamble. I. WHEREAS the before recited Act is near expiring, and is by Experience found to be of Utility to the County therein-mentioned.

Act continued. II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the before recited Act be, and is hereby continued for Three Years, and from thence to the End of the next Seſſion of Aſſembly.

CHAP. XI.

An Act to prevent making Hedges acroſs Great Cotentney *Creek, little River of* Pee Dee, Rocky *and* Uahra *River.*

Preamble. I. WHEREAS it hath been repreſented to this Aſſembly that the frequent making of Hedges and Stops acroſs *Great Cotentney* Creek, little River of *Pee Dee*, *Rocky* River, and *Uahra* River, is not only deſtructive of Fiſh, but hath rendered the Navigation of the ſaid Creek and Rivers difficult and dangerous;

Pen for making Stops acroſs the Rivers. II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, it ſhall not be lawful for any Perſon or Perſons whomſoever to make, erect, or extend, any Hedge, Stop, or Dam, in or acroſs *Cotentney* Creek, below *Stephen Cobb's* Mill, *Little* River, below *John Smith's* Mill, *Rocky* River or *Uahra* River, in *Anſon* County, under the Penalty of Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court having Cognizance thereof, by any Perſon who ſhall ſue for the ſame.

Continuance of the Act. III. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Term of Five Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP.

CHAP. XII.

A. D. 1773.

An Act to alter the Method of working upon the Public Roads in the County of New Hanover.

Preamble.

I. WHEREAS the Power given to Overſeers by an Act of Aſſembly, paſſed in the Fifth Year of his Majeſty's Reign, intituled, *An Act to impower the Inferior Courts of the ſeveral Counties in this Province to order the laying out Public Roads, and eſtabliſh and ſettle Ferries, and to appoint where Bridges ſhall be built, for the Uſe and Eaſe of the Inhabitants of this Province, and to clear navigable Rivers and Creeks*, hath been found inconvenient in the County of *New Hanover*, and not to anſwer the Purpoſes thereby intended:

Commiſſioners of the Roads appointed.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the County of *New Hanover* be, and is hereby divided into the Four following Diſtricts, and that *Cornelius Harnett*, *George Merrick*, *William Purviance*, *William Wilkinſon*, and *Biſhop Dudley*, Eſquires, be Commiſſioners of the Roads for the South Diſtrict of the ſaid County, lying between *Cape Fear* River and the Sea, bounded on the North by the County of *Onſlow*, to the Weſt by *Cape Fear* River and *Smith*'s Creek, ſo as to include all the Inhabitants within Two Miles Weſt of the Road leading from *Wilmington* to *Buſby*'s Swamp; and that the Honourable *John Rutherford* and *Lewis DeRoſſett*, Eſquires, *Alexander Lillington*, *Frederick Gregg*, and *Thomas Fiſher*, Eſquires, be Commiſſioners of the Roads for the North Eaſt Diſtrict of the ſaid County, bounded to the South by *Smith*'s Creek, to the Weſt by the *North Eaſt* River, up the ſaid River to the Bounds of the County, and to include all the Inhabitants within Two Miles Weſt of the high Road leading from *Wilmington* to *Buſby*'s Swamp aforeſaid; and that the Honourable *Samuel Strudwick*, Eſquire, *Samuel Aſhe*, *George Moore*, *Frederick Jones*, and *William Robinſon*, Eſquires, be Commiſſioners of the Roads for the *Rocky Point* Diſtrict, bounded to the South and Eaſt by the *North Eaſt* River, to the Weſt by *Riley*'s Creek, and thence Northward by a Line parrallel to the Public Road leading from *Heron*'s Bridge to the Bounds of the County of *Duplin*; and that Colonel *James Moore*, *John Colvin*, *John Devaun*, *John Macdoughnell*, and *John Larkins*, Eſquires, be Commiſſioners of the Roads for *Black River* Diſtrict, bounded to the Weſt by the *North Weſt* River, to the North by the Counties of *Bladen* and *Duplin*, and to the Eaſt by *Riley*'s Creek and the Weſtern Bounds of *Rocky Point* Diſtrict, and to the South by *Negro Head* Point.

Number of Commiſſioners kept up.

III. *AND be it further Enacted, by the Authority aforeſaid*, That in Caſe any Commiſſioner appointed by this Act refuſe or neglect to take upon him ſuch Office, or ſhall die or remove out of his Diſtrict, the remaining or ſurviving Commiſſioners of ſuch Diſtrict ſhall, and are hereby required, impowered, and directed, to appoint another in his Room; who ſhall have the ſame Power, and ſhall be liable to the ſame Pains and Penalties, as the Commiſſioners have and are liable to who are appointed under this Act.

Repealing Clauſe.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the before recited Act, and every Clauſe and Article thereof, ſo far as it relates to the County of *New Hanover*, ſhall be from henceforth repealed and made void: And the Commiſſioners appointed by Virtue of this Act, are hereby veſted with all the Powers and Authorities, and ſhall be ſubject to the ſame Rules, Regulations and Reſtrictions, Pains and Penalties, as other Commiſſioners of Roads are veſted with, or ſubject to, by an Act of Aſſembly, intituled, *An Act for impowering the ſeveral Commiſſioners herein after named to make, mend, and repair, all Roads, Bridges, Cuts, and Water Courſes, already laid out, or hereafter to be laid out, in the ſeveral Counties and Diſtricts herein after appointed, in ſuch Manner as they judge moſt uſeful to the Public*; any Thing in the before recited Act to the contrary notwithſtanding.

Commiſſioners Power.

A. D. 1773.

CHAP. XIII.

An Act to regulate the Attendance of the Miniſter of Chriſt Church *Pariſh, at the Pariſh Church in the Town of* Newbern, *and at the ſeveral Chapels in the ſaid Pariſh.*

Preamble.

I. WHEREAS from the late Increaſe of Inhabitants, the Reſidence of the Governor, and Eſtabliſhment of the Courts of Juſtice and civil Officers in the Town of *Newbern*, the more regular Attendance of a Miniſter at the Pariſh Church in the ſaid Town is become abſolutely neceſſary:

Miniſter's Attendance regulated.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That from and after the paſſing of this Act, the Miniſter of the ſaid Pariſh of *Chriſt Church* for the Time being, ſhall not abſent himſelf from the ſaid Pariſh Church in the Town of *Newbern* more than Six *Sundays* in any Year; and that the ſaid Miniſter ſhall, on ſome Days between the Months of *March* and *December*, regularly attend the ſeveral Chapels that now are, or hereafter ſhall be erected in the ſaid Pariſh, twice in every Year; any Order, Law, Uſage, or Cuſtom, to the contrary, notwithſtanding.

CHAP. XIV.

An Act for directing the Method of appointing Jurors in all Cauſes, civil and criminal.

Preamble.

I. WHEREAS a juſt Deciſion of Suits and Controverſies in the ſeveral Courts of Juſtice within this Province, depend on the Integrity and Capacity of Jurymen:

Courts to appoint Jurors.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the Juſtices of the Inferior Courts, within the Diſtrict of each Superior Court within this Province, ſhall, and they are hereby directed, before the ſitting of any Superior Court, to nominate Twenty Four Freeholders to ſerve as Grand Jurymen, and Twenty Four Freeholders to ſerve as Petit Jurors, at ſuch Superior Court.

No Perſon to ſerve as Juror Two ſucceſſive Courts, or where he has any Suit.

III. *PROVIDED always*, That no Inferior Court ſhall knowingly nominate any Perſon to ſerve as a Grand or Petit Juror at Two Courts ſucceſſively, nor any Perſon ſerve on the Petit Jury who ſhall have an Action or Suit at Iſſue in the Superior Court, at the Term to which he ſhall be ſo nominated.

Jurors for the ſeveral Counties.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Number of Freeholders to be nominated for each County, to ſerve as Jurors, ſhall be proportioned as follows, *to wit*, *Craven* County Eighteen, *Carteret* Four, *Beaufort* Six, *Hyde* Four, *Dobbs* Six, *Pitt* Six, *Johnſton* Four, *Chowan* Ten, *Perquimons* Six, *Paſquotank* Eight, *Currituck* Four, *Tyrrell* Six, *Bertie* Eight, *Hertford* Six, *Northampton* Twelve, *Halifax* Sixteen, *Edgcomb* Ten, *Bute* Ten, *Orange* Twenty, *Granville* Twelve, *Chatham* Ten, *Wake* Eight, *Rowan* Twelve, *Anſon* Seven, *Mecklenburg* Seven, *Tryon* Eight, *Surry* Seven, *Guilford* Seven, *New Hanover* Twelve, *Bladen* Eight, *Onſlow* Eight, *Duplin* Eight, *Cumberland* Six, *Brunſwick* Six; a Liſt of which Jurors, ſo nominated, ſhall be delivered by the Clerk of each Inferior Court of Pleas and Quarter Seſſions to the Sheriff, who ſhall, and is hereby required, to ſummon the Perſons ſo nominated to ſerve as Jurymen at the Superior Court: And if any Jurymen ſo ſummoned, ſhall fail to appear, he ſhall be fined Five Pounds, Proclamation Money, unleſs he can ſhew ſufficient Cauſe to the next Court to excuſe his non-Appearance; which Fine ſhall be applied to the Payment of ſuch Jurors as ſhall attend from the ſaid County, and thereby leſſen the County Tax.

Pen. for non-Attendance.

V. *PROVIDED always*, That if any of the ſaid Inferior Courts of Pleas and Quarter Seſſions ſhall fail or neglect to nominate Freeholders to ſerve as Grand or Petit

Petit Jurors as aforeſaid, or the Perſons ſo nominated ſhall fail to attend, it ſhall and may be lawful for ſuch Superior Court to order and direct the Sheriff to ſummons other Freeholders of the By-Standers, to ſerve as Jurymen for either Grand or Petit Jurors; and the Perſons ſo ſummoned ſhall be deemed and held as lawful Jurymen. *Provided*, That ſuch By-Standers as ſhall be ſummoned to ſerve on the Petit Jury, ſhall and may every Day be diſcharged; and the ſucceeding Day, and ſo from Day to Day, during the Continuance of the Court, the Sheriff ſhall ſummons of the By-Standers, ſo many as ſhall be neceſſary; and every Perſon ſo ſummoned of the By-Standers, who ſhall not appear and ſerve as Jurymen, ſhall be fined the Sum of Three Pounds, Proclamation Money, unleſs he can ſhew ſufficient Cauſe to be admitted by the Court, to be applied as before directed.

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By Standers may be ſummoned.

Time of their Attendance.

VI. AND that the Fines may be applied according to the Directions of this Act, *Be it further Enacted, by the Authority aforeſaid*, That the Fines herein impoſed ſhall be levied by the Sheriff of each reſpective County wherein each Perſon ſhall reſide, who ſhall be ſummoned as a Juryman as is herein directed, and ſhall fail to appear and ſerve as ſuch; and ſuch Sheriff ſhall be accountable for the ſame to the Inferior Court of his County.

Fines how levied.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Sheriff of each reſpective County ſhall, and is hereby required, to ſummons the Freeholders in the Liſt to be delivered to him by the Clerk of the Inferior Court of his County, at leaſt Ten Days before the ſitting of the Superior Court at which ſuch Freeholders are to attend as Jurors; which he may do perſonally, or by leaving a Note or Summons, in Writing, at the Dwelling-Houſe of ſuch Freeholder, ſo to be nominated as aforeſaid.

Jurors when to be ſummoned.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Clerk of each Superior Court ſhall, every Day during the Continuance of ſuch Court, write the Names of all Petit Jurors appearing, on Scrolls or Pieces of Paper, which ſhall be put into a Box; and on every Iſſue in every Suit where it is not otherwiſe agreed by Conſent, a Child under Ten Years old, in open Court, ſhall draw out of the ſaid Box Twelve of the ſaid Scrolls or Pieces of Paper; and the Perſons whoſe Names ſhall be on the ſaid Scrolls or Pieces of Paper, drawn as aforeſaid, ſhall be the Jurors to try ſuch Iſſue, provided that they all do appear; and in Caſe of Defaulters, other Scrolls ſhall be drawn, till a ſufficient Number ſhall appear to make a compleat Jury.

Manner of drawing Juries.

IX. *PROVIDED always*, That if any of the Jurors, whoſe Names ſhall be drawn as is herein before directed, ſhall be lawfully challenged, other Scrolls ſhall be drawn in Manner aforeſaid, as Occaſion may require, till a complete Number of Jurors ſhall be made out.

Proviſo for Challenges.

X. AND whereas the attending Superior Courts will be very expenſive to Jurors: For Remedy whereof, *Be it Enacted, by the Authority aforeſaid*, That each and every Juror who ſhall attend either of the Superior Courts to which he ſhall be nominated as aforeſaid, and ſummoned, in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance, to the Inferior Court of the County where he reſides, ſhall have and receive Three Shillings, Proclamation Money, for every Day he ſhall travel and attend as aforeſaid, and an Allowance for his Ferriages, if certified as aforeſaid, to be paid out of the County Tax.

Jurors Allowance.

XI. *BE it further Enacted, by the Authority aforeſaid*, That every Juror in the Superior and Inferior Courts ſhall be allowed Eight Pence for every Suit tried by him, which ſhall be paid, by the Party paying Coſts on the Suit, to the ſaid Jurors.

8*d.* on every Suit to be paid them.

XII. *AND*

A. D. 1773.

Two Surveyors may be appointed to run out Lands in Diſpute.

XII. *AND be it further Enacted, by the Authority aforeſaid,* That in all Suits in the Superior Courts of Juſtice within this Province, wherein the Title or Bounds of Lands ſhall come in Queſtion, if it ſhall appear to the Court neceſſary, ſuch Court may order Two Surveyors (one to be named by each Party) to attend, and run out and ſurvey the Lands in Diſpute, agreeable to the Bounds and Lines expreſſed in each Parties Titles, and make Three accurate Plans of ſuch Surveys, and return the ſame to ſuch Court; which Order ſuch Surveyors are hereby required to obey,

Their Allowance.

and ſhall be allowed Twenty Shillings, Proclamation Money, each, for every Day they ſhall be travelling to and from attending the Surveys, and performing the Duty by this Act required; which Allowance ſhall be taxed in the Bill of Coſts, and paid by the Party caſt.

Where one may be appointed.

XIII. *PROVIDED nevertheleſs,* If the Parties ſhall agree to have but One Surveyor appointed to perform ſuch Services, that then, and in ſuch Caſe, the Court ſhall order one Surveyor only to attend, ſurvey, and run out the Lands in Diſpute; who ſhall return Three Plans in the ſame Manner, and be intitled to the ſame Allowance, as he would have been intitled to, if Two Surveyors had been appointed.

Jurors to be ſummoned for the Inferior Courts.

XIV. *AND be it further Enacted, by the Authority aforeſaid,* That the Sheriff of each reſpective County of this Province ſhall, Five Days at leaſt before the ſitting of each reſpective Inferior Court, to be held after the paſſing of this Act, ſummon Twenty Four Freeholders to ſerve on the Grand Jury, and Twelve Freeholders to ſerve on the Petit Jury, to attend at ſuch Courts reſpectively, which ſaid Jury ſhall appear and give their Attendance accordingly, till diſcharged by the Court; and that there may not be a Default of Jurors, it ſhall and may be lawful, during the ſitting of the Inferior Court, for the Sheriff, by Order of the ſaid Court, to ſummon of the By-Standers other Jurors, being Freeholders, to ſerve on the Petit Jury, from Day to Day; and on any Day of the ſaid Court, the Juſtices may diſcharge thoſe who have ſerved the preceding Day.

Their Attendance inforced.

XV. AND to inforce the Attendance of Jurymen at the ſaid Inferior Courts, *Be it Enacted, by the Authority aforeſaid,* That every Perſon who ſhall hereafter be ſummoned in Virtue of this Act, to appear either as a Grand or Petit Juryman at any Inferior Court, and ſhall fail to appear, or to give his Attendance till diſcharged by Order of the Court, ſuch Perſon ſo failing to appear, or giving his Attendance till diſcharged, ſhall be fined Forty Shillings by the Juſtices of the Inferior Court (to be applied towards defraying the Charges of the County, and leſſening the County Tax) unleſs he ſhall ſhew ſufficient Cauſe to the next ſucceeding Court for ſuch Failure.

No Proceſs to be ſerved on Jurors, during their Attendance.

XVI. *AND be it further Enacted, by the Authority aforeſaid,* That no Sheriff, or other Officer, ſhall ſerve or execute any Writ, or other Proceſs, on the Body of any Juror, during his Attendance on, or going to, and returning from any of the ſaid Courts; and any ſuch Service ſhall be void, and the Defendant may on Motion be diſcharged.

Continuance of the Act.

XVII. *AND be it further Enacted, by the Authority aforeſaid,* That this Act ſhall continue and be in Force for and during the Space of Six Months, from and after the paſſing hereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. XV.

An Act for rendering the Navigation of Trent *River more uſeful and advantageous.*

Preamble.

I. WHEREAS about Twenty Five Miles above the Town of *Newbern*, in *Craven* County, the River *Trent* makes a ſudden Crook or Turn round a Piece of low Lands near the Diſtance of Five Miles, and then returns within Eighty

Eighty Feet of the Place where the ſaid Crook began; and whereas the ſaid River is there in many Places ſhoal, and otherwiſe ſo ſtopped up, as to render the Paſſage of Crafts both difficult and dangerous; and as the ſaid Diſadvantages may be eaſily removed, by cutting a Canal through a ſmall Neck of Land called *Harper*'s, the Proprietor thereof unknown, which the Inhabitants are willing to perform at their own Expence: A. D. 1773.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Lemuel Hatch*, *Edmond Hatch*, and *Emanuel Simmons*, be, and are hereby appointed Commiſſioners, for laying out and directing the Execution of the ſaid Canal; and they, or any of them, are hereby inveſted with full Power and Authority to ſee the ſame carried into Execution, without incurring any Forfeiture or Damage for cutting the ſaid Canal through the Lands of any Perſon or Perſons whatſoever; any Law, Uſage, or Cuſtom, to the contrary, notwithſtanding. Commiſſioners for cutting a Canal.

CHAP. XVI.

An Act to encourage the deſtroying Vermin in the ſeveral Counties therein-mentioned.

I. WHEREAS the Counties of *Bute*, *Orange*, *Anſon*, *Granville*, *Tyrrell*, *Chatham*, *Wake*, *Mecklenburg*, *Guilford*, *Onſlow*, *Carteret*, and *Surry*, are much infeſted with Wolves and other Vermin, to the great Prejudice of the Inhabitants thereof: Preamble.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Perſon who ſhall kill any of the Vermin herein after mentioned, within Ten Miles of any ſettled Plantation in any of the ſaid Counties, ſhall be intitled to a Claim on the County where ſuch Vermin ſhall be killed, to the ſeveral Rewards as follows: For every Wolf Ten Shillings, Proclamation Money, for every Wild Cat Two Shillings and Six Pence, and for every Panther Ten Shillings, to be paid as herein after directed. Premiums for killing Vermin.

III. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon who ſhall have a Claim for killing any of the aforeſaid Vermin, are hereby directed to produce the Scalp of the aforeſaid Vermin, with both Ears, before a Magiſtrate, who is to adminiſter an Oath to ſuch Perſon claiming the ſame, that it was taken and killed within the Bounds of ſuch County where the Claim ſhall be made; and if any Slave or *Indian* that ſhall kill any Vermin, of which the Head or Scalp ſhall be produced as aforeſaid, the Maſter or Owner of ſuch Slave or *Indian*, or he that makes Claim for ſuch Scalp or Scalps in Behalf of any Slave or *Indian*, ſhall make Oath before ſuch Magiſtrate, that he verily believes the ſame was taken and killed within the Counties wherein the ſame was claimed; which Oath being adminiſtered, the Magiſtrate is hereby directed to give a Certificate for the ſame, and immediately cauſe ſuch Scalp to be deſtroyed. Manner of obtaining the ſame.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That any Perſon having a Certificate from any ſuch Magiſtrate, ſhall, upon producing the ſame to the Court of the County where ſuch Certificate was obtained, be intitled to the Sum or Sums due upon ſuch Certificate; which ſeveral Sums ſo paid, ſhall be allowed by the Court out of the County Tax. Courts to pay the Claims.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſeveral Juſtices of the Inferior Courts of Pleas and Quarter Seſſions within the ſaid Counties, are hereby required, authorized, and impowered, to lay a Tax on the ſeveral taxable Perſons within their reſpective Counties, for diſcharging the ſaid Claims. Tax laid for it.

A. D. 1773. Continuance of the Act.

VI. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall be and continue in Force for and during the Term of Five Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAP. XVII.

An additional Act to an Act, intituled, An Act for establishing a School-House in the Town of *Newbern*.

Preamble.

I. WHEREAS the incorporated Society for promoting and establishing the Public School in *Newbern* have taken up Four Lots of Land, lying in the said Town, known in the Plan thereof by the Numbers or Figures 313, 327, 328, and 329, and are contiguous to, and in the same Square, in which the said Society have erected a large and convenient Building, for the Use and Accommodation of the Master and Scholars of the said School; and it being inconvenient that any other Buildings sufficient to save the said Lots should be erected on the same:

Lots declared to be saved.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That the said Building already erected, shall be held, deemed, and taken to be a sufficient Saving and Improvement of the said Lots Number 313, 327, 328, and 329, within the Extent and Meaning of the Act of Assembly in such Case made and provided; and the said Four Lots are hereby declared to be saved and improved Lots accordingly, and vested in the Trustees of the said incorporated Society, and their Successors, for ever, in Trust and Confidence, to and for the Use of the said School; any Act or Acts of Assembly to the contrary notwithstanding.

CHAP. XVIII.

An Act to prevent hunting with a Gun in the Night by Fire Light.

Preamble.

I. WHEREAS many Persons, under Pretence of hunting for Deer in the Night by Fire Light, kill Horses and Cattle, to the Prejudice of the Owners thereof:

Pen. for Fire-hunting.

II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That if any Person or Persons shall be discovered hunting in the Woods with a Gun in the Night Time, by Fire Light, such Person or Persons so offending, shall forfeit and pay for every Offence the Sum of Five Pounds, Proclamation Money, to be recovered by a Warrant from any Justice of the Peace in the County; one Half to the Informer, the other Half to the Use of the Parish where such Offence shall be committed: And upon due Conviction thereof before such Justice on Trial, it shall and may be lawful for such Justice thereupon to give Judgment, and award Execution against the Body, Goods or Chattels, of the Offender, and order such Offender to the County Gaol, there to remain one Month, without Bail or Mainprize, or until the said Fine, and the Fees accruing thereon, shall be paid.

Pen. on Slaves.

III. *AND be it further Enacted, by the Authority aforesaid*, That if any Slave or Slaves shall be discovered hunting in Manner herein before mentioned, such Slave or Slaves shall, upon due Conviction thereof before any Justice of the Peace of the County, have and receive Fifty Lashes on his bare Back, well laid on; and the Gun or Guns found in the Possession of any Slave so hunting in the Night as aforesaid, shall be forfeited to, and become the Property of the Person or Persons that shall discover and prosecute any Slave or Slaves in Manner as aforesaid.

IV. *AND*

IV. *AND be it further Enacted, by the Authority aforesaid*, That an Act of Assembly, passed at *Newbern*, in the Seventh Year of his Majesty's Reign, intituled, *An Act to prevent hunting for and killing Deer in the Manner therein mentioned*, be from henceforth repealed and made void. *A. D.* 1773. Repealing Clause.

CHAP. XIX.

An additional Act to an Act, intituled, An Act for amending an Act, intituled, An Act for the better Regulation of the Town of *Newbern*, and for securing the Titles of Persons who hold Lots in the said Town.

I. WHEREAS from the great Increase of Buildings in the Town of *Newbern*, Damages may hereafter arise by Fire; and it appearing necessary that Water Engines, and other Instruments for extinguishing Fire, be procured as soon as possible: Preamble.

II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That the Commissioners of the said Town, or the Majority of them, shall, and they are hereby required, to assess and value every House within the said Town (Public Buildings excepted) and to lay a Tax on such Value, not exceeding Two Shillings in the One Hundred Pound, for each Year, during the Continuance of this Act; and also in like Manner assess the Trades or Faculties of all Residenters who are not Owners of Houses in the said Town, Regard being had to their Circumstances, so that the Assessment may be equally proportioned to the Danger they may be subject to by Fire; which Money, assessed on the Owners of Houses and Residenters as aforesaid, shall be collected and applied towards purchasing a Water Engine, Buckets, Ladders, and other Instruments proper for extinguishing Fire, and erecting one or more Public Pumps; and if any Person shall neglect or refuse to pay such Assessment, the same shall be levied by a Warrant, under the Hands of the Commissioners, or a Majority of them, directed to the Sheriff of *Craven* County, or to the Constable of the said Town, on the Effects of such Delinquent or Delinquents: And as soon as such Engine, and other Instruments for extinguishing Fire as aforesaid, shall be procured, it shall and may be lawful for the said Commissioners, or a Majority of them, to appoint and establish a Fire Company to manage and work the said Engine. Houses taxed for purchasing Fire Engines, &c. Fire Company established.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Fire Company to be appointed in Virtue of this Act, shall once in every Month exercise themselves, and work the said Engine; and also be ready, in Case of an Alarm by Fire, to repair to the Place where such Fire shall happen, to be with the said Engine and other Instruments, and then and there use their utmost Efforts to extinguish the same, under the Penalty of forfeiting each Five Pounds, Proclamation Money, for such Refusal or Neglect; to be recovered and applied as herein after directed. Their Duty.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the Fire Company for the Town of *Newbern*, and each and every of them, during the Time they continue to comply with the Directions of this Act, shall be exempt from bearing Arms at Musters, and serving on any Jury; any Thing contained in any Law to the contrary, notwithstanding. Their Privileges.

V. *AND be it further Enacted, by the Authority aforesaid*, That each and every Householder within the said Town of *Newbern* shall procure, or cause to be procured, within Six Months after the passing of this Act, Two sufficient Leather Buckets, and a Ladder, of not less than Twenty Five Feet long, and keep the same in continual Readiness against any Alarm by the breaking out of Fire in the said Town; on Neglect whereof, he, she, or they, shall forfeit and pay Forty Shillings, for every Year they continue or neglect to be furnished as aforesaid. Housekeepers to procure Buckets and Ladders.

VI. *AND*

A. D. 1773.

Pen. for riding Horſes immoderately in Town.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing this Act, no Perſon whatever ſhall immoderately ride any Horſe or Mare, or in like Manner drive any empty Waggon, Cart, or other Carriage, in or through the Streets of the ſaid Town: And if any Perſon ſhall offend herein, and be convicted thereof, he, ſhe, or they, ſhall forfeit and pay Ten Shillings for each and every Offence; if the Offender be under Age, the Parent, Maſter, or Guardian, ſhall pay the ſaid Fine; and if a Slave, ſhall, by Order of the next Magiſtrate, be whipped, not exceeding Twenty Laſhes, unleſs the Maſter of ſaid Slave ſhall pay the ſaid Fine.

Aſſize of Bread to be regulated.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, or the Majority of them, ſhall, and they are hereby impowered and required, to regulate the Aſſize of Bread, when neceſſary; and any Perſon or Perſons refuſing to comply with ſuch Orders, ſhall forfeit and pay Forty Shillings for every Refuſal; to be recovered and applied as is herein after directed.

Wood Corder appointed.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, or the Majority of them, for the Time being, ſhall yearly, and every Year, appoint a proper Perſon to cord Wood in the ſaid Town, who ſhall take an Oath for the faithful and impartial Diſcharge of his Duty before a Juſtice of the Peace, and procure a Certificate thereof; and after ſuch Qualification, it ſhall not be lawful for any Perſon to ſell Wood in the ſaid Town, until the ſame may have been meaſured or examined by the ſworn Corder, under the Penalty of Five Shillings for each Cord ſold contrary to the Meaning of this Act; to be recovered before any Juſtice of the Peace, for the Uſe and at the Suit of ſuch ſworn Corder: And if ſuch Corder ſhall refuſe to attend to do his Duty at the different Places where Wood is uſually corded, he ſhall for every Neglect forfeit and pay Twenty Shillings; to be recovered and applied as is herein after directed: And the ſaid ſworn Corder of Wood ſhall and may take for his Trouble in examining and meaſuring each Cord of Wood, Six Pence, and no more; one Half whereof ſhall be paid by the Seller, and the other by the Buyer.

Pen. for ſelling without being examined.

Corder's Fee.

Meal to be ſold by Weight.

IX. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the Firſt Day of *June* next, it ſhall not be lawful for any Perſon to retail Wheat Flour or *Indian* Corn Meal by Meaſure within the ſaid Town, but that the ſaid Articles ſhall be ſold by Weight; and the Perſon or Perſons offending herein, ſhall for every Buſhel ſo ſold, forfeit and pay Five Shillings, to be recovered and applied as herein after directed.

Pen. for Chimnies being on Fire.

X. *AND be it further Enacted, by the Authority aforeſaid*, That if any Houſeholder in the ſaid Town ſhall ſuffer his, her, or their Chimney or Chimnies to catch on Fire, ſo that a Blaze be ſeen without, he, ſhe, or they ſhall, for each Chimney ſo on Fire, forfeit and pay Twenty Shillings, one Half to the Informer, the other Half for the Uſe of the ſaid Town; to be recovered by Warrant before a Juſtice of the Peace.

Pen. for firing Guns in Town.

XI. AND whereas ſundry idle and diſorderly Perſons, as well as Slaves, and Children under Age, do make a Practice of firing Guns and Piſtols within the ſaid Town; *Be it Enacted, by the Authority aforeſaid*, That if any ſuch Perſon ſhall for the future fire a Gun or Piſtol within the ſaid Town, he ſhall pay a Fine of Ten Shillings for each Offence, to be recovered as aforeſaid; if the Offender be under Age, the Parent or Maſter, or Guardian, ſhall pay the ſaid Fine; and if a Slave, ſhall, by Order of the next Magiſtrate, be whipped, not exceeding Twenty Laſhes, unleſs the Maſter of ſuch Slave ſhall pay the ſaid Fine.

Watchmen to be appointed.

XII. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners of the ſaid Town, or a Majority of them, are hereby impowered and required to appoint Two or more Watchmen, whoſe Duty ſhall be regulated by the Commiſſioners,

Commiſſioners, and who ſhall be paid out of the Monies ariſing by Virtue of this Act. A. D. 1773.

XIII. *AND be it further Enacted, by the Authority aforeſaid*, That all Fines and Forfeitures in this Act, the Manner of Recovery and applying whereof not herein before directed, ſhall be recovered by Warrant, under the Hands of the Commiſſioners for the Time being, or a Majority of them, directed to the Sheriff of *Craven* County, or to the Conſtable of the ſaid Town, and be levied on the Body, or Goods and Chattels of the Offender, and be applied to the common Stock of the ſaid Town; and be accounted for by the Commiſſioners in Manner directed in and by the Laws heretofore paſſed for the better Regulation of the ſaid Town. Fines how recovered.

XIV. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall continue and be in Force for and during the Term of Three Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer. Continuance of the Act.

CHAP. XX.

An Act for laying out a Public Road from Dan *River, through the Counties of* Guilford, Chatham, *and* Cumberland, *to* Campbelton; *and for a Public Road from the* Shallow Ford, *in* Surry *County, to join the ſame.*

I. WHEREAS a Public Road from *Dan* River, through the Counties of *Guilford*, *Chatham*, and *Cumberland*, to *Campbelton*, would be of general Convenience and Advantage to the Inhabitants of the ſaid Counties, and others, and would have a Tendency greatly to promote the Trade and Commerce of that Part of this Colony: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Samuel Henderſon*, *John Campbell*, *Robert Fields*, *Joab Brookes*, and *Henry Bray*, be, and are hereby appointed Commiſſioners, for laying out and eſtabliſhing the ſaid Road; and they, or a Majority of them, are hereby authorized and directed, as ſoon as convenient after the paſſing of this Act, to lay, mark, and ſtake out, or eſtabliſh, or cauſe to be laid, marked, and ſtaked out, or eſtabliſhed, a Public Road from *Dan* River, beginning near the Middle *Sawra* Town, in the County of *Guilford*, thence through the ſaid County, *Chatham* and *Cumberland* Counties, the neareſt and beſt Way to the Town of *Campbelton*; and the ſaid Commiſſioners, or a Majority of them, after having laid, marked, and ſtaked out and eſtabliſhed the ſaid Road, ſhall, and are hereby impowered and directed to make an accurate Plan thereof, and the ſame to return, with an Account of their Proceedings, to the next Inferior Court of Pleas and Quarter Seſſions to be thereafter reſpectively held for the Counties aforeſaid: And the Juſtices of the ſaid reſpective Courts are hereby directed to receive the ſame; and are thereupon authorized and required to appoint ſo many Overſeers of the ſaid Road, within their reſpective Counties, as to the ſaid Juſtices ſhall from Time to Time appear convenient and neceſſary; and the ſaid Overſeers, and the Inhabitants of the ſaid Counties reſpectively, ſhall open, clear out, and work on the ſame, under the ſame Regulations, and ſhall be liable to the ſame Fines and Penalties, preſcribed and inflicted on Delinquents by an Act of Aſſembly, intituled, *An Act to impower the Inferior Courts of the ſeveral Counties in this Province to order the laying out of Public Roads, and eſtabliſh and ſettle Ferries, and to appoint where Bridges ſhall be built, for the Uſe and Eaſe of the Inhabitants of this Province, and to clear navigable Rivers and Creeks*; and the Commiſſioners aforeſaid ſhall be allowed and paid, for their Trouble in the above Service, the Sum of Five Shillings *per* Day, out of the County Tax of ſaid Counties. Commiſſioners appointed for laying out the Road. Overſeers appointed.

III. AND whereas the Method of laying out and working on the Roads in the County of *Guilford*, under the Power and Directions of Commiſſioners, hath Manner of working on the Roads

A. D. 1773. in Guilford, altered.

been found burthenſome and inconvenient to the Inhabitants of the ſaid County; *Be it Enacted, by the Authority aforeſaid*, That all the Roads of the ſaid County, after the paſſing of this Act, ſhall be laid out, eſtabliſhed, and worked upon, agreeable to the Regulations and Directions of the above recited Act; any Law to the contrary notwithſtanding.

Commiſſioners for the Road from the Shallow Ford.

IV. AND whereas a Public Road from the *Shallow Ford*, in the County of *Surry*, through the County of *Rowan*, to join the Road before-mentioned and deſcribed, would be very convenient to the Inhabitants of *Surry*, and the North Part of *Rowan* County, for the above beneficial Purpoſes; *Be it therefore Enacted, by the Authority aforeſaid*, That *Philip Howard*, *Samuel Moſeby*, and *John Kimbrough*, be appointed Commiſſioners, who ſhall, and are hereby required to lay out, mark, and ſtake a Road, the neareſt and beſt Way to the above mentioned and deſcribed Road leading to *Campbelton*, and eſtabliſh the ſame; which ſaid Road ſhall be under the ſame Regulations, and the Overſeers and Inhabitants to work on the ſame, and ſubject to the ſame Penalties and Forfeitures, in the ſame Manner as the Overſeers and Inhabitants of the firſt deſcribed Road mentioned in this Act, and the ſaid Commiſſioners to be allowed for their Trouble as before mentioned.

CHAP. XXI.

An Act to amend an Act, paſſed at Newbern, *in the Year One Thouſand Seven Hundred and Seventy One, intituled*, An Act for laying out a Public Road from the Frontiers of this Province, through the Counties of *Mecklenburg*, *Anſon*, and *Cumberland*.

Preamble.

I. WHEREAS the Commiſſioners appointed by an Act of Aſſembly, intituled, *An Act for laying out a Public Road from the Frontiers of this Province, through the Counties of* Mecklenburg, Anſon, Rowan, *and* Cumberland, *to* Campbelton, have neglected to perform the Services by the ſaid Act required of them:

Commiſſioners for laying out the Road altered.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That ſo much of the before recited Act, as appoints *John Polk*, *William Brooks*, *John Dunn*, *Michael Monroe*, *James Blythe*, *Archibald McAffey*, and *James Pickett*, Commiſſioners, be, and is hereby repealed: And that *William Moore*, *Matthew Rayford*, *Griffith Rutherford*, *Francis Locke*, and *Farquard Campbell*, Eſquires, be, and are hereby appointed Commiſſioners in their Stead; who are hereby charged with the ſame Duties, veſted with the ſame Powers and Authorities, and intitled to the ſame Allowance, as the Commiſſioners appointed by the before recited Act were charged with, or intitled to; any Thing in the ſaid Act to the contrary, notwithſtanding.

CHAP. XXII.

An Act for eſtabliſhing a Town on the Land of Iſaac Jones, *lying on the North Weſt Branch of* Cape Fear *River, in* Bladen *County.*

Preamble.

I. WHEREAS it hath been repreſented to this Aſſembly that the Land of *Iſaac Jones*, lying on the South Weſt Side of the North Weſt Branch of *Cape Fear* River, in *Bladen* County, is a healthy pleaſant Situation, well watered, and commodious for Commerce, and ſundry Perſons of Note are deſirous that a Town ſhould be erected thereon, for promoting the Trade and Navigation of the ſaid River; and the ſaid *Iſaac Jones* having ſignified his free Conſent thereto, by a Certificate under his Hand and Seal, to have One Hundred Acres of the ſaid Land laid off for a Town:

II. *BE*

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Elizabeth Town erected.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid One Hundred Acres of Land, 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 by the Name of *Elizabeth* Town.

Directors appointed.

III. *AND be it further Enacted, by the Authority aforeſaid*, That from and after the paſſing of this Act, *Walter Gibſon*, *William Salter*, *James White*, *James Bailey*, and *Benjamin Humphrey*, Eſquires, be, and they, and every of them, are hereby conſtituted Directors and Truſtees, for deſigning, building, and carrying on ſaid Town, and they ſhall ſtand ſeized of an indefeaſible Eſtate in Fee of the ſaid One Hundred Acres of Land, to and for the Uſes, Intents, and Purpoſes, hereby expreſſed and declared; and they, or any Three of them, ſhall have full Power and Authority to meet as often as they ſhall think neceſſary, and to appoint a Publid Quay at ſuch Place on the ſaid River for a Public Landing, as to them ſhall ſeem convenient, and to lay out Three Acres of the ſaid One Hundred for a Market Place, and other Public Buildings, and the Reſidue thereof into Lots, Streets, Lanes, and Alleys, or ſo much of the ſame as will make at leaſt One Hundred and Twenty Lots, of Half an Acre each, and cauſe a Plan thereof to be made, and therein to inſert a Mark and 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 have taken Subſcriptions for Seventy Lots or upwards, they ſhall appoint a Day, and give Public Notice to the Subſcribers of the Day appointed for the drawing of the ſaid Lots, which ſhall be done by Ballot, in a fair and open Manner, by the Direction, and in the Preſence of the Majority of the ſaid Directors at leaſt; and ſuch Subſcriber ſhall be intitled to the Lot or Lots which ſhall happen to be drawn for him, and correſpond with the Mark or Number contained in the Plan for ſaid Town: And the ſaid Directors, or a Majority of them, ſhall make and execute Deeds for granting and conveying the ſaid One Hundred and Twenty Lots to the Subſcribers, their Heirs and Aſſigns, for ever; and alſo to every other Perſon who ſhall purchaſe any other Lot or Lots in the ſaid Town, at the proper Coſt and Charges of the ſaid Grantee, to whom the ſaid Lot or Lots ſhall be conveyed; 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.

Lots to be drawn for.

Time of ſaving Lots.

IV. *PROVIDED nevertheleſs*, That every Grantee of any Lot or Lots in the ſaid Town ſo conveyed, ſhall within Three Years next after the Date of the Conveyance for the ſame, erect, build, and finiſh, on each Lot ſo conveyed, one well framed or Brick Houſe, Sixteen Feet ſquare at the leaſt, and Nine Feet Pitch in the Clear, or proportionable to ſuch Dimenſions, if ſuch Grantee ſhall have Two or more Lots contiguous; and if the Owner of any Lot or Lots ſhall fail to purſue or comply with the Directions in this Act preſcribed for building and finiſhing a Houſe thereon, then ſuch Lot or Lots, upon which ſuch Houſe ſhall not be built and finiſhed as aforeſaid, ſhall be reveſted in the ſaid Directors; and the ſaid Directors, or a Majority of them, may, and are hereby impowered and authorized, to ſell ſuch Lot or Lots for the beſt Price that can be had, to any Perſon applying for the ſame, and grant and convey ſuch Lot or Lots to ſuch Perſon or Perſons, under the like Regulations and Reſtrictions, as the ſame was or were formerly granted; and the Money ariſing from ſuch Sales to be applied by the ſaid Directors, or a Majority of them, for the Benefit and Improvement of the ſaid Town.

Price of Lots to be paid the Directors.

V. *AND be it further Enacted, by the Authority aforeſaid*, That each reſpective Subſcriber, who ſhall ſubſcribe 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 to One of them, the Sum of Forty Shillings, Proclamation Money, for each Lot by him

ſubſcribed

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subscribed for; and in Case of the Refusal or Neglect of any Subscriber to pay the said Sum, the said Directors shall and may commence and prosecute a Suit in their own Names 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 the said *Isaac Jones*, his Heirs or Assigns, the Sum of Thirty Five Shillings, Proclamation Money, for each Lot, in full Satisfaction for the said Land; and the other Five Shillings shall be applied towards defraying the Expence of laying off and improving the said Town, as a Majority of the Directors shall think proper.

Lots reserved to the Proprietor.

VI. *PROVIDED nevertheless*, That the said *Isaac Jones* shall have and keep to his own Use his Tan Yard, Mill and Bark Houses, with such Lots as he shall choose adjoining them, not exceeding Four Lots, exclusive of the said One Hundred Acres; and that nothing in this Act contained shall be construed or extend to grant Power to the said Directors, or their Successors, or any other Freeholder of the said Town, to keep a Public Ferry at the said Landing, so to be appointed by the said Directors, in Prejudice to the Ferry of the said *Isaac Jones*, now by Law established: And in Case it should hereafter be found necessary to erect a Public or other Ferry at the said Landing, the Right of keeping the same shall remain to the said *Isaac Jones*, his Heirs or Assigns, until he or they shall refuse to comply with the Terms by Law prescribed for erecting and keeping Public Ferries.

His Right to the Ferry.

Succession of Directors kept up.

VII. AND for continuing the Succession of the Directors until the said Town shall be incorporated, *Be it further Enacted, by the Authority aforesaid*, In Case of the Death, or Refusal to act, or Removal out of the County of any of the said Directors, the surviving or other Directors, or the major Part of them, shall assemble, and are hereby impowered, from Time to Time, by Instrument in Writing under their respective Hands and Seals, to nominate some other Person, being a Freeholder of 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 like Power and Authority in all Things in the Matters herein contained, as if he had been expresly named and appointed in and by this Act.

Commissioners for building Crt. House, &c.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That *Thomas Owens*, *James White*, *William McRee*, *Walter Gibson*, and *William Salter*, or the Majority of them, be, and they are hereby appointed Commissioners, and impowered and directed to agree and contract with Workmen for building a Court-House, and finishing the Prison and Work House, on the Lot in the said Town allotted and laid off for the Public Buildings, for the Use of the said County of *Bladen*.

Tax laid for it.

IX. *AND be it further Enacted, by the Authority aforesaid*, That a Poll-Tax of One Shilling and Four Pence, Proclamation Money, be laid on each taxable Person of the said County of *Bladen*, for Three Years, for building the said Court-House, and finishing the Prison and Work House therein; which said Tax shall be collected by the Sheriff of the County, and paid to the said Commissioners, at such Times, and in the same Manner, as other Taxes are collected.

CHAP. XXIII.

An Act to impower the Executors of John McKildo, *late Sheriff of* Tyrrell *County, to collect the Arrears of Taxes due for the said County in the Years therein-mentioned.*

Preamble.

I. WHEREAS great Deficiencies have arisen in the Collection of the Taxes for the County of *Tyrrell*, for the Years One Thousand Seven Hundred and Sixty Five and One Thousand Seven Hundred and Sixty Six, whereby the Securities of the said *John McKildo* are become liable to the Payment of large Sums to the Public:

II. *BE*

A. D. 1773.

Executors of the late Sheriff to receive Arrears of Taxes.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That from and after the paſſing of this Act, *Robert Lenox* and *Joſeph Hewes*, Executors of the ſaid *John McKildo*, ſhall have full Power and Authority to receive and collect the Arrears of the Taxes due for the ſaid County of *Tyrrell*, as it ſtood undivided at the Time when the ſaid *John McKildo* was Sheriff, for the Years One Thouſand Seven Hundred and Sixty Five and One Thouſand Seven Hundred and Sixty Six, in the ſame Manner and Form as other Taxes are by Law to be collected.

To be received according to Liſts.

III. *AND be it further Enacted, by the Authority aforeſaid,* That the ſaid *Robert Lenox* and *Joſeph Hewes* do collect and receive ſuch Arrears of Taxes, according to the Liſt and Rates for each of the ſaid Years reſpectively appointed.

Proviſo for Perſons to diſcharge themſelves.

IV. *PROVIDED nevertheleſs*, That if any Perſon, againſt whom any Demand for ſuch Arrears of Taxes ſhall be made, ſhall produce a Receipt or Receipts of his having paid the ſame, or in Caſe of the Loſs or miſlaying of ſuch Receipt or Receipts, ſhall make Oath before any Juſtice of the Peace, within Ten Days after ſuch Demand made, of his having paid and diſcharged the ſame, or Part thereof, or that he was not at that Time a Taxable in the ſaid County, and obtain a Certificate of the ſame from ſuch Juſtice, ſuch Perſon ſhall be exonerated and diſcharged from the ſaid Demand, either in Part or Whole, as the Caſe may be.

Notice to be given, of Time of receiving.

On Failure, Diſtreſs to be made.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Collectors ſhall give One Month's Notice, by publicly advertiſing the ſame at the Court-Houſe and Chapels of the ſaid County, of the Time and Place they will attend to receive ſuch Arrears of Taxes; and all Perſons paying the ſame on or before the Time appointed by ſuch Notice, ſhall not be liable to pay any Coſt or Charge: And if any Perſon or Perſons ſhall fail to pay ſuch Arrears of Taxes agreeable to this Act, it ſhall and may be lawful for the ſaid Collectors, or ſuch Perſon or Perſons as they may appoint, to make Diſtreſs for the ſame, in the ſame Manner as is by Law appointed for Sheriffs to diſtrain in other Caſes of the like Nature.

CHAP. XXIV.

An Act for granting a Bounty on the Exportation of Pot and Pearl Aſh.

Preamble.

I. WHEREAS Pot and Pearl Aſh may be made in this Province to great Advantage, and if duly encouraged would tend greatly to increaſe the Trade and Commerce of the Country: In Order therefore to encourage the firſt Adventurers in this valuable Commodity, who generally labour under many Difficulties;

Bounty on Pot and Pearl Aſh.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That there ſhall be paid out of the Public Treaſury of this Province to the Maker or Makers of Pot and Pearl Aſh, the following Bounties, *to wit*, For every Hundred Weight of good merchantable Pot Aſh, the Sum of Eight Shillings, Proclamation Money, and for every Hundred Weight of good merchantable Pearl Aſh, the Sum of Fifteen Shillings, Proclamation Money, and ſo in Proportion for a greater or leſs Quantity: But previous to ſuch Perſon or Perſons being intitled to ſuch Premium or Bounty, he, ſhe, or they, ſhall produce to the Treaſurer of the Diſtrict in which ſuch Pot or Pearl Aſh was made, a Certificate, upon Oath, ſigned by him, her, or them, and atteſted by ſome lawful Magiſtrate of the County in which ſuch Pot or Pearl Aſh was made, aſcertaining the Quantity and Quality of ſuch Pot or Pearl Aſh, the Place where the ſame was made, and by whom; and alſo a Certificate from the Naval Officer and Collector of the Port from whence ſuch Pot or Pearl Aſh ſhall have been ſhipped, certifying that the ſame therein-mentioned had been duly exported, the Time when, and the Veſſel's Name in which

A. D. 1773. it was so shipped; and thereupon such Treasurer shall pay to the Maker or Makers of such Pot or Pearl Ash, or their Assigns, the aforesaid Bounties or Premiums, out of the Fund for Contingencies, and the same shall be allowed him in his Accounts.

Continuance of the Act. III. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall continue and be in Force for the Space of Three Years, from and after the passing thereof, and no longer.

CHAP. XXV.

An Act to amend an Act, intituled, An Act for settling the Bounds of Lands.

Preamble. I. WHEREAS the Method prescribed by the before recited Act for appointing Processioners hath not answered the Ends thereby intended, and it being doubtful whether Processioners appointed in Virtue of the said Act have a Right to act:

Justices to appoint Processioners. II. *BE it therefore Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing hereof, the Justices of the several Inferior Courts within this Province may, and they are hereby impowered, to lay off and divide their respective Counties into as many different Districts as to them shall appear necessary, and to appoint Two or more able and intelligent Freeholders in each of the said Districts to procession the Land within the same, in the same Manner as in and by the before recited Act is directed; and in Case of Neglect or Refusal in the said Justices or Processioners, he or they so offending, shall be subject to the same Penalties as by the said Act is inflicted; any Thing therein contained to the contrary notwithstanding.

Their Allowance. III. *AND be it further Enacted, by the Authority aforesaid*, That the Processioners aforesaid shall be allowed for their Trouble in the above Service the Sum of Two Shillings and Six Pence for every Tract of Land by them so processioned, to be paid by the Owner of the said Land.

CHAP. XXVI.

An Act to amend an Act, intituled, An Act for the Regulation of the Town of *Hillsborough*.

Preamble. I. WHEREAS by an Act, intituled, *An Act for the Regulation of the Town of* Hillsborough, the Method of working on, and repairing the Public Streets in the said Town, therein directed, hath been found inconvenient, and not to answer the Purpose thereby intended: For Remedy whereof,

Tax laid on the Town for repairing Streets, &c. II. *BE it Enacted, by the Governor, Council, and Assembly, and by the Authority of the same*, That from and after the passing of this Act, the Commissioners of the said Town, or a Majority of them, shall, and they are hereby required, within Twenty Days after the First *Tuesday* in *May* in every Year, to lay such Tax as they may judge necessary, not exceeding Ten Shillings, Proclamation Money, *per* Poll, on all the taxable Persons in the said Town; which Tax shall be collected by Warrant under the Hands and Seals of the Commissioners, or a Majority of them, directed to any Person they shall appoint to collect the same, returnable at such Time as shall be therein-mentioned: Which said Collector appointed as aforesaid, is hereby impowered to collect and make Distress for the same, in like Manner as the Sheriffs, or other Collectors of Public, County, or Parish Taxes, are impowered by Law; and the Money arising therefrom, after deducting Five *per Cent.* Commissions, shall by him be paid into the Hands of the Commissioners, or a Majority of them, to be by them applied

applied and laid out in clearing and repairing the Public Streets, Lanes, and Alleys, and in any other Public Work they may judge neceſſary for the Benefit of the ſaid Town. A. D. 1773.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the Inhabitants of the ſaid Town ſhall, and they are hereby required to give in a Liſt of all the taxable Perſons in each of their reſpective Families, on Oath, to ſome one of the Commiſſioners aforeſaid, between the Firſt and Second *Tueſdays* in *May* in every Year, under the Penalty of Forty Shillings for every Neglect; to be recovered by Warrant, under the Hands and Seals of the Commiſſioners of the ſaid Town, or the Majority of them, to be applied to the Public Stock of the ſaid Town. Inhabitants to give in a Liſt.

IV. *AND be it further Enacted*, That all Perſons reſiding Three Months in the ſaid Town, next before the Firſt *Tueſday* in *May* in every Year, ſhall afterwards be ſubject to pay Taxes in the ſaid Town. Perſons deemed Taxables.

V. *AND be it further Enacted, by the Authority aforeſaid*, That no Perſon ſhall after the paſſing of this Act be obliged to work on the Streets or other Public Places in the ſaid Town, or to pay any other Town Tax but ſuch as is herein before mentioned. None to work on the Streets.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That this Act ſhall be and continue in Force for and during the Term of Three Years, and from thence to the End of the next Seſſion of Aſſembly, and no longer. Continuance of the Act.

CHAP. XXVII.

An Act to amend an Act for appointing Commiſſioners to build a Priſon, Pillory, and Stocks, on the Lot whereon the Court-Houſe now ſtands, in Duplin *County.*

I. WHEREAS the Truſtees appointed in the before recited Act have not diſcharged the Truſt repoſed in them within the Time limited in the ſaid Act: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That Mr. *Thomas Gray*, Mr. *Thomas Hix*, Mr. *William Dixon*, Mr. *Richard Clinton*, and Mr. *James Sampſon*, be, and they are hereby appointed Truſtees, in the Room and Stead of thoſe heretofore appointed; and they, or the Majority of them, are hereby inveſted with the ſame Power and Authority, intitled to the ſame Privileges, and under the ſame Rules and Reſtrictions, as the Truſtees by the before recited Act appointed. Commiſſioners appointed.

III. AND whereas by the ſaid Act the Truſtees were impowered to demand and receive from the Sheriff of the County a Sum of Money, not exceeding One Hundred and Twenty Pounds, to be by them applied to the Diſcharge of their Contracts for the building and finiſhing the ſame, Part of which Money hath been by them received from the Sheriff, and remains in their Hands unappropriated; *Be it Enacted, by the Authority aforeſaid*, That the Truſtees by this Act appointed, or the Majority of them, ſhall be, and they are hereby inveſted with full Power and Authority, to receive into their Hands for the Purpoſe aforeſaid, all Monies heretofore received by the Truſtees, or any of them, from the Sheriff of the ſaid County, in Virtue of the ſaid Act, and alſo all Monies in the Hands of the ſaid Sheriff unappropriated; and in Caſe of Refuſal or Neglect, to proceed againſt ſuch Truſtees and Sheriff by Motion, in the Superior Court for the Diſtrict; provided that Ten Days previous Notice of ſuch Motion ſhall be given to the ſaid Truſtees, or Sheriff, as the Caſe may be. Who are to receive all Monies appropriated for the Gaol, &c.

IV. *AND*

A. D. 1773.

Tax laid for the Gaol.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That in Caſe there ſhall not be a ſufficient Sum of Money remaining in the Hands of the ſaid Truſtees and Sheriff, that then it ſhall and may be lawful for the Court of the ſaid County, and they are hereby directed and required, to lay ſuch a Tax on the taxable Perſons in the ſaid County, as ſhall be ſufficient to anſwer the Purpoſes aforeſaid; which ſaid Tax ſhall be collected, accounted for, and paid by the Sheriff of the ſaid County, to the Truſtees herein named, in the ſame Manner, and under the ſame Rules and Reſtrictions, and ſubject to the ſame Method of Recovery, as by this Act is directed to be had in other Caſes.

CHAP. XXVIII.

An Act to continue an Act for the more ſpeedy Recovery of all Debts and Demands under Five Pounds, Proclamation Money, within this Province.

Preamble.

I. WHEREAS an Act, intituled, *An Act for the more ſpeedy Recovery of all Debts and Demands under Five Pounds, Proclamation Money, within this Province,* will expire at the End of this preſent Seſſion of Aſſembly; and the ſame being found uſeful and convenient:

Continuance of the Act.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the before recited Act ſhall continue and be in Force during the Term of Six Months, from and after the paſſing hereof, and from thence to the End of the next Seſſion of Aſſembly, and no longer.

CHAP. XXIX.

An Act for the Relief of Perſons who have, or may ſuffer, by their Deeds and meſne Conveyances not being proved and regiſtered within the Time heretofore appointed by Law.

Preamble.

I. WHEREAS many Perſons, through Ignorance of the Law, have neglected to have their Deeds and meſne Conveyance proved and regiſtered according to the Directions of the ſeveral Acts of Aſſembly in ſuch Caſe made and provided: For Remedy whereof,

Deeds may be regiſtered within 2 Years.

II. *BE it Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That all Deeds and meſne Conveyances of Lands, Tenements, and Hereditaments, not already regiſtered, acknowledged, or proved, ſhall and may, within Two Years after the paſſing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attornies, or proved by One or more of the ſubſcribing Witneſſes to the ſame, and tendered or delivered to the Regiſters of the Counties where ſuch Lands, Tenements, or Hereditaments, are reſpectively ſituated: And all Deeds and meſne Conveyances whatſoever, which ſhall be acknowledged or proved according to the Directions of this Act, though not within Two Years after the Date of the reſpective Conveyances, ſhall be good and valid in Law, and ſhall enure and take Effect as fully and effectually, to the Uſe and Behoof of the Grantees, their Heirs and Aſſigns, and thoſe claiming under them, as if ſuch Deeds and Conveyances were acknowledged or proved, and regiſtered, agreeable to the Directions of any Act of Aſſembly heretofore made.

Deeds regiſtered, tho' not within 2 Years, declared good.

CHAP. XXX.

An Act for repairing the Gaol for the Diſtrict of Halifax, *in the Town of* Halifax.

Preamble.

I. WHEREAS the Public Gaol for the Diſtrict of *Halifax*, in the Town of *Halifax*, for want of due repairing, is greatly decayed, and very inſufficient for confining Criminals and Debtors therein:

II. *BE*

A. D. 1773.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That *Montfort Eelbeck*, *John Bradford*, *Egbert Haywood*, *Solomon Williams*, *Benjamin McCulloch*, *Allen Jones*, *William Perſon*, and *William Clark*, be, and they are hereby appointed Commiſſioners; and they, or a Majority of them, ſhall and may, and are hereby required, within Three Months after the paſſing of this Act, to agree and contract with Workmen to repair the ſame in the beſt and moſt ſubſtantial Manner, as to them, or a Majority of them, ſhall ſeem proper. Commiſſioners for repairing the Gaol.

III. *AND be it Enacted, by the Authority aforeſaid*, That a Poll Tax of One Shilling ſhall be levied on each taxable Perſon in the County of *Halifax*, and a Poll Tax of Sixpence on each taxable Perſon in the Counties of *Northampton*, *Edgcomb*, and *Bute*, for one Year, that is to ſay, the Year One Thouſand Seven Hundred and Seventy Three, to be collected and accounted for, and paid by the Sheriffs of the ſaid Counties reſpectively, in the ſame Manner, and at the ſame Times, as Public Taxes are by Law directed to be collected and accounted for; and upon Failure of accounting for and paying the ſame to the Commiſſioners, the ſaid Sheriffs ſhall be ſubject to the ſame Manner of Recovery, and under the ſame Pains and Penalties, as Sheriffs are for not accounting for and paying Public Money; which ſaid Tax ſo collected, ſhall be paid to the Commiſſioners aforeſaid, or a Majority of them, and by them ſhall be applied towards defraying the Expence, and paying the Workmen for repairing the ſaid Gaol. Tax laid for it.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That the Commiſſioners, or a Majority of them, after the Repairs of the ſaid Gaol ſhall be made, ſhall render an Account of the Monies by them received by Virtue of this Act, together with their Diſburſements, to each Inferior Court in the Diſtrict of *Halifax*; and the Overplus, if any, ſhall be applied towards the contingent Charges of the ſaid Counties. Commiſſioners to account for their Proceedings.

CHAP. XXXI.

An Act to continue the Tax impoſed by an Act, intituled, An Act for building a Court-Houſe in the Town of *Saliſbury*, for the Diſtrict of *Saliſbury*.

I. WHEREAS the Tax impoſed by the before recited Act hath been found inſufficient to anſwer the Ends thereby intended: Preamble.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That the ſaid Tax be continued on, and collected from the ſeveral taxable Perſons in the Counties therein-mentioned, for the Year One Thouſand Seven Hundred and Seventy Four, and no longer; any Thing therein contained to the contrary notwithſtanding. Tax continued.

III. *AND be it further Enacted, by the Authority aforeſaid*, That an additional Tax of Four Pence be collected from the ſeveral taxable Perſons within the County of *Rowan* for the Year aforeſaid. Additional Tax.

CHAP. XXXII.

An Act to diſſolve the Veſtry of Unity *Pariſh, in* Guilford *County*.

I. WHEREAS by an Act of Aſſembly paſſed in *Newbern*, in the Year of our Lord One Thouſand Seven Hundred and Seventy One, the Freeholders within the ſeveral Pariſhes therein mentioned were impowered to elect Veſtries for their reſpective Pariſhes; and whereas undue Meaſures were made Uſe of in the late Election of Veſtrymen in the Pariſh of *Unity*, in *Guilford* County: Preamble.

A. D. 1773.

Veſtry of Unity Pariſh diſſolved.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That the ſaid Veſtry of *Unity* Pariſh be hereby diſſolved and ſet aſide, as if never elected; and that any Tax that is laid by the Veſtry aforeſaid on the taxable Perſons of the ſaid Pariſh, ſhall not be chargeable upon the ſaid Taxables, or be demanded, taken, or collected by the Sheriff, or any other Perſon whatſoever.

CHAP. XXXIII.

An Act for erecting a Public Gaol, and Gaoler's Houſe, in the Town of Wilmington, *for the Diſtrict of* Wilmington.

Preamble.

I. WHEREAS no Public Gaol hath been heretofore erected by Law for the Diſtrict of *Wilmington*, and it being neceſſary that a Public Gaol, and Gaoler's Houſe, ſhould be erected in the Town of *Wilmington*, for the ſaid Diſtrict:

Commiſſioners for building the Gaol.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame,* That *Cornelius Harnett*, *John Ancrum*, and *Robert Hogg*, Eſquires, be, and are hereby appointed Truſtees, for deſigning, contracting, building, and finiſhing a good and ſufficient Gaol, and Gaoler's Houſe, of good Brick or Stone, at ſome convenient Place in the ſaid Town, as to them, or the Majority of them, or their Survivors, ſhall ſeem moſt proper; which ſaid Gaol and Gaoler's Houſe, when ſo erected, ſhall be, continue, and remain the Public Gaol, and Gaoler's Houſe, of the ſeveral Counties within the Diſtrict of *Wilmington* aforeſaid.

Tax laid for it.

III. *AND be it further Enacted, by the Authority aforeſaid,* That there ſhall be levied on each and every taxable Perſon within the ſeveral Counties in the ſaid Diſtrict, annually, for the Term of Two Years next after the paſſing of this Act, the reſpective Sums of Money following, *to wit*, On each taxable Perſon in the County of *New Hanover*, the Sum of Two Shillings, Proclamation Money; and on each taxable Perſon in the Counties of *Onſlow*, *Bladen*, *Duplin*, *Cumberland*, and *Brunſwick*, the Sum of One Shilling, like Money; which ſaid Taxes ſhall by the Sheriffs of the ſeveral and reſpective Counties aforeſaid, for the Time being, be collected, at the ſame Times, in the ſame Manner, and under the ſame Penalties for non-Payment thereof, as is directed by Law for collecting other Public Taxes: And the Money ariſing therefrom ſhall be accounted for and paid by the ſaid ſeveral Sheriffs to the Truſtees, or the Majority of them, or their Survivors, as aforeſaid, and ſhall by them be applied towards diſcharging the Contract they ſhall have entered into for erecting the ſaid Buildings.

Pen on Sheriffs neglecting to pay it.

IV. *AND be it further Enacted, by the Authority aforeſaid,* That if any Sheriff, who ſhall be chargeable with any of the Taxes by this Act aſſeſſed, ſhall neglect to account for, and pay to the Truſtees aforeſaid, or the Majority of them, or their Survivors, ſuch Sums as he ſhall be chargeable with in Virtue of this Act, after deducting the uſual Commiſſions for collecting, and ſuch Inſolvents as ſhall be allowed for by the Court of his County, the ſaid Truſtees, or the Majority of them, or their Survivors, ſhall have the ſame Method of proceeding againſt ſuch Sheriff, by Motion, as is by Law directed againſt Sheriffs for not accounting for other Public Money by them received.

Commiſſioners to proceed immediately.

V. *AND be it further Enacted, by the Authority aforeſaid,* That the Truſtees aforeſaid, or the Majority of them, or their Survivors, ſhall with all convenient Speed proceed to cauſe the ſaid Buildings to be erected and finiſhed, and ſhall immediately thereafter lay an Account of their Proceedings herein, upon Oath, of all Monies they ſhall receive and pay on Account of the ſaid Buildings, before the General Aſſembly; and the Surpluſſage of the ſaid Tax, if any, ſhall by them be paid to the Juſtices of the ſaid ſeveral Counties, in Proportion to the Number of Taxa-

Surpluſage appropriated.

bles

bles in ſaid Counties reſpectively, to be applied towards the contingent Charges of the ſaid Counties. A. D. 1773.

Gaol Lot to be ſold.

VI. *AND be it further Enacted, by the Authority aforeſaid*, That the Lot of Ground in the Town of *Wilmington* whereon the County Gaol now ſtands, together with all the Buildings thereon, are hereby veſted in the aforeſaid Truſtees, or the Majority of them, or their Survivors, to be by them ſold at Public Vendue, if they ſhall judge it neceſſary, who are hereby impowered to make a good and ſufficient Title to the Purchaſer or Purchaſers for the ſame; and the Monies ariſing therefrom to be by them applied towards purchaſing another Lot or Lots in the ſaid Town, for erecting thereon a Public Gaol for the Diſtrict aforeſaid.

Offenders to be committed to the Gaol.

VII. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Gaol ſhall be finiſhed, it ſhall and may be lawful for the Magiſtrates, or either of them, within the ſaid Diſtrict, before whom any Offender ſhall be examined, if he or they think it neceſſary, to commit ſuch Offender to the aforeſaid Gaol: And the Sheriff of the County for the Time being, where ſuch Offender ſhall be apprehended, is hereby authorized and required to convey ſuch Offender to the ſaid Gaol, and deliver him or them to the Sheriff or Keeper thereof, and take a Receipt of ſuch Sheriff or Keeper, which ſhall be his Diſcharge for ſuch Offender.

Gaol Keeper to be appointed.

VIII. *AND be it further Enacted, by the Authority aforeſaid*, That after the ſaid Buildings ſhall be finiſhed, the Sheriff of the County of *New Hanover*, for the Time being, is hereby directed and required to employ ſome Perſon of Integrity to be Keeper of the ſaid Gaol; who ſhall conſtantly reſide in the ſaid Gaoler's Houſe, and take all lawful Ways and Means for preventing the Eſcape of Priſoners.

CHAP. XXXIV.

An additional Act to an Act for erecting a Court-Houſe and Priſon for the Uſe of the Diſtrict of Edenton.

Preamble.

I. WHEREAS the ſeveral Funds appropriated by the before recited Act, have been found inadequate to the Purpoſes thereby intended:

Tax laid for the Court-Houſe.

II. *BE it therefore Enacted, by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That a Poll Tax of Two Shillings be levied on each taxable Perſon within the County of *Chowan*, and of Eight Pence on each taxable Perſon within the Counties of *Currituck*, *Paſquotank*, *Perquimons*, *Bertie*, *Tyrrell*, and *Hertford*, to be collected for this and the two next ſucceeding Years, by the Sheriff of the ſaid Counties reſpectively, and accounted for and paid to the Truſtees and Directors mentioned in the before recited Act, or to the Survivors of them, at the ſame Time, in the ſame Manner, and under the like Penalties, as by Law is directed for collecting, accounting for, and paying Public Taxes.

Truſtees to apply it.

III. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Truſtees and Directors ſhall apply all ſuch Monies as ſhall come to their Hands in Virtue of this Act, to the Purpoſes directed in the before recited Act; and ſhall enter into Bond, in the Sum of Two Thouſand Pounds, payable to his Excellency the Governor, and to his Succeſſors, with Condition for the faithful Diſcharge of the Truſt in them repoſed by this Act; and that they will from Time to Time, and at all Times when they ſhall be called upon, lay a juſt State of their Tranſactions before the Aſſembly, or ſuch Committee as ſhall be appointed to ſettle and adjuſt the Public Accounts; which Bond ſhall be lodged with the Clerk of the Superior Court for the Diſtrict of *Edenton*.

Surpluſage of the Tax appropriated.

IV. *AND be it further Enacted, by the Authority aforeſaid*, That if the Tax ariſing in Virtue of this Act ſhould be more than ſufficient to compleat the Buildings

A. D. 1773. ings as mentioned in the before recited Act, the Surplus thereof ſhall by the Truſtees and Directors be paid to the Court of each County, in Proportion to the Sum collected from each of the ſaid Counties, and paid by the Sheriff to the ſaid Truſtees and Directors.

Criminals to be committed to the Gaol.

V. *AND be it further Enacted, by the Authority aforeſaid*, That the ſaid Gaol when finiſhed, ſhall be deemed the proper Priſon for the Commitment and Confinement of all Traitors, Felons, and other notorious Criminals, who ſhall be apprehended in any of the Counties conſtituting the ſaid Diſtrict; and the Sheriff, Coroner, or other Officer, who ſhall have ſuch Criminal in Cuſtody, ſhall have full Power and Authority to convey him to the ſaid Gaol, and deliver him to the Sheriff of *Chowan* County, or to the Keeper of the ſaid Gaol, with the *Mittimus*, or Paper containing the Cauſe of ſuch Commitment; which Sheriff, or Keeper of the ſaid Gaol, is hereby commanded and required to receive into the ſaid Gaol, all ſuch Priſoners delivered to him as aforeſaid, and ſhall give to ſuch Sheriff, Coroner, or other Officer, from whom he ſhall receive ſuch Priſoner, a Receipt, acknowledging that he has received into his Cuſtody ſuch Priſoner and *Mittimus*, or Paper containing and ſetting forth the Cauſe of his Commitment; and ſhall retain all Perſons committed in Virtue of this Act in cloſe Gaol, until they ſhall be releaſed by due Courſe of Law.

Read three Times, and ratified in open Aſſembly, the Sixth Day of *March*, *A. D.* 1773.

JOSIAH MARTIN, Eſq; Governor.

James Haſell, Preſident.

John Harvey, Speaker.

A

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