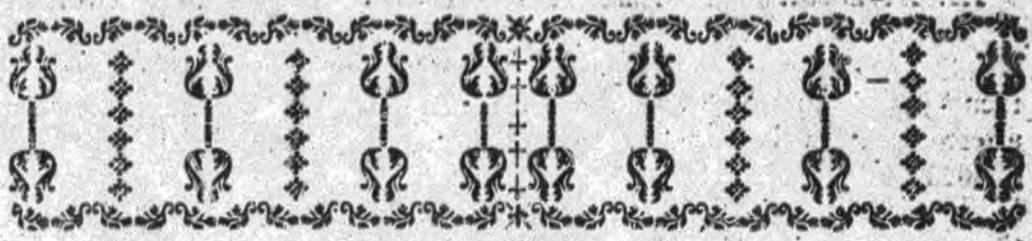


A. D. 1777



# ACTS OF ASSEMBLY OF THE STATE OF NORTH CAROLINA.

At a GENERAL ASSEMBLY begun and held at *Newbern* on the Eighth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Seventy Seven, and in the First Year of the Independence of the said State; Being the First Session of this Assembly.

RICHARD CASWELL, Esq; Govern<sup>r</sup> nor.

## CHAP. I.

*An Act to establish a Militia in this State.*

I. WHEREAS a well regulated Militia is absolutely necessary for the defending and securing the Liberties of a free State:

Preamble

II. BE it therefore Enacted, by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the Militia of this State be divided into six Brigades, viz. One in each of the Districts of *Edenton*, *Newbern*, *Wilmington*, *Helifax*, *Salisbury*, and *Hillsborough*, and each Brigade to be commanded by a Brigadier General. And the Militia of every County shall consist of all the effective Men from sixteen to fifty Years of Age inclusive, to be formed into one or more Regiments, each under the Command of a Colonel, Lieutenant Colonel, and two Majors; every Regiment shall be divided into Companies, consisting of fifty Rank and File at least, two Serjeants, two Corporals, one Drummer, and one Fifer; and each Company to be under the Command of a Captain, Lieutenant, and Ensign. That every Company shall be divided into four Divisions, who shall draw Lots for the first, second, third, and fourth Turns to go on Service, and shall be numbered according to such Lots.

Militia divid<sup>d</sup> ed into Brigades.

How establish<sup>d</sup> ed.

Companies to draw Lots to go on Service

A

III. AND

1430

A. D. 1777.

Arrangement to be made in every County, and Captains to return Muster Rolls to the commanding Officer, who is to make Return to the Brigadier General.

III. *AND be it further Enacted*, That the foregoing Arrangement shall immediately upon the Publication hereof be made in every County in this State, by the Field Officers and Captains in their respective Departments; and that every Captain immediately on such Arrangement, and afterwards every six Months, shall return a Muster Roll of his Company, divided and numbered as aforesaid, to the commanding Officer of the Regiment, under Pain of forfeiting Five Pounds for every Default; and the commanding Officer of each Regiment shall make an exact Return from such Lists, within twenty Days after receiving the same, to the Brigadier General of the District, under Pain of forfeiting Twenty Five Pounds for every Default.

Commanding Officer of a Regiment to order a General Muster.

Captains to muster their Companies.

Pen. for non-Attendance.

Brigadiers to return a Muster Roll to the Governor.

Soldiers how to be accounted.

Provision where Persons are unable to find Arms.

Allowance when called into Service.

Their Pay.

IV. *AND be it further Enacted*, That the commanding Officer of every Regiment shall, whenever thereto required by the Brigadier General of the District, order a General Muster at the most convenient Place for his Regiment, under Pain of forfeiting Twenty Five Pounds for every Default; provided he does not call them together more than twice in one Year. And every Captain shall muster and train his Company, divided as before directed, once in every Month, and oftener if directed by the commanding Officer, under Pain of forfeiting Five Pounds for every Default. And every Soldier neglecting or refusing to attend the General Muster, shall forfeit the Sum of Ten Shillings, and if a private Muster Five Shillings, to be recovered, together with the foregoing Forfeitures, as herein after directed.

V. *AND be it further Enacted*, That the Brigadier Generals respectively shall return an exact Roll of all the Officers and Soldiers of their Brigades, distinguished into their proper Companies and Divisions, to the Governor, once every Year, and oftener if required, under Penalty of One Hundred Pounds for every Default.

VI. *AND be it further Enacted*, That each militia Soldier shall be furnished with a good Gun, Shot Bag, and Powder Horn, a Cutlafs or Tomahawk; and every Soldier neglecting to appear at any Muster, accounted as above, shall forfeit for every such Offence Two Shillings and Six Pence (unless he can make it appear they were not to be procured) to be recovered as other Fines. And where any Person shall appear to the Field Officers not possessed of sufficient Property to afford such Arms and Accoutrements, the same shall be procured at the Expence of the County, and given to such Persons on Muster Days, or when ordered into Service; which Guns and Accoutrements, after such Service, shall be returned to the Captain of the Company, and by him carefully preserved for future Occasions. And whenever the Militia are called into Service, they shall be allowed as follows, *viz.* One Baggage Waggon, or two Carts, for every Company, and one Cart and two Horses for a Brigadier General; one Baggage Cart and two Horses for the Field Officers of each Regiment; Ammunition Waggon, at the Discretion of the Brigadier General; the same Rations to Men and Officers as allowed to the continental Army, to be supplied by Commissaries appointed by the Brigadier; one Bell Tent to each Company, intrenching Tools, six Axes, and a sufficient Number of Camp Kettles. And the Pay of the Men and Officers as follows, *viz.*

A Colonel, <i>per Day</i> ,	0-12-6	An Ensign,	0- 4-6	<i>A.D. 1777.</i>
A Lieutenant Colonel,	0-10-0	A Serjeant,	0- 4-0	
A Major,	-10-0	A Corporal, Drummer, &c.		
A Captain,	0- 7-6	Fifer,	0- 3-0	
A Lieutenant and Chirurgion,	0- 5-0	A common Man,	0- 2-6	
An Adjutant,	0- 7-6	A Brigadier General,	1-12-0	

VII. *AND be it further Enacted*, That the commanding Officer of every Regiment shall return an Account of all Expences and Disbursements, and Pay, appertaining to the said Regiment, and shall produce as Vouchers for such Account, the Account rendered on Oath of the Captains of the several Companies, and other Persons expending or disbursing for the said Regiment.

Commanding Officer to return Account of Disbursements.

VIII. *AND be it further Enacted*, That there shall be Ten Light Horsemen, and no more, from each Regiment, to be arrayed in one or more Companies, when they shall have joined the Brigade, at the Direction of the Brigadier General.

Number of Light Horsemen.

IX. *AND be it further Enacted*, That no Officer or Soldier in the militia Service shall be tried for any Offence against the Militia Law, or the Articles of War, except by a Court Martial, to consist only of militia Officers.

Militia how tried.

X. *AND be it further Enacted*, That no Brigade, Regiment, Company or Division of Militia, shall be under Command of any but militia Officers, except when such Militia shall be ordered by the civil Power to join the continental Troops; in which Case, the continental Officer of equal, and the militia Officer of superior Denomination shall command.

To be under Command of Militia Officers.

XI. *AND be it further Enacted*, That such Divisions as shall at any Time be called into Service, shall be formed into Companies of not less than Fifty Men each, with a proportional Number of Officers, Serjeants, Corporals, Fifers and Drummers: And all the Officers of each Regiment shall agree among themselves concerning who shall command the Men directed to march into actual Service; but if they cannot agree the commanding Officer shall cause Lots to be drawn, and the Officer on whom such Lot shall fall shall command in their proper Rank and Department.

Divisions called into Service how formed, and commanded.

XII. *AND be it further Enacted*, That all Persons within the Ages of Sixteen and Fifty, shall be liable to be drafted, and every Person so drafted obliged to serve, or find an able-bodied Person in his Room: Provided that the Council of State, and Public Secretary, and Justices of the Peace, Ministers of some Church regularly called, and having the Cure of Souls, and continental Postmasters, shall not be obliged to attend general or private Musters.

Persons liable to be drafted.

XIII. *AND be it further Enacted*, That for all Defaults at private Musters the Captains of their respective Companies shall issue Citations against the Delinquents, returnable to the succeeding Muster, and in Case of insufficient Cause being shewn for Absence, shall issue his Warrant

Fines of Defaults how recovered and applied.

A. D. 1777.

rant to the Serjeant for levying the above Fines; and the Fines so collected shall be applied towards providing Arms for such as have not sufficient Property to procure such for themselves.

Court Martial established, & their Power.

XIV. *AND be it further Enacted*, That there shall be a Court-Martial held the Day after every General Muster, to be composed of one Field Officer and Six Captains, or Subalterns at least, which said Court shall have full Power to inquire into the Age and Abilities of all Persons enlisted, and to exempt such as they judge incapable of Service; and of all Neglects and Omissions, as well by any Officers as Soldiers; and to hear and determine all Appeals whatever, and to dispose of all Fines for the Use of the County; 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.

Pen. for neglecting to appear at General Musters, and how recovered.

XV. *AND be it further Enacted*, That where any Soldier shall neglect or refuse to appear at any General Muster equipt as aforesaid, the Captain of the Company to which he belongs shall return him as a Delinquent to the general Court-Martial; and they are hereby directed and required to send Citations against such Persons, signed by the President, and returnable to the next general Court-Martial; and on Failure of sufficient Excuse, they are hereby empowered to issue Execution against the Estate of such Delinquent for the Fines incurred by their Neglect or Refusal.

Pen. for resisting or refusing the lawful Commands of their commanding Officer.

XVI. *AND be it further Enacted*, That if any Soldier shall during the Time of any Muster, or when in Service, 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; 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.

Militia exempt from Arrests at Musters.

XVII. *AND be it further Enacted*, That no Officer or Soldier going to, continuing at, or returning from any Muster, in any reasonable Time, shall be liable to be arrested by any Officer, in any civil Action or Process whatever; any Law, Usage or Custom to the contrary, notwithstanding.

Commissioned Officer to administer an Oath.

XVIII. *AND be it further Enacted*, That in all Cases where it shall be requisite to administer an Oath relative to any military Matters, any commissioned Officer is hereby empowered and required to administer the same.

Method of pressing Waggon, Horses, &c. for the Service of the State.

XIX. *AND to prevent Oppression*, *Be it further Enacted*, That no Officer or Soldier of the Militia, or Regulars in this State, shall press any Waggon, Cart or Horse, Arms or other Things of any Nature whatsoever, unless authorized thereto by Warrants under the Hands and Seals of Two Justices of the Peace (not being militia Officers then in actual Service) of the County where such Press shall be necessary: And any Officer or Soldier, before he shall press any Thing as aforesaid, shall demand the same

same peaceably from the Owner or Possessor thereof, and in Case of Refusal, shall produce his Warrant aforesaid before he proceeds to press. And every Officer or Soldier who shall offend against this Act, shall forfeit and pay Ten Pounds for every such Offence, to the Person injured, and be moreover liable to the Action or Actions of the Party grieved; to be recovered before any Jurisdiction having Cognizance thereof. And every Thing so pressed shall be valued by Two indifferent Persons on Oath, and a Certificate of the Valuation given by such Valuers to the Owner or Possessor from whom the same shall be pressed, in order that if the same shall not be restored to the Owner or Possessor, he may be allowed such Valuation by the Public.

A. D. 1777.

XX. AND be it further Enacted, by the Authority aforesaid, That every Absentee shall be allowed till the next succeeding Muster to make 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 such Captain to issue a Summons to cause such suspected Person to appear before him, and upon hearing him, or the Person refusing to obey the Summons, the Captain shall then proceed as to him seems just. And every Person that shall be fined in Virtue of this Act, and shall think himself injured by his Officers, may appeal to the next Court Martial, first giving Security in the Sum of Twenty Shillings 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 Costs.

Absentees allowed Time to make Excuse.

Appeal granted.

XXI. AND be it further Enacted, by the Authority aforesaid, That every Person who shall neglect or refuse, on Call or Alarm given, to appear himself in Person, or send an able bodied Man in his Stead, at such Times and Places as shall be appointed by his Captain or other Officer, shall forfeit and pay Ten Pounds, Proclamation Money; and it shall and may be lawful for any one Justice of the County where such Person so failing resides, to cause him to be immediately apprehended and committed to Gaol, until he shall find Security for his Appearance at the next Court Martial. And if such Defaulter shall fail to appear and make satisfactory Excuse to the next Court Martial, the President of the said Court Martial is hereby directed and empowered to issue his Warrant for levying the aforesaid Fine, 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 Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record in this State. And every Person who shall refuse to march against the Enemy when commanded, or refuse or neglect to do his Duty, or perform the Service he is put upon by his 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, two Captains, two Lieutenants, and two Ensigns, or the Majority of them, openly to hold a Court Martial, first taking the following Oath, which is to be taken by all other Court Martials, viz. *You shall swear well and truly to try, according to Evidence, in the Matter now before you.* And on Trial and Conviction, to punish the Offender according to Martial Law,

Pen. for refusing to appear on Alarm given, or to march, &amp;c. when commanded.

Court Martial's Oath.

A. D. 1777. Law, as the Nature of the Offence may require (Death excepted.) And for want of such Number of Officers to complete a Court Martial, the Offender shall be put under Guard until such Time as there shall be a sufficient Number for that Purpose.

Regulations where any Brigade is ordered into Service.

XXII. *AND be it further Enacted, by the Authority aforesaid,* That when any Brigade shall be ordered into actual Service, the following Rules and Regulations shall be observed, *viz.* One Waggon Master shall be appointed by the Field Officers of every Battalion, subject to be removed or rejected by the Brigadier General, who, before he enters upon his Duty, shall take an Oath that he shall faithfully execute the said Office; and the Commissaries shall every Morning make a Return to the Waggon Master of the Provisions, which the Waggon Master having examined and compared, shall return signed and certified to the Commanding Officer; and the Waggon Master shall attend as his special Duty to the Arrangement of the Waggon, taking Care that every Morning no more begin the March than one for every Ton of Provisions, except where there may be Half a Ton or upwards over and above what will make a Ton for every Waggon but one, in which Case the one Waggon shall be kept in Service until so much is consumed as to render it below Half a Ton; and in all Cases where the Quantity over a Ton for each Waggon is less than Half a Ton, the Overplus shall be distributed into the other Waggon as equally as may be; and every Morning all the empty Waggon shall be discharged, each Waggon having first obtained a Certificate from the Waggon Master, setting forth the Number of Days it had been in Service, and the Place where discharged, and the Distance to return; and for every twenty Miles of such Return each Waggon shall be allowed Twenty Shillings, or one Day's Pay, and Half the Sum for such Carts as shall be employed in the Service; and every Waggon Master shall be allowed the Pay and Rations of a Major. That there be a Paymaster to each Brigade, who shall attend the same, and be allowed Major's Pay and Rations.

Divisions for drafting by Order of Congress, continued.

XXIII. *AND be it further Enacted, by the Authority aforesaid,* That the Divisions made for drafting the Militia in the several Counties in this State, according to a Resolve of Congress, passed at *Halifax* in *May* last, shall continue; and the Persons who have in Pursuance thereof been drafted, and actually called forth in the Service of this State, shall not be again drafted, nor called into actual Service, till according to the Order of the said Divisions it shall in Rotation come to their Turn to be again drafted and called into the actual Service of this State; any Thing in this Act contained to the contrary, notwithstanding.

Penalties formerly incurred, how retrieved.

XXIV. WHEREAS the Penalties incurred by some of the Militia who refused to march in the late Expedition against the *Cherokees*, and other Enemies, for the necessary Defence of this State, have been imposed agreeable to Act of Assembly and Resolves of Congress, and whereas some of the said Penalties incurred and imposed as aforesaid have not been collected; *Be it therefore Enacted, by the Authority aforesaid,* That the Colonel or commanding Officer of every Regiment of Militia in this State shall be, and is hereby impowered and authorized to issue his Precept, under his Hand and Seal, directed to the Sheriff of the County where

where the Offender resides, to levy the said Fines, by Distress and Sale of the Offender's Goods and Chattels; and the said Fines shall be applied in the same Manner as other Fines imposed by this Act. And the Sheriffs for this Service shall out of the said Fines receive the Fees allowed by Law for levying Executions, and for every Neglect or Refusal shall forfeit and pay the Sum of Ten Pounds.

A. D. 1777.  
~~1777~~

## C H A P. II.

*An Act for levying a Tax by General Assessment, and other Purposes.*

I. **W**HEREAS the levying a Tax on Property, by Way of General Assessment, will tend to the Ease of the Inhabitants of this State, and will greatly relieve the poor People thereof; and as it is absolutely necessary for the Support of Government, and defraying the Expences and contingent Charges thereof, that a Tax be immediately laid, and the Monies arising therefrom collected as soon as may be:

Prezable.

II. *BE it therefore Enacted, by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the Authority of the same, That a Tax of one Half of a Penny be levied on each Pound Value of all the Lands, Lots, Houses, Slaves, Money, Money at Interest, Stock in Trade, Horses and Cattle, in this State.*

Estate taxed.

III. *AND for the better ascertaining the Value of such Property, Be it further Enacted, by the Authority aforesaid, That the several County Courts in this State shall at their respective Courts to be held after the first Day of July next, and so at such Courts yearly and every Year, lay out their respective Counties into moderate and convenient Districts, and shall appoint a Magistrate for each District to receive from every Inhabitant of such District a just and true Account of his or her Estate as aforesaid, on Oath, within one Month after the sitting of such Court; which Account shall be immediately delivered by the Magistrate so receiving the same to the Persons appointed to value the Property in such District, together with an Account of his own Estate, upon Oath.*

Counties to be laid out in Districts, and Magistrates appointed to receive Inventories.

IV. *AND be it Enacted, by the Authority aforesaid, That the said Courts respectively shall appoint three honest and intelligent Persons, who shall on Oath (to be administered by any Justice of the Peace) value the Property of each Individual as aforesaid, as near as may be, within their respective Districts, and make Return thereof to the next succeeding County Court; and in Case they cannot all agree in such Valuation, the Agreement of any two of them shall be valid; but where they shall all differ in Opinion respecting the Value of any Property, then, and in that Case, the Valuation of each of the said Persons shall be added together, and the third Part of all the three Sums shall be adjudged to be the true Value of such Property, and shall be returned to the Court accordingly.*

Assessors appointed.

V. *AND for the more effectual collecting and gathering of the Taxes to be assessed by Virtue of this Act, Be it Enacted, by the Authority aforesaid, That the respective Courts shall appoint a Collector or Taxgatherer within each District, who shall collect all the Taxes within such District; but*

Taxes how collected.

A. D. 1777.

but before executing his said Office, shall enter into Bond, with sufficient Security, in double the Amount of the Tax to be collected in his District, payable to the Governor or Commander in Chief for the Time being, for the faithful Discharge of his Duty; and every Taxgatherer shall be allowed at the Rate of Six Pounds for every Hundred Pounds he shall so collect, and so in Proportion for a greater or less Sum.

Sheriffs appointed County Treasurers.

VI. *AND be it Enacted, by the Authority aforesaid,* That the Sheriff of every such County in this State respectively shall, and they are hereby required, to demand and receive of the Taxgatherers within their respective Counties, all Sums of Money which shall be collected by Virtue of this Act; and for that Purpose the Sheriffs shall be, and they are hereby constituted County Treasurers, and shall be allowed at the Rate of Two Pounds for every Hundred Pounds they shall so receive as aforesaid. And every Sheriff, before he qualifies as such, shall enter into Bond in the Court of his County, with two or more sufficient Securities, in double the Amount of the Tax assessed in his County, payable to the Governor and Commander in Chief for the Time being, conditioned that he will well and truly account for and pay to the Treasurer or Treasurers of the State, all such Sums of Money which he shall receive from the Taxgatherers as aforesaid, after deducting the Commissions allowed by this Act for his Trouble.

Poll Tax on Persons having no Estates.

VII. *AND be it Enacted, by the Authority aforesaid,* That every Freeman in this State (other than Soldiers in the Service of the Continent) who does not possess an Estate of One Hundred Pounds Value, shall pay a Poll Tax of Four Shillings to the Public in Lieu of Assessment on Property, which shall be collected and accounted for in the same Manner as other Monies by this Act assessed.

Constables to warn the Inhabitants to attend the Magistrate.

VIII. *AND that a just and true Account of the Property and Persons liable to pay Taxes may be had, Be it Enacted, by the Authority aforesaid,* That the Magistrate who shall be empowered to receive an Account of the Property in each respective District, shall order the Constable of his District to warn all the Inhabitants therein to attend such Magistrate on a certain Day, and at a certain Place, which Order the Constable is hereby required to obey; and if the Constable shall fail or neglect to summon and warn the Inhabitants as aforesaid, he shall forfeit and pay the Sum of Twenty Pounds, to be recovered by Action of Debt in any Court of Record, in the Name of the Governor for the Time being, to the Use of the State.

Proceedings where Property lies in a different County.

IX. *AND be it further Enacted, by the Authority aforesaid,* That Owners of Land and other Property, liable to be taxed as aforesaid, which may happen to lie or be situated in a different County than that in which such Owner happens to reside, shall give in an Account of all their taxable Property, wherever it may be, in those Counties wherein they reside respectively; and the Justice who receives the same, shall transmit an Account of such Part thereof as lies out of his County to the Court of the County wherein the same may be, and shall by such Court be delivered to the Persons appointed to ascertain the Value of Property in the District where such Property lies, who shall value the same in the same Manner.

A. D. 1777.

as other Property in their Districts, and make Return as aforesaid; and such Valuation shall be returned by the Court of the County wherein such Valuation shall be made, to the Court of the County wherein the Owner of such Property resides, who shall be obliged to pay the Assessment thereon to the Taxgatherers of the District, in the same Manner as for such of his Property as may be valued in his own County.

X. *AND be it Enacted, by the Authority aforesaid,* That if any Person shall fail or refuse to give in an Account of his or her Property, agreeable to the Directions of this Act, it shall and may be lawful for the Assessors in the respective Counties and Districts to Value on Oath, as nearly as they can estimate the same, the Value of the Property of the Person or Persons so failing or refusing as aforesaid; and the Assessment thereupon shall be One Penny for every Pound Value, and shall be collected in the same Manner as other Assessments mentioned in this Act.

Pen. on Persons neglecting to give Inventories of their Estates.

XI. *AND be it Enacted, by the Authority aforesaid,* That if the Justices of the respective County Courts shall fail or neglect to lay out their respective Counties into Districts as aforesaid, or shall fail or neglect to appoint a Magistrate, or Persons to ascertain the Value of Property, or a Taxgatherer in each District, or shall fail or neglect to do any other Duty by this Act required, every Justice so failing or neglecting as aforesaid shall forfeit and pay the Sum of One Hundred Pounds; to be recovered by Action of Debt in any Court of Record, in the Name of the Governor for the Time being, to be applied to the Use of the State.

Pen. on Justices neglecting their Duty.

XII. *AND be it further Enacted, by the Authority aforesaid,* That if the Magistrates to be appointed in Virtue of this Act for receiving an Account of Estates in their respective Districts, or any of them, or any of the Persons to be nominated and appointed to value the Property of the Inhabitants as aforesaid, shall refuse or neglect to do the several and respective Duties by this Act required, or any of them, the Person so refusing or neglecting shall forfeit and pay the Sum of One Hundred Pounds; to be recovered by Action of Debt, in the Name of the Governor, and to be applied to the Use of the State.

Pen. on Persons neglecting to do the Duties by this Act required.

XIII. *AND be it Enacted, by the Authority aforesaid,* That Inventories of the Estates of Testators, Intestates, Minors, and Absentees, shall be delivered by the Executors, Administrators, Guardians and Agents, or Attornies, respectively, in the same Manner as the Estates of other Persons, and on Refusal or Neglect, shall be valued as aforesaid; and the Assessment shall be levied of the proper Estate of such Executor, Administrator, Guardian, Agent, or Attorney, so refusing or neglecting as aforesaid, any Law, Usage or Custom, to the contrary, notwithstanding.

Proceedings with Intestates, Minors, &c.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That the real Estates of Persons residing out of this State, who have not any personal Property therein, shall be assessed yearly by the Persons appointed to value the Estates of the Inhabitants, and a particular and separate Return thereof made to the County Court; and if the Assessment thereon shall not be discharged within Two Years after the passing of this Act, then such Estate, or so much thereof as may be necessary to discharge the

With real Estates of Persons out of the State:

A. D. 1777.

several Assessments, with all contingent Charges, shall be sold by the Sheriff of the County wherein the same shall lie, by Order of the County Court; any Law or Usage, to the contrary, notwithstanding.

Valuers Estates  
to be valued  
by the Court.

XV. *AND be it further Enacted, by the Authority aforesaid, That the Estates of the Persons appointed to value the Property in the respective Districts shall be valued and appraised by the Court of the County, and the Taxgatherers shall account with the County Treasurers for the Assessments on their own Estates in the same Manner as other Taxes.*

Distress to be  
made on De-  
linquents.

XVI. *AND be it further Enacted, by the Authority aforesaid, That if any Person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the Sum he shall be so taxed for the Space of three Months after the first Day of October in each Year, the respective Collectors or Taxgatherers may, and they are hereby impowered to levy the same by Distress and Sale of the Goods and Chattels of the Delinquent, and shall be intituled to take and receive for such Distress the Sum of Two Shillings and Eight Pence, and no more. Provided always, That no Distress shall be made on Slaves without the Consent of the real Owner thereof, if other sufficient personal Estate can be found.*

County Courts  
to transmit  
yearly Ac-  
counts to the  
Assembly.

XVII. *AND be it Enacted, by the Authority aforesaid, That the respective County Courts shall transmit yearly to the General Assembly an exact Account of the Valuation or Assessment in their respective Counties, which Account shall be signed by the presiding Justice in such Court, and certified by the Clerk thereof.*

Taxes when  
to be account-  
ed for.

XVIII. *AND be it Enacted, by the Authority aforesaid, That the respective Taxgatherers shall pay the Taxes by them received and levied to the County Treasurers on or before the First Day of April in each Year, and the County Treasurers shall account with and pay to the Treasurer or Treasurers of the State all such Monies as they shall receive by Virtue of this Act on or before the First Day of June yearly; and the Taxgatherers and County Treasurers, or any of them, failing to account and pay in Manner by this Act directed, shall forfeit his or their Commissions given by this Act, and shall be obliged to pay the whole Sums by them so collected and received.*

XIX. *AND be it Enacted, by the Authority aforesaid, That the Oath to be taken by the Assessors, or those appointed to value Property in the respective Districts as aforesaid, shall be in the following Form, that is to say,*

Assessors Oath.

*I A. B. do solemnly swear, that I will faithfully and impartially, without Prejudice, Favour, or Affection, value and appraise, to the best of my Knowledge and Understanding, and as nearly as may be, the Property which by Law is liable to Taxation in the District wherein I am appointed for that Purpose.*  
SO HELP ME GOD.

XX. *AND be it further Enacted, by the Authority aforesaid, That the Condition of the Bond to be given by the Taxgatherers shall be as follows, to wit,*

WHEREAS

WHEREAS the above bound A. B. is by the County Court of \_\_\_\_\_ nominated and appointed to collect and gather the Public Taxes assessed on the Inhabitants in \_\_\_\_\_ District, in the said County; the Condition therefore of this Obligation is such, that if the said A. B. shall and do well and truly collect and gather all the Public Taxes in the said District, and shall and will well and truly account for and pay the same to the County Treasurer, in such Manner, and at such Times, as the Law requires, after deducting his Commissions, and such Intolvants among those who are liable to pay a Poll Tax as the Court of his County shall allow, then the above Obligation to be void, otherwise to remain in full Force and Effect.

A. D. 1777  
Their Bond.

XXI. AND be it Enacted, by the Authority aforesaid, That the Condition of the Bond to be given by the County Treasurers shall be in the following Form, that is to say;

WHEREAS the above bound \_\_\_\_\_, Sheriff of \_\_\_\_\_ County, is by Law constituted Treasurer of his County, for the Purpose of receiving from the different Collectors or Taxgatherers therein the Taxes assessed and laid by Act of the General Assembly for the Support of Government; now the Condition of the above Obligation is such, that if the said \_\_\_\_\_ shall and do well and truly account with and pay to the Treasurer or Treasurers of the State, at such Time as he is or shall be by Law required, all such Sum and Sums of Money as he shall or may receive from the different Collectors or Taxgatherers in his County for Public Taxes, then this Obligation to be void, otherwise to remain in full Force and Effect.

Treasurers  
Bond.

### C H A P. III.

An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State.

I. BE it Enacted, by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the Authority of the same, That all and every Person and Persons (Prisoners of War excepted) now inhabiting or residing within the Limits of the State of North-Carolina, or who shall voluntarily come into the same hereafter to inhabit or reside, do owe, and shall pay Allegiance to the State of North-Carolina.

Persons owing  
Allegiance to  
the State.

II. AND be it further Enacted, by the Authority aforesaid; That if any Person or Persons belonging to, or residing within this State, and under the Protection of its Laws, shall take a Commission or Commissions from the King of Great Britain, or any under his Authority, or other the Enemies of this State, or the United States of America; or shall levy War against this State, or the Government thereof; or knowingly and willingly shall aid or assist any Enemies at open War against this State; or the United States of America, by joining their Armies, or by inlisting, or procuring or persuading others to inlist for that Purpose, or by furnishing such Enemies with Arms, Ammunition, Provision, or any other

Crimes declare  
ed High Treas  
on.

Article

A. D. 1777.

Article for their Aid or Comfort; or shall form, or be in any wise concerned in forming, any Combination, Plot, or Conspiracy, for betraying this State, or the United States of *America*, into the Hands or Power of any foreign Enemy; or shall give or send any Intelligence to the Enemies of this State for that Purpose; every Person so offending, and being thereof legally convicted by the Evidence of two sufficient Witnesses, or standing mute, or peremptorily challenging more than Thirty Five Jurors, in any Court of *Oyer and Terminer*, or other Court that shall and may be established for the Trial of such Offences, shall be adjudged guilty of High Treason, and shall suffer Death without the Benefit of Clergy, and his or her Estate shall be forfeited to the State. *Provided*, That the Judge or Judges of the Court wherein such Conviction may be, shall and may order and appropriate so much of the Traitor's Estate, as to him or them may appear sufficient, for the Support of his or her Family.

Misprision of  
Treason.

III. *AND be it further Enacted, by the Authority aforesaid*, That if any Person or Persons within this State shall attempt to convey Intelligence to the Enemies of this State, or of the United States; or shall publicly and deliberately speak or write against our public Defence; or shall maliciously and advisedly endeavour to excite the People to resist the Government of this State, or persuade them to return to a Dependence on the Crown of *Great Britain*; or shall knowingly spread false and dispiriting News, or maliciously and advisedly terrify and discourage the People from inlisting into the Service of the State; or shall stir up or excite Tumults, Disorders, or Insurrections in the State, or dispose the People to favour the Enemy, or oppose and endeavour to prevent the Measures carrying on in Support of the Freedom and Independence of the said United States; every such Person or Persons, being thereof legally convicted by the Evidence of two or more credible Witnesses, or other sufficient Testimony, shall be adjudged guilty of Misprision of Treason, and shall suffer Imprisonment during the War, and forfeit to the State one Half of his, her, or their Lands, Tenements, Goods and Chattels.

Where cogni-  
zable.

IV. *AND be it further Enacted, by the Authority aforesaid*, That all Offences by this Act declared Misprision of Treason shall be cognizable before any Justice of Peace of the County where the Offence was committed, or where the Offender can be found; and every Justice of the Peace within this State, on Complaint to him made on the Oath or Affirmation of one or more credible Person or Persons, shall cause such Offender to come before him, and enter into a Recognizance, with one or more sufficient Surety or Sureties, to be and appear at the next County Court of the County wherein the Offence was committed, and abide the Judgment of the said Court, and in the mean Time to be of the Peace and good Behaviour toward all People in the State; and for want of such Surety or Sureties, the said Justice shall and may commit such Offender either to the Gaol of the County or District where the Offence was committed, and appoint a Guard for the safe conveying of him to such Gaol. And all Persons charged on Oath or Affirmation with any Crime or Crimes by this Act declared to be Treason against the State, shall be dealt with and proceeded against in like Manner as the Law directs in Respect of other capital Crimes.

V. AND

V. AND whereas the Safety of the State, and the present critical Situation of Affairs, make it necessary that all Persons who owe or acknowledge Allegiance or Obedience to the King of Great Britain should be removed out of the State; *Be it Enacted, by the Authority aforesaid, That all the late Officers of the King of Great Britain, and all Persons (Quakers excepted) being Subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to Great Britain or Ireland within Ten Years last past, in their own Right, or acted as Factors, Storekeepers, or Agents here, or in any of the United States of America, for Merchants residing in Great Britain or Ireland, shall take the following Oath of Abjuration and Allegiance, or depart out of the State, viz. I will bear faithful and true Allegiance to the State of North-Carolina, and will to the utmost of my Power support, maintain, and defend the independent Government thereof, against George the Third, King of Great Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same, and will in every Respect conduct myself as a peaceful orderly Subject; and that I will disclose and make known to the Governor, some Member of the Council of State, or some Justice of the Peace, all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my Knowledge. And that all Persons being Quakers, and under the Circumstances above mentioned, shall make the following Affirmation, or depart out of the State: I A. B. do solemnly and sincerely declare and affirm, that I will bear true Allegiance to the independent State of North-Carolina, and to the Powers and Authorities which are or may be established for the good Government thereof; and I do renounce any Allegiance to the present King of Great Britain, his Heirs and Successors; and that I will disclose and make known to the Governor, some Member of the Council of State, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against the same, which shall come to my Knowledge. And the said Oath or Affirmation shall be taken and subscribed in open Court in the County where the Person or Persons taking the same shall or do usually reside.*

A. D. 1777.  
Persons oblig-  
ed to take this  
Oath of Alle-  
giance, or de-  
part the State.

VI. AND be it further Enacted, by the Authority aforesaid, That the County Court in each and every County, and every Justice of Peace in each respective County, shall have full Power to issue Citations against Persons coming within the above Description, as Officers, Merchants, Traders, Factors, Storekeepers or Agents, and to demand Surety on Recognizance if necessary, and to require their Attendance at the next ensuing Court to be held for the County; and if any Person so cited (due Proof being made thereof) shall fail or neglect to attend, or attending shall refuse to take the said Oath or Affirmation (as the Case may be) then the said Court shall and may have full Power and Authority to order such Person to depart out of this State to Europe or the West Indies within Sixty Days, and may take Bond and Security, in the Name of the Governor, for the Benefit of the State, for faithful Compliance with such Order. And if any Person so ordered shall fail or neglect to depart within the limited Time, such Bond shall be forfeited to the State, without good and sufficient Reason shewn to and approved of by the Governor and Council; and the Justices, or any of them, in the County wherein the Person so failing or neglecting to depart shall be found, shall and may

Justices may  
cite them to  
appear.

Pen. for not  
departing.

A. D. 1777.

May sell their Estates.

cause him to be apprehended and brought before the Court of the County where the Order was made; and the said Court shall in such Case send the Person so offending as speedily as may be out of the State, either to *Europe* or the *West Indies*, at the Cost and Charges of such Offender. *Provided nevertheless*, That all and every such Person and Persons shall have Liberty to sell and dispose of his or their Estates, and after satisfying all just Demands, to export the Amount in Produce (Provisions and Naval Stores excepted) and may also nominate and appoint an Attorney or Attornies to sell and dispose of his or their Estates, for his or their Use and Benefit; but in Case any real Estate belonging to any such Person shall remain unfold for more than three Months next after the Owner thereof hath departed this State; the same shall be forfeited to and for the Use of the Public.

Pen. for returning.

VII. *AND be it further Enacted, by the Authority aforesaid*, That if any Person so departing or sent off from this State shall return to the same, then such Person shall be adjudged guilty of Treason against the State, and shall and may be proceeded against in like Manner as is herein directed in Cases of Treason.

Justices may cite Persons to appear, and take the Oath.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That each and every Justice in each respective County may cite any Person or Persons to appear before the County Court where such Person or Persons usually reside, and take the aforesaid Oath or Affirmation; and in Case of non-Attendance or Refusal, the said Court shall and may have full Power to compel such Person or Persons to leave the State, under the same Regulations herein mentioned in other Cases.

## C H A P. IV.

*An Act concerning Oaths.*

Preamble.

I. **W**HENEAS lawful Oaths, for the Discovery of Truth, and establishing Right, are necessary, and highly conducive to the important Ends of good Government; and being most solemn Appeals to Almighty God, as the omniscient Witness of the Truth, just and omnipotent Avenger of Falsehood, such Oaths ought therefore to be taken and administered with the utmost Solemnity:

Manner of taking Oaths.

II. *BE it therefore Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same*, That Judges, Justices of the Peace, and other Persons, who are or shall be impowered to administer Oaths, shall (except in the Cases in this Act excepted) require the Party to be sworn to lay his Hand upon the Holy Evangelists of Almighty God, in Token of his Engagement to speak the Truth, as he hopes to be saved in the Way and Method of Salvation pointed out in that blessed Volume, and in further Token; that if he should swerve from the Truth, he may justly be deprived of all the Blessings of the Gospel, and made liable to that Vengeance which he has imprecated on his own Head; and after repeating the Words *So help me God*, shall kiss the Holy Gospels, as a Seal of Confirmation to the said Engagements.

III. *AND*

III. *AND be it Enacted, by the Authority aforesaid,* That in all Cases when any Judges, Justices of the Peace, or other Persons, are or shall be impowered to administer any Manner of Oath in this State, and the Person to be sworn shall be conscientiously scrupulous of taking a Book Oath in Manner aforesaid, and pray the Benefit of this Act, it shall and may be lawful for all such Judges, Justices, and other Persons, and they, and each of them, are hereby required to excuse such Person from laying Hands upon or touching the Holy Gospels; and the said Judges, Justices, and others, are hereby directed in such Case to administer the Oath required in the following Manner, *to wit,* The Party so conscientiously scrupulous, and praying the Benefit of this Act, shall stand with his right Hand lifted up towards Heaven, in Token of his solemn Appeal to the Supreme God, whose Dwelling is in the highest Heavens, and also in Token, that if he should swerve from the Truth, he would draw down the Vengeance of Heaven upon his Head, and shall introduce the intended Oath with these Words, *viz.* *I A. B. do appeal to God, as a Witness of the Truth and Avenger of Falsehood, as I shall answer the same at the great Day of Judgment, when the Secrets of all Hearts shall be known, that, &c.* as the Words of the Oath may be. *And it is hereby Declared,* That an Oath thus administered and taken, with the right Hand lifted up, is and shall be a lawful Oath in this State; and such Oath shall be admitted and used in all Courts in this State where the same shall be requested as aforesaid, and shall be equally good and valid in Law, to all Intents and Purposes, as if the same Oath had been taken by the Party, having laid his Hand upon, and kissed the Holy Gospels.

A. D. 1777.

Method where Persons are conscientiously scrupulous.

IV. *AND be it Enacted, by the Authority aforesaid,* That the solemn Affirmation of Quakers, Moravians, and Menonists, made in the Manner heretofore used and accustomed, shall be admitted as Evidence in civil Controversies in this State; and where other Persons are required to take an Oath or Oaths to the State, the said Quakers, Moravians, and Menonists, shall make their solemn Affirmations in the Words of the said Oath or Oaths, beginning after the Word *swear*, or shall make such Affirmations as shall be hereafter provided for them by Law.

Affirmation of Quakers, &amp;c. to be admitted as Evidence.

## C H A P. V.

*An Act for the Punishment of such Persons as shall procure or commit any wilful Perjury.*

I. **B**E it Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same, That every Person who, at any Time after the Tenth Day of May, shall unlawfully and corruptly procure or suborn any Witness or Witnesses, by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or Means whatsoever, to commit any wilful and corrupt Perjury, in any Matter or Cause whatsoever now depending, or which hereafter shall depend in Suit and Variance, by any Writ, Action, Bill, Complaint, Indictment or Information, in any wise touching or concerning any Crime or Offence, or touching or concerning any Lands, Tenements, or Hereditaments, or any Goods, Chattels, Debts, Damages, or other Estate or Interest whatsoever, in any Court of Equity, Superior Court, Court of Appeals and

Pen. for suborning Witnesses.

Writs

A. D. 1777.

Writs of Error, Court of Oyer and Terminer, Court of Admiralty, Inferior or County Court, or any Court of Record that shall be established in this State, or before any Commissioner or Commissioners authorized to take Depositions to be given in Evidence in any such Court, or who shall in the Manner, or by any the Means aforesaid, unlawfully and corruptly procure or suborn any Witness or Witnesses, which shall from and after the said Tenth Day of May be sworn to give Testimony for the Purpose of perpetuating the same, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall stand in the Pillory one Hour, have his or her right Ear nailed thereunto, and be further punished by Fine and Imprisonment, at the Discretion of the Court; and every such Offender shall be discredited, and disallowed for ever to be sworn as a Witness in any of the Courts of Record, before Commissioners, or sworn to give Testimony for the Purpose of perpetuating the same as aforesaid.

For suborning or committing Perjury.

II. *AND be it Enacted, by the Authority aforesaid,* That every Person who shall after the said Tenth Day of May, either by the Subornation, unlawful Procurement, sinister Persuasion or Means of any other, or by his or her own Act, Consent or Agreement, wilfully and corruptly commit any Manner of wilful Perjury by his or her Deposition, in any of the Courts before mentioned, or when being examined before any Commissioner or Commissioners authorized to take Depositions to be given in Evidence in such Court, or when examined for the Purpose of perpetuating Testimony, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall stand in the Pillory One Hour; having his or her Ears nailed during the whole Time; and at the Expiration of the said Hour both Ears of the Offender shall be cut off and severed from the Head, leaving them nailed on the Pillory until the setting of the Sun; and the Offender shall be discredited, and disallowed for ever to be sworn as a Witness in any Court in this State, before Commissioners; or for the Purpose of perpetuating Testimony.

For committing Perjury in any Court.

III. *AND be it further Enacted, by the Authority aforesaid,* That every Person who shall after the said Tenth Day of May, in any of the Courts aforesaid, or when examined before any Commissioner or Commissioners, or for the Purpose of perpetuating Testimony, commit or make any false, wilful, corrupt Affirmation, in the Mode of Affirmation used, or that shall be used by the Quakers, Moravians, and Menonists, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall suffer all the Pains, Disabilities, and Punishments, which by this Act are ordained for wilful corrupt Perjury; and also every Person who shall suborn, or unlawfully procure, any such false, wilful, and corrupt Affirmation, to be committed or made, shall suffer all the Pains, Disabilities, and Punishments, which by this Act are ordained for the unlawful Procurement and Subornation of wilful Perjury.

## C H A P. VI.

A. D. 1777.

*An Act to prevent domestic Insurrections, and for other Purposes.*

I. **W**HEREAS the evil and pernicious Practice of freeing Slaves in this State, ought at this alarming and critical Time to be guarded against by every Friend and Wellwisher to his Country;

Preamble.

II. *BE it therefore Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same,* that no Negro or Mulatto Slave shall hereafter be set free, except for meritorious Services, to be adjudged of and allowed by the County Court, and Licence first had and obtained thereupon. And when any Slave is or shall be set free by his or her Master or Owner otherwise than is herein before directed, it shall and may be lawful for any Freeholder in this State to apprehend and take up such Slave, and deliver him or her to the Sheriff of the County, who on receiving such Slave, shall give such Freeholder a Receipt for the same; and the Sheriff shall commit all such Slaves to the Gaol of the County, there to remain until the next Court to be held for such County; and the Court of the County shall order all such confined Slaves to be sold during the Term to the highest Bidder.

Slaves not to be set free.

III. *PROVIDED always,* That the Sheriff, upon committing any such Slave or Slaves, shall at least Five Days before such Sale, give Notice in Writing to the last Owner or Owners, or the reputed Owner or Owners of such Slave or Slaves, of the Time and Place of Sale, and of the Name and Names of such Slaves, to the End that such Owner or Owners may, if he or they think proper, make his or their Claim to the same; but if such Owner or Owners shall neglect or refuse to appear on the Day of Sale (due Proof of the Service of such Notice being made to the Satisfaction of the Court) such Owner or Owners so neglecting or refusing, shall be for ever barred from making any Claim to such Slaves.

Sheriff to give Notice to the Owners of Slaves of the Time of Sale.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the neat Proceeds of the Money arising by such Sale shall be disposed of in the following Manner, that is to say, That one fifth Part thereof shall be paid to the Takers up of such Negroes or Mulattoes, and that the remaining Part of such Money be paid into the Hands of the Public Treasurers, to defray the contingent Charges of Government, and to no other Intent, Use or Purpose, whatsoever.

Money appropriated.

V. *AND be it Enacted, by the Authority aforesaid,* That if any Slave or Slaves shall hereafter be allowed by his or her Master, Mistress, or Overseer, or other Person having the Care of such Slave or Slaves, to hire out him or herself, such Slave may be taken up by any Magistrate or Freeholder, and kept to hard Labour, for the Use of the Poor of the County, for any Time not exceeding Twenty Days; any Law, Usage or Custom, to the contrary, notwithstanding.

No Slave to hire himself out.

A. D. 1777.

## C H A P. VII.

*An Act for the Encouragement of the Militia and Volunteers employed in prosecuting the present Indian War.*

Preamble.

I. **W**HEREAS the vigorous Prosecution of the present *Indian War* may much sooner put an End to the same: In order therefore to encourage and stir up an enterprizing Spirit among the Militia and Volunteers employed in the said War;

Premiums for Indian Prisoners, & Scalps, taken by Persons in the State Service.

II. *BE it Enacted, by the General Assembly of the State of North Carolina, and by the Authority of the same,* That from and after the First Day of *June* next, if Peace shall not be made with the *Cherokees* before that Time, and until Peace shall be made, a Premium of Fifteen Pounds for each Prisoner, and a Premium of Ten Pounds for each Scalp, shall be paid out of the Treasury to the Captor, being in the Service of the State, on producing a Prisoner or Scalp, and making Oath that the Prisoner was taken by him after the said First Day of *June*, or that the Scalp was taken and fleced off the Head of an *Indian Man* slain by himself, after the said First Day of *June*.

Premiums to Persons not in the Service

III. *AND be it Enacted, by the Authority aforesaid,* That a Premium or Reward of Forty Pounds for each Scalp of an *Indian Man*, and a Premium or Reward of Fifty Pounds for producing an *Indian Man* Prisoner, be paid to any Person in this State, not in the Pay thereof, who shall voluntarily undertake to make War upon the said *Indians* after the Time aforesaid; provided Peace shall not before that Time be made with the same *Indians*, and until Peace shall be made; the Captors making Oath as aforesaid that such Scalp or Prisoner was taken by him after the said First Day of *June*; and that the *Indian* so killed or taken is of the Nation of *Indians* commonly known by the Name of the *Cherokees*, and that the Scalp produced was actually taken from an *Indian*, killed by the Person claiming the same.

## C H A P. VIII.

*An Act for the Appointment of Registers in the several Counties in this State.*

Preamble.

I. **W**HEREAS it is absolutely necessary for the recording and preserving Deeds, that Registers be appointed in the several Counties within this State;

Registers appointed.

II. *BE it Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same,* That the Justices of the several Counties, and the District of *Washington*, in this State, have full Power, and are hereby required, at the first Court held in their several Counties, and on the second Day of such Court, to nominate and appoint some proper Person within their respective Counties to be a Register for the same, who shall enjoy the said Office during good Behaviour.

To give Bond.

III. *AND be it further Enacted,* That each Public Register so chosen, within Three Months after he shall enter on his Office, give Bond, with

with two sufficient Securities, to his Excellency the Governor for the Time being, and his Successors, in the Sum of One Thousand Pounds, for the faithful Discharge of his Office; which said Bonds shall be recorded in the several Courts, and lodged in the Hands of the Clerks. And whoever shall officiate in the said Office longer than Three Months, without giving Bond and Security as aforesaid, shall forfeit and pay the Sum of Forty Pounds, one Half to the Informer, the other Half to the County.

A. D. 1777.

IV. *AND* be it further Enacted, by the Authority aforesaid, That in Case of the Death, Resignation or Removal, of any Register, for Misbehaviour in Office in any County, that the Justices of the said County shall appoint another proper Person to the Register's Office, in the same Manner, and under the foregoing Regulations and Restrictions.

Others appointed in Case of Death &amp;c.

## C H A P. IX.

*An Act to empower the Justices of Bladen County to take into their Possession the Records of said County, now in Possession of Maturin Colville.*

I. **W**HEREAS it is represented by the Justices of Bladen County, that Maturin Colville, heretofore Clerk of the same County, upon the Appointment of Alfred Moore to that Office, in the Year One Thousand Seven Hundred and Seventy Four, refused to deliver up to the Court the Records and other Papers belonging to the County; that among the said Records are many Wills, Inventories, and Settlements of Estates, which contain the only Evidence of the Property of great Numbers of Persons, particularly of Orphans; and that on the Dockets are many Suits yet undetermined, and many Judgments which remain unsatisfied, besides divers Sums of Money paid into the Office belonging to sundry Persons yet unaccounted for, to the great Injury of the Inhabitants of the said County and others: In order therefore that the Records may be restored to the proper Office, that the injured may be redressed, and the obstinate and wilful brought to a Sense of their Duty, and a proper Respect for the Laws;

Preamble.

II. *BE* it Enacted, by the General Assembly of the State of North-Carolina, That the Justices of the said County be appointed, and they, or any three or more of them, are hereby authorized and empowered to demand and receive of and from the said Maturin Colville, and of and from every other Person or Persons who are or may be in Possession of the same, the Records and other Papers of the said County, and upon Refusal or Neglect to deliver the same, then the said Justices, or any three or more of them, shall and may issue their Warrant, directed to the Sheriff and other the Officers of the same County, commanding him the said Sheriff to take with him such Force as he may think necessary, and to apprehend the said Maturin Colville, and such other Person or Persons as may have the said Records, or any of them, in Possession, and him or them commit to the common Gaol of the said County, until the Records shall be produced and delivered up; and also empowering the Sheriff, and other Officers of the said County, to make diligent Search in all suspected Places within the said County for the said Records and Papers, and for that Purpose

Justices to receive the Records.

A. D. 1772.

to break open Doors and Locks where they are suspected to be concealed.

Fees to be paid  
by the Clerk.

III. *AND* be it further Enacted, by the Authority aforesaid, That all Fees and Sums of Money which may hereafter be paid into the Court of Bladen County, upon any Suit depending, or Judgment not satisfied, on the Dockets detained by the said *Maturin Colville*, as well such Fees and Monies which are due to him the said *Maturin Colville* as to others, shall be paid by the Clerk of the Court for the Time being to the Person or Persons to whom the same shall appear to be due.

## C H A P. X.

*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. **W**HEREAS 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  
proving Deeds

II. *BE* it Enacted, by the General Assembly of the State of North-Carolina, 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 Attorney, or proved by one or more of the subscribing Witnesses of 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.

## C H A P. XI.

*An Act for establishing Fairs in the Town of Halifax, in Halifax County.*

Fairs when  
held.

I. **B**E it Enacted, by the General Assembly of the State of North-Carolina, That a Fair shall and may be held in the Town of *Halifax*, in the County aforesaid, on the First *Thursday* in *November* next, and that after the present Year two Fairs shall and may be annually held in the said Town, on the First *Thursday* in *May* and the First *Thursday* in *November* in every Year, each Fair to continue for three Days, for the Sale of every Kind of Horses and black Cattle, Sheep and Hogs, Pork and all Kinds of Provision, Tobacco, and every other natural Production of the Country,

Country, and also for the Sale of all and every Sort of Goods, Wares, and Merchandize, whether foreign or manufactured in this State; and that on the said Fair Days, and on three Days next before, and three Days next after each of the said Fairs, all Persons coming to, being at, or going from the same, together with their Horses, Cattle, or other Effects, intended for Sale, or purchased at the said Fairs, shall be free and exempt from all Arrests, Attachments, and Executions whatsoever, except for capital Offences, Breaches of the Peace, or for Quarrels or Controversies that may arise during the said Time; in which Cases Process may be immediately issued, and Proceedings thereupon had, in the same Manner as if this Act had never been made.

A. D. 1777.

II. AND in order to prevent Frauds and Impositions in the Sale of blooded Horses, *Be it Enacted, by the Authority aforesaid,* That the County Court of *Halifax* shall and may appoint a Register for the said Fairs, (and in Case of the Death, Absence, Refusal to act, or Misconduct of such Register, may appoint *de novo*) who shall take an Oath for the faithful Discharge of his Duty; and every Person who shall bring a blooded Horse, Mare or Gelding, to the said Fairs, or any of them, for Sale, shall deliver in Writing to the said Register a Certificate under his or her Hand of the Owner or Vender's Name, and the Colour, Age and Blood, of such Horse, Mare or Gelding, all which shall be entered by the said Register in a Book to be by him kept for that Purpose; and he shall safely keep all such Certificates, that Recourse may be had to the Originals if necessary. And if any Person or Persons shall sell, or offer for Sale, any blooded Horses, Mares or Geldings, at the said Town of *Halifax*, during the Time of the said Fairs, without first delivering in to the Register a Certificate as aforesaid, every Person so offending shall forfeit and pay the Sum of Ten Pounds, one Half to the Use of the Informer, the other Half to the Use of the Purchaser, where an actual Sale has been made; but where there has been no Sale, the whole to the Use of the Informer, to be recorded on Complaint or Information, as is herein after directed. And if any Owner or Vender of any blooded Horse, Mare or Gelding, at the said Fairs, shall wilfully deliver into the Register a false Certificate of the Age or Blood of such Horse, Mare or Gelding, and shall sell the same, such Owner or Vender, on Proof made, shall forfeit and pay the Sum of Ten Pounds, to the Use of the Purchaser, to be recovered on Complaint or Information, as is herein after directed; and the said Owner or Vender so convicted, shall never after be permitted to sell any blooded Horse, Mare or Gelding, at any of the said Fairs.

Frauds prevented.

III. AND for the Trial of Complaints and Informations in the Cases above mentioned, and also for the Trial of Controversies and disputed Bargains arising at the said Fairs; *Be it Enacted, by the Authority aforesaid,* That the County Court aforesaid shall and may appoint three Judges (and in Case of Death, or Refusal to act, of the said Judges, or either of them, may appoint *de novo*) either of whom may, on Application, issue Citations and Subpoenas; and the said Judges, or any two of them, shall and may hear and determine, *instantly*, in all such Cases, provided the Demand, or disputed Difference in a Bargain, does not exceed the Value of Ten Pounds, and shall and may issue Executions, and appoint an Officer or Officers to execute the same.

Trial of Complaints.

F

IV. AND

A. D. 1777.

Persons may have Recourse to the Register Book.

Register's and Officers Fees.

Continuance of the Act.

IV. AND be it further Enacted, by the Authority aforesaid, That all and every Person and Persons shall and may have Recourse to the Register Book, and the Register shall and may receive for entering every Horle Eight Pence, for every Search Eight Pence, and for a Copy of a Certificate Eight Pence, and every Officer appointed by the Judges aforesaid to serve Process, shall and may receive for serving a Citation or Summons Two Shillings and Eight Pence, an Execution Five Shillings and Four Pence, and Ten per Cent. Commissions on Sales. And this Act shall continue and be in Force for Two Years from the Twentieth Day of May next, and from thence to the End of the next Session of General Assembly.

C H A P. XII.

An Act for enlarging the Time of saving Lots in the Town of Windsor, in Bertie County.

Preamble.

I. WHEREAS from the Impossibility of procuring Nails, and other necessary Materials for building, as well as from many other unavoidable Hindrances, occasioned by the present Contest with Great Britain, it hath been put entirely out of the Power of the Inhabitants of the Town of Windsor, in Bertie County, to compleat their Buildings on their respective Lots within the Time limited by Law;

Further Time allowed for saving Lots.

II. BE it therefore Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same, That every Lot in the said Town on which a House shall be built of the Dimensions mentioned in an Act of Assembly, intituled, *An Act for establishing a Town on the Land of William Gray, on Cushy River, in Bertie County,* or other Improvements made thereon, which shall be deemed by the Directors or Commissioners of the said Town equal thereto, within Three Years after the passing this Act, and also every Lot therein which shall be hereafter sold or conveyed by the Directors or Commissioners of the said Town, on which such House shall be erected and built, or other Improvements made, which shall be deemed by the Directors or Commissioners of the said Town equal thereto, within the Space of Two Years after the Date of the Conveyance executed for the same, shall and is hereby declared to be vested in the Grantee thereof, his Heirs and Assigns, in Fee Simple; any Thing in the said Act contained to the contrary, notwithstanding.

C H A P. XIII.

An Act for appointing Commissioners for building a Court-House, Prison, and Stocks, for the County of Tryon.

Preamble.

I. WHEREAS the Commissioners heretofore by Act of Assembly appointed for building a Court-House, Prison, and Stocks, for the said County of Tryon, have failed to discharge the Trust reposed in them:

Commissioners appointed.

II. BE it Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same, That William Moore, John Walker, Charles McLean,

*McLean, John Hill, Christian Carpenter, and James White*, be, and are hereby appointed Commissioners for the Purposes aforesaid; and they, or a Majority of them, are hereby impowered and required to agree and contract with Workmen for building a Court-House, Prison, and Stocks, for the Use of the said County, at such Place as they shall think most convenient, on that Tract of Land purchased by the late Commissioners for that Purpose, and cause the same to be compleated within the Term of Two Years.

A. D. 1777.

III. *AND be it further Enacted, by the Authority aforesaid*, That the said Commissioners herein named shall have, and they are hereby declared to have full Power and Authority to demand, sue for, recover, and receive, of and from the late Sheriffs of said County, or other Persons in whose Hands the same may be lodged, all and every Sum and Sums of Money which have been laid as a Tax or Taxes on the Inhabitants of said County for the Purpose aforesaid, for which the Sheriff or other Persons, or any of them, are liable; and in Case of Failure or Neglect in paying the said Monies to the Commissioners aforesaid by the said Sheriffs, other Persons, or any of them, he or they so failing or neglecting, shall be liable to the same Penalties, and the same Mode of Recovery shall be had against him or them, as by Law shall or may be had against Sheriffs who neglect or refuse to account for and pay Public Taxes.

To call former Commissioners to account.

IV. *AND* whereas a certain Tax was laid on the Inhabitants of said County by the Justices thereof, in Virtue of an Act of Assembly passed in the Year of our Lord One Thousand Seven Hundred and Seventy Four, which Tax hath not been collected, no Officer having been appointed to receive the same; *Be it therefore Enacted, by the Authority aforesaid*, That the Justices of the said County of Tryon shall have, and they are hereby declared to have full Power and Authority to enforce the said Tax, or reverse it, and lay another Tax sufficient to compleat the Buildings aforesaid, which Tax laid or enforced by Virtue of this Act shall be collected and accounted for by the Sheriff of the said County; and on Neglect of the Sheriff to account for and pay the same to the Commissioners herein before named, he shall be liable to the same Pains and Penalties, and the same Mode of Recovery shall be had against him; as by Law may be had against Sheriffs who neglect or refuse to account for and pay Public Taxes.

Power to collect, or lay another Tax.

## C H A P. XIV.

*An Act for appointing Commissioners to finish the building of a Court-House, Prison, and Stocks, in the County of Guilford.*

I. **W**HEREAS the Public Buildings for the County of Guilford are not yet finished, on Account of the Tax levied for that Purpose not being all collected, by Reason of the Courts of Justice being discontinued: For Remedy whereof,

Preamble

II. *BE it Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same*, That *Ralph Gorrell, Robert Lindsey, John Collier, Alexander Caldwell, and Charles Bruce*, Esquires, be, and they are hereby

Commissioners appointed.

*A. D. 1777.*

hereby appointed Commissioners for the Purpose aforesaid; and they, or a Majority of them, are hereby impowered and required to agree and contract with a Workman or Workmen for finishing the Court-House, Prison, and Stocks, for the said County.

To call former Sheriffs or Commissioners to account.

III. *AND* be it further Enacted, by the Authority aforesaid, That the said Commissioners herein named shall have, and they are hereby declared to have full Power and Authority to demand of and from the late Sheriffs of said County, or other Persons in whose Hands the same may be lodged, all and every Sum and Sums of Money which have been laid as a Tax or Taxes on the Inhabitants of said County for the Purpose aforesaid, for which the Sheriff or other Persons, or any of them, are liable; and in Case of Failure or Neglect in paying the said Monies to the Commissioners aforesaid by the said Sheriffs or other Persons, or any of them, he or they so failing or neglecting shall be liable to the same Penalties, and the same Mode of Recovery shall be had against him or them, as by Law shall or may be had against Sheriffs who neglect or refuse to account for and pay Public Taxes.

Tax laid.

IV. *AND* whereas a certain Tax was laid on the Inhabitants of said County by an Act of Assembly passed in the Year of our Lord One Thousand Seven Hundred and Seventy, and Two Shillings of the said Tax not being collected; *Be it therefore Enacted, by the Authority aforesaid, That* a Poll Tax of Two Shillings be laid on each taxable Person in the said County of Guilford for one Year, to finish and compleat the said Buildings, which Tax shall be collected and accounted for by the Sheriff of the said County; and on Neglect of the Sheriff to account for and pay the same to the Commissioners herein before named, he shall be liable to the same Pains and Penalties, and the same Mode of Recovery shall be had against him, as by Law may be had against Sheriffs who neglect to account for and pay Public Taxes. *Provided nevertheless, That* any Person who has paid the aforesaid Two Shilling Poll Tax for the Year One Thousand Seven Hundred and Seventy Three shall be exempted from paying the same; any Thing herein contained to the contrary, notwithstanding.

Provide.

C H A P. XV.

*An Act for establishing a Town on the Lands of John Smith, and other Purposes.*

Preamble.

I. **W**HEREAS it is represented to this General Assembly, that a Town on the Lands of *John Smith*, on the North Side of *Neuse River*, in *Johnston County*, where the Court-House and other Public Buildings now stand, would tend to the Promotion of Commerce, and be greatly for the Ease and Convenience of the Inhabitants of that County in attending Courts and other Public Business, and the said *John Smith* having signified his free Assent, by a Certificate under his Hand, to have One Hundred Acres of said Land laid off for a Town, and Fifty for Commons:

Directors to lay out the Town.

II. *BE it therefore Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same, That* the Directors or Trustees

tees hereafter appointed, or the Majority of them, shall as soon as may be after the passing of this Act, cause 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, are hereby constituted and erected a Town, and shall be called by the Name of *Smithfield*.

A. D. 1777.

III. *AND be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, Benjamin Williams, William Bryan, Samuel Smith, Jun. John Rand, John Smith, John Stevens, and Lewis Bryon, Esquires, 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 a Majority of them, shall have full Power and Authority to meet as often as they shall think necessary, and cause a Plan thereof to be made, and therein to insert a Mark or Number to each Lot. 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 Subscribers shall be intitled to the Lot or Lots which shall be drawn for him, and correspond with the Mark or Number contained in the Plan of said Town. And the said Directors, or 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. *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 such Conveyance for the same, erect, build, and finish, on each Lot so conveyed, one well framed or Brick House, Sixteen Feet square at least, and Ten Feet Pitch in the Clear, or proportionable to such Dimensions, if such Grantee shall have two or more Lots contiguous; 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 re-vested 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, 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 said Town.**

Trustees for laying off the Town, granting Lots, &amp;c.

Time of laying off Lots.

G

IV. *AND*

A. D. 1777.

Subscribers to  
pay 50 s. for  
each Lot.

IV. *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 for each Lot by him subscribed for; and in Case of the Neglect or Refusal of any Subscriber to pay the said Sum, the said Directors shall and may commence and prosecute a Suit 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 *John Smith*, his Heirs or Assigns, the Sum of Forty Shillings for each Lot, in full Satisfaction for the said Land; and the other Ten Shillings shall be applied towards defraying the Expences of laying off and improving the said Town, as a Majority of the Directors shall think proper.

40 s. to the  
Proprietor.Succession of  
Commissioners  
kept up.

V. *AND* for continuing the Succession of the Directors until 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 surviving Directors, or a 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.

Reserve of  
Lots to the  
Proprietor.

VI. *PROVIDED* nevertheless, That the said *John Smith* shall have to his own Use a Reserve of Seven Lots, exclusive of the said One Hundred Acres, to secure his Dwelling House and other Houses belonging to him now on the said Land.

## C H A P. XVI.

*An Act for the Regulation of the Town of Hillsborough.*

Preamble.

I. **W**HEREAS the erecting and establishing the Town of *Hillsborough* hath been found highly beneficial and convenient to the Western Parts of this State, and the same being a healthy pleasant Situation, and convenient to inland Trade:

Charter confirmed.

II. *BE it Enacted, by the General Assembly of the State of North-Carolina, and it is hereby Enacted*, That the Charter of the Town of *Hillsborough* be and remain, with all and every Privilege therein mentioned, whole and entire, to the Use and Benefit of the present and future Inhabitants of the said Town of *Hillsborough*.

Commissioners  
appointed.

III. *AND* be it Enacted, by the Authority aforesaid, That *William Johnston*, *James Hogg*, *John Sbeels*, *William Courtney*, and *James Walford*, Esquires, be, and are hereby appointed Commissioners of the said Town; and they, or a Majority of them, are hereby impowered to bring the former

former Commissioners to account for any Money that may remain in their Hands; and the Commissioners above mentioned, or a Majority of them, are hereby empowered to lay out such Money agreeable to the Directions hereafter mentioned for laying out the Town Taxes. A. D. 1777.

IV. *AND be it Enacted, by the Authority aforesaid,* That from and after the passing of this Act the Commissioners, or a Majority of them, shall, and they are hereby required, within Twenty Days after the First *Tuesday* in *June* in every Year, to lay such Taxes as they shall judge necessary, not exceeding Twelve Shillings and Six Pence *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 empowered to collect and make Distress for the same, in like Manner as other Collectors of Public or County Taxes shall be empowered 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 and laid out in clearing and repairing the Public Streets, Lanes, and Allies, and in any other Public Work they may judge necessary for the Benefit of the said Town. To lay a Tax.

V. *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 or Affirmation, to some one of the Commissioners aforesaid, between the First and Second *Tuesdays* in *June* in every Year, under the Penalty of Three Pounds 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. Lists of Taxables to be given in.

VI. *AND be it Enacted, by the Authority aforesaid,* That all Persons residing Three Months in the said Town next before the First *Tuesday* in *June* in every Year, shall afterwards be subject to pay Taxes in the said Town. Persons subject to pay Taxes.

VII. *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. Not to work on the Streets.

VIII. *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 Pig, or any Geese, running at large within the Bounds of the said Town, on Penalty of forfeiting such Hog or Hogs, Shoat or Pig, or Geese, and paying the Sum of Twenty Shillings (or Two and One Half Dollars) to the Party aggrieved; and further, that it shall and may be lawful for any Person whatever after the Tenth Day of *June* next to shoot, kill, or otherwise destroy, such Hog or Hogs, Shoat or Pig, or Geese, so running at large within the said Town. Hogs, &c. not to run at large.

IX. AND

A. D. 1777.

Dangers by  
Fire prevent-  
ed.

IX. AND to prevent Dangers arising by Fire, *Be it Enacted, by the Authority aforesaid*, That each and every Houfholder within the said Town of *Hillsborough* 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.

Pen. for rid-  
ing Horses in  
Town.

X. AND whereas the too frequent Custom of immoderate riding of Horses 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 whatsoever, shall immoderately ride or strain any Horse or Mare in or through the said Town, or any of the Streets thereof, on Penalty of forfeiting and paying the Sum of Five Shillings for each and every Offence; to be recovered by Warrant under the Hand and Seal of any Justice of the Peace of the said County.

Commission-  
ers to be cho-  
sen.

XI. AND *be it Enacted, by the Authority aforesaid*, That from and after the passing of this Act, the Inhabitants of the Town of *Hillsborough* are hereby required to meet at the Court-House in said Town on the First Tuesday in September in every Year, then and there to choose Five Commissioners for the said Town; which shall be elected by Ballot, under the Inspection of two Persons, to be chose by the Freeholders of said Town for that Purpose.

Old Commis-  
sioners to set-  
tle with the  
new ones.

XII. AND *be it Enacted, by the Authority aforesaid*, That as soon as those elected are qualified to proceed on Business, that the former Commissioners are hereby required to give up what Money remains in their Hands of the Town Taxes, and render an Account of their Proceedings to the new Commissioners; and the Commissioners for said Town, from and after the passing of this Act, are required to keep the Town Common open for the Benefit of the Town.

Clauses of an  
Act contin-  
ed.

XIII. AND *be it further Enacted, by the Authority aforesaid*, That the Sixth, Seventh, and Fifteenth Sections of an Act, intituled, *An Act to amend an Act, for establishing a Town on the Land formerly granted to William Churton, lying on the North Side the River Enoe, in the County of Orange*, passed at *Newbern* the Third Day of November, One Thousand Seven Hundred and Sixty Six, shall be and remain in full Force and Virtue.

## C H A P. XVII.

*An Act for establishing a new County between Hillsborough and the Virginia Line, by erecting the Northern Part of Orange County into a distinct County, by the Name of Caswell.*

Preamble.

I. WHEREAS the large Extent of the County of *Orange* renders the Attendance of the Inhabitants of the Northern Part to do Public Duties extremely difficult and expensive: For Remedy whereof,

I L B F

II. BE it Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same, That from and after the First Day of June next, the Inhabitants of the County of Orange lying to the North of a Point Twelve Miles due North of Hillsborough, and bounded as follows, to wit, Beginning at the aforesaid Point, running thence due East to Granville County Line, thence North along Granville County Line to the Virginia Line, thence West along the Virginia Line to Guilford County Line, thence South along Guilford County Line to a Point due West of the Beginning, thence due East to the Beginning, be erected into a distinct County, by the Name of Caswell County.

A. D. 1777:

County divid-  
ed.

III. AND be it further Enacted, by the Authority aforesaid, That John Butler, John Lee, and James Sanders, Esquires, be, and they are hereby appointed Commissioners, and they are hereby impowered and required to run the said 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 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 Orange and Caswell; which said Commissioners shall be paid for their Trouble and necessary Expences for running the said Lines, to be paid out of the County Tax.

Commission-  
ers to run the  
dividing Lines

IV. AND for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned, and Courts held, in the said County of Caswell, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties of this State; and the Courts of the said County of Caswell shall be held on the second Tuesday in June, September, December, and March, in every Year.

Justices ap-  
pointed, and  
Courts when  
held.

V. AND be it Enacted, by the Authority aforesaid, That the said Justices to be appointed for the County of Caswell aforesaid, are hereby directed to meet on the second Tuesday in June next at the House of Thomas Douglass, and take the Oaths appointed for their Qualification; and the Justices for the said County of Caswell, or any Three of them, after being so qualified, shall hold a Court at the Place and Times herein before appointed; and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this State are liable to.

Their Power.

VI. AND be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings be laid on each taxable Person in the said County of Caswell for Two 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; and if any Surplus should arise from the said Tax, that it shall be paid by the said Commissioners to the Court of the said County, to be by them applied towards defraying the contingent Charges of the said County.

Tax laid.

H

VII. AND

M. D. 1777.

Sheriff to distres 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 Orange County, as the said County stands undivided, to make Distres for any Taxes, Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the First Day of June 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.

Actions not defeated by the Division.

VIII. *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 Caswell County, all subsequent Procefs against such Parties or Witnesses shall be directed to be executed by the Sheriff of Caswell County, to the End and final Determination of said Causes; any Law, Usage or Custom, to the contrary, notwithstanding.

Commissioners for appointing a Place for Court-House, &c.

IX. *AND* be it further Enacted, by the Authority aforesaid, That James Sanders, William Moore, John Payne, Thomas Harrison, and John Atkinson, Esquires, 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 Caswell; shall be built, and there to erect, or cause the same to be erected.

Sheriff to account for the Tax.

X. *AND* be it Enacted, by the Authority aforesaid, That the Sheriff of the said County of Caswell is hereby impowered and directed to account for and pay the Money by him collected for the Purpose of building the aforesaid Court-House; Prison, and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

Caswell Part of Hillsborough District

XI. *AND* be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said County of Caswell shall continue to be considered as Part of the District of Hillsborough.

Court-House to be built, & Causes adjourned to it.

XII. *AND* be it further Enacted, by the Authority aforesaid, That the Commissioners, or a Majority of them, herein before appointed, are hereby impowered and directed to employ Workmen to build the 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 built, shall stand adjourned from the Place where the Court shall have been held to the said Court-House.

## C H A P. XVIII.

*An Act for dividing the County of Pasquotank, and establishing that Part thereof on the North East Side of Pasquotank River a County, by the Name of Cambden.*

Preamble.

**W**HEREAS by Reason of the Width of Pasquotank River, and the Difficulty of passing the same, especially in boisterous Weather,

Weather, it is extremely inconvenient for the Inhabitants who live on the North East Side of said River to attend Courts and other Public Business in the County of *Pasquotank*: For Remedy whereof,

A. D. 1777.

II. *BE it therefore Enacted, by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the Authority of the same, That all that Part of Pasquotank County lying on the North East Side of the said River, and of a Line to be run from the Head of the said River a North West Course to the Virginia Line, shall be, and is hereby established a County, by the Name of Cambden.*

County divid-  
ed.

III. *AND for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned, and Courts held, in the said County of Cambden, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties of this State; and the Courts of the said County of Cambden shall be held on the second Tuesday in July, October, January, and April, in every Year.*

Justices Pow-  
er, & Courts  
when held.

IV. *AND be it Enacted, by the Authority aforesaid, that the said Justices to be appointed for the County of Cambden aforesaid, are hereby directed to meet on the second Tuesday in July next at the House of Joseph Jones, and take the Oaths appointed for their Qualification; and the Justices for the said County of Cambden, or any three of them, after being so qualified, shall hold a Court at the Place and Times herein before appointed; and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subject to the same Forfeitures and Penalties; as other Justices of the Peace within the several Counties in this State are liable to.*

First Court  
where held, &  
Justices Pow-  
er.

V. *AND be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings and Eight Pence be laid on each taxable Person in the said County of Cambden 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 empowered to receive the same.*

Tax laid.

VI. *AND be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff or Parish Collector of Pasquotank County, as the said County stands 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 second Tuesday of July next, in the same Manner as by Law the said Sheriff or Parish Collector might or could do, if the said County 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.*

Sheriff to col-  
lect Taxes as  
before the Di-  
vision.

VII. *AND to the End that no Action, or Suit of any Kind, commenced in Pasquotank County, be defeated by the Division aforesaid; Be it*

Actions not  
defeated.

*A. D. 1777.* *it Enacted, by the Authority aforesaid, That where any Action or Suit is already commenced in the said County of Pasquotank, and the Parties, or any of them, shall be Inhabitants of Cambden County, such Action or Suit shall be proceeded on by the Court in which the same was commenced, to the End and final Determination thereof; any Law or Usage, to the contrary, notwithstanding.*

Commissioners for appointing a Place for Crt. House, &c.

VIII. *AND be it further Enacted, by the Authority aforesaid, That Joseph Jones, Lemuel Sawyer, Isaac Gregory, Demsey Burges, and Caleb Grandy, Esquires, 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 Cambden, shall be built, and there to erect, or cause the same to be erected.*

Sheriff to account for the Tax.

IX. *AND be it Enacted, by the Authority aforesaid, That the Sheriff of the said County of Cambden is hereby impowered and directed to account for and pay the Money by him collected for the Purpose of building the aforesaid Court-House, Prison, and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.*

Cambden Part of Edenton District.

X. *AND be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said County of Cambden shall continue to be considered as Part of the District of Edenton.*

Court-House to be built, & Causes adjourned there.

XI. *AND be it further Enacted, by the Authority aforesaid, That the Commissioners, or a Majority of them, herein before appointed, are hereby impowered and directed to employ Workmen to build the 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 built, shall stand adjourned from the Place where the Court shall have been held to the said Court-House.*

Commissioners to account with the Crt.

XII. *BE it further Enacted, by the Authority aforesaid, That the Justices of the Court of the said County of Cambden shall have Power to call the Commissioners to erect a Court-House, Prison, and Stocks, to account for the due Application of whatever Monies they may receive for the Purposes mentioned, and if there should be any Surplus, apply the same towards defraying the Contingencies of the County. And whenever it shall become necessary to run the North West Line from the Head of Pasquotank River to the Virginia Line, the Justices of the Courts of Cambden and Pasquotank shall appoint one Commissioner from each of the said Counties to run the said Line, and lay a Tax for defraying the Charges thereof; which Line when run, shall be recorded in the Court of each of the said Counties of Cambden and Pasquotank, and shall from thenceforward be deemed the dividing Line between the said Counties.*

Line to be run.

Privileges of the County.

XIII. *AND be it Enacted, by the Authority aforesaid, That the County of Cambden shall be intitled to the same Privileges and Immunities as the other Counties in this State are intitled to.*

## C H A P. XIX.

A. D. 1777.

An Act for dividing Rowan County, and other Purposes therein mentioned:

I. **W**HEREAS the large Extent of the County of Rowan renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts and general Elections, and other Public Meetings appointed therein;

Preamble.

II. *BE it therefore Enacted, by the General Assembly of the State of North-Carolina; and by the Authority of the same,* That from and after the First Day of June next the said County of Rowan be divided by a Line, beginning at the Catawba River, on the Line between Rowan and Tryon Counties; thence running up the Meanders of said River to the North End of an Island, known by the Name of the Three Cornered Island; thence North to the Ridge that divides the Yadkin and Catawba Waters; then Westerly along the Ridge to the Mountain which divides the Eastern and Western Waters, commonly known by the Name of the Blue Mountain. And that all that Part of the late County of Rowan which lies to the East of the said dividing Line, shall continue and remain a distinct County, by the Name of Rowan; and all that other Part of the said County of Rowan which lies West and South of the said dividing Line, shall thenceforth be erected into a new and distinct County, by the Name of Burke.

County divided.

Burke erected

III. *AND for the due Administration of Justice, Be it Enacted, by the Authority aforesaid,* That a Court for the said County of Rowan shall be constantly held by the Justices thereof at the Court-House in Salisbury, on the first Tuesdays in May, August, November, and February, in each Year; and also that a Court for the said County of Burke shall be constantly held by the Justices thereof on the fourth Tuesdays of July, October, January, and April, in every Year. And the Justices for the said County of Burke are hereby authorized and empowered to hold the first Court in the same at the House of Edward Smith on the fourth Tuesday of July, and all subsequent Courts for the same County on the Days above appointed for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court-House shall be built for the said County of Burke; and then all Causes, Matters, and Things, depending in said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court-House. And all Courts held in and for the said County of Burke, shall be held by Commission to the Justices, in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

Courts to be held.

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 First Day of June, 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

Sheriff to collect Taxes, as before the Division.

A. D. 1777. 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.

Burke, Part of  
Salisbury Dis-  
trict.

V. *AND be it further Enacted, by the Authority aforesaid,* That after the First Day of June the said County of *Burke* 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 *Burke* shall from Time to Time account for and pay to the Public Treasurer of the Southern District of this State for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Pains and Penalties, as other Sheriffs.

Commission-  
ers to run the  
Lines.

VI. *AND be it further Enacted, by the Authority aforesaid,* That *William Sharp, John Harding, and John Perkins*, Esquires, be appointed Commissioners, and they are hereby impowered and required to run the said dividing Lines between the Counties of *Rowan* and *Burke*, 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 *Burke*.

For building  
the Court-  
House, &c.

VII. *AND be it further Enacted, by the Authority aforesaid,* That *Christopher Beekman, Charles McDowell, George Catbey, Hugh Brevard, George Welfong, James Davidson, and John Connelly*, 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 *Burke*, at such Place as they, or a Majority of them, or their Survivors, shall agree upon.

Tax laid.

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, current Money of the State, *per Annum*, shall be levied on each taxable Person in the said County of *Burke*, for Two Years next after the First Day of June; 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 First Day of July, 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 said 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.

Tax for run-  
ning the Lines

IX. *AND for defraying the Charges of running the said Lines between the Counties of Rowan and Burke, Be it Enacted, by the Authority aforesaid,* That the Inferior Court of the County of *Burke* shall lay a sufficient Poll Tax on the Inhabitants of their said County (which shall be levied in the same Manner as other Poll Taxes) to pay and satisfy the said Commissioners

Commissioners for their Charge and Trouble in running the aforesaid Lines.

X. AND whereas the Number of Jurors to serve at the Superior Court for the District of *Salisbury*, for the County of *Rowan*, was formerly Twelve; *Be it Enacted, by the Authority aforesaid,* That the Justices of the said County of *Rowan* shall for the future continue to appoint Six Freeholders to serve as Grand Jurors, and Six Freeholders to serve as Petit Jurors, at the said Superior Court of *Salisbury*.

A. D. 1773.

Number of  
Jurors for  
Rowan.

XI. AND *be it further Enacted, by the Authority aforesaid,* That the Justices of the Inferior Court of *Burke* 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 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 in this State.

For Burke.

XII. AND *be it further Enacted, by the Authority aforesaid,* That the said County of *Burke* shall be intitled to send the same Number of Members to represent said County in General Assembly, as other Counties in this State are intitled to.

To send Mem-  
bers of Assem-  
bly.

## C H A P. XX.

*An Act for incorporating the President and Trustees of Liberty Hall, in the County of Mecklenburg.*

I. WHEREAS the proper Education of Youth in this infant Country is highly necessary, and would answer the most valuable and beneficial Purposes to this State, and the good People thereof; and whereas a very promising Experiment hath been made at a Seminary in the County of *Mecklenburg*, and a Number of Youths there taught have made great Advancements in the Knowledge of the learned Languages, and in the Rudiments of the Arts and Sciences, in the Course of a regular and finished Education, which they have since completed at various Colleges in distant Parts of *America*; and whereas the Seminary aforesaid, and the several Teachers who have successively taught and presided therein, have hitherto been almost wholly supported by private Subscriptions: In order therefore that the said Subscriptions and other Gratuities may be legally possessed and duly applied, and the said Seminary, by the Name of *Liberty Hall*, may become more extensively and generally useful, for the Encouragement of liberal Knowledge in Languages, Arts and Sciences, and for diffusing the great Advantages of Education upon more liberal, easy, and generous Terms;

Preamble.

II. *BE it Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same,* That the said Seminary shall be, and it is hereby declared to be an Academy, by the Name of *Liberty Hall*.

Academy  
erected.

III. AND

A. D. 1777.  
Incorporated.

III. AND be it further Enacted, by the Authority aforesaid, That Isaac Alexander, President, and Mess. Thomas Polk, Thomas Neal, Abraham Alexander, Waightsill Avery, Ephraim Brevard, David Caldwell, James Edmonds, John Simpson, Thomas Rees, Adlai Osborn, Samuel McCorkle, John McKnit Alexander, Thomas McCall, and James Hall, be, and they are hereby formed and incorporated into a Body politick and corporate; by the Name of President and Trustees of Liberty Hall, and by that Name shall have perpetual Succession, and a common Seal; and that they the said President and Trustees, and their Successors, by the Name aforesaid; or a Majority of them, shall be able and capable in Law to take, demand, receive and possess; all Monies, Goods and Chattels, that shall be given them for the Use of the said Academy, and the same apply according to the Will of the Donors; and by Gift, Purchase or Devise, to take, have, receive, possess, enjoy and retain, to them and their Successors for ever, any Lands, Rents, Tenements and Hereditaments, of what Kind, Nature, or Quality soever the same may be, in special Trust and Confidence that the same, or the Profits thereof, shall be applied to and for the Uses and Purposes of establishing and endowing the said Academy of Liberty Hall, in the County of Mecklenburg, building or purchasing suitable and convenient Houses for the same, providing a philosophical Apparatus and public Library, and supporting and paying Salaries to the President, and such Number of Professors and Tutors thereof, as shall be necessary to instruct the Students, and they shall be able to pay out of the public Funds that shall be in their Hands.

Corporation to sell Lands, &c. and hold Pleas in any Court.

IV. AND be it Enacted, by the Authority aforesaid, That the said President and Trustees, and their Successors, or a Majority of them, by the Name aforesaid, shall be able and capable in Law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the Purchasers, any such Lands, Rents, Tenements or Hereditaments aforesaid, when the Condition of the Grant to them, or the Will of the Devisor, does not forbid it. And further; that they the said President and Trustees, and their Successors, for ever, or a Majority of them, shall be able and capable in Law, by the Name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, in all Courts of Record whatsoever.

Tutors to be appointed, & Laws to be made.

V. AND be it further Enacted, by the Authority aforesaid, That the said President and Trustees be, and they are hereby impowered, authorized and required, to convene at the Town of Charlotte on the Third Tuesday of October next after passing this Act, and then and there elect and constitute, by Commission in Writing under their Hands, and sealed with the common Seal of the Corporation, such and so many Professors or Tutors as they may think expedient; and then and there, and at all other Times for ever hereafter, when the said President and Trustees, their Successors, or a Majority of them, shall be convened and met together in the said County of Mecklenburg, they shall have full Power and lawful Authority to elect and constitute one or more Professors or Tutors; and also to make and ordain such Laws, Rules and Ordinances, not repugnant to the Laws of this State, for the well ordering and governing the Students, their Morals, Studies, and academical Exercises, as to them shall seem meet; and to give Certificates to such Students as shall leave the

the said Academy, certifying their literary Merit, and the Progress they shall have made in useful Knowledge, whether it be in learned Languages, Arts or Sciences, or all of them.

A. D. 1777.

VI. BE it further Enacted, by the Authority aforesaid, That the said President and Tutors, before they enter upon the Execution of the Trust reposed in them by this Act, shall take the Oath appointed for Public Officers, and also the following Oath, viz:

*Monte*

I A. B. do swear, that I will duly and faithfully, to the best of my Skill and Ability, execute and discharge the several Trusts, Powers and Authorities, wherewith I am invested, by an Act of the General Assembly, intituled, An Act for incorporating the President and Trustees of Liberty Hall, in the County of Mecklenburg; and that I will endeavour that all Monies, Goods, Chattels, and the Profits of Lands, belonging to this Corporation, shall be duly applied to the Use of the Academy, for the Advancement of Learning, and as near as may be agreeable to the Will of the Donor.

President and Tutors Oath.

SO HELP ME GOD.

And if any President or Trustee of said Academy shall enter upon the Execution of the Trust reposed in him by this Act before taking the said Oaths as above required, he shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, in the Name of the Governor of the State for the Time being, and applied to purchase Books for the Use of the said Academy.

Pen. for entering on Duty before taking in

VII. AND be it further Enacted, by the Authority aforesaid, That the President and Trustees shall annually in the Month of October, elect and commissionate some Person to be Treasurer for the said Academy, during the Term of one Year; which Treasurer shall enter into Bond, with sufficient Security, to the Governor for the Time being, in the Sum of Five Thousand Pounds; conditioned for the faithful Discharge of his Office, and the Trust reposed in him; and that all Monies and Chattels belonging to the said Corporation, that shall be in his Hands at the Expiration of his Office, shall then be immediately paid, and delivered into the Hands of the succeeding Treasurer. And every Treasurer shall receive all Monies, Donations, Gifts, Bequests, and Charities whatsoever, that may belong or accrue to the said Academy during his Office, and at the Expiration thereof shall account with the Trustees for the same, and the same pay and deliver over to the succeeding Treasurer; and on his Neglect or Refusal to pay and deliver as aforesaid, the same Method of Recovery may be had against him, as is or may be provided for the Recovery of Monies from Sheriffs or other Persons chargeable with Public Monies.

Treasurer to be appointed.

VIII. AND whereas it is necessary to make Provision for the Appointment of succeeding Presidents and succeeding Trustees, in order to keep up a perpetual Succession; Be it therefore Enacted, by the Authority aforesaid, That on the Death, Refusal to qualify, Resignation, or Removal out of the State, of the President or any of the Trustees for the Time being, it shall be lawful for the remaining Trustees, or a Majority of them, and they are hereby authorized and required, to convene and

Succession of President and Trustees kept up.

K

meet

A. D. 1777.

meet together in the said County of Mecklenburg, and there elect and appoint another President, or one or more Trustees, in the Room and Stead of such President, Trustee or Trustees; dead; refusing to qualify, resigned, or removed out of the State; which President and Trustees so elected and appointed, shall be vested with the same Trusts, Powers and Authorities, as other Fellows and Trustees are invested with by Virtue of this Act, he or they having first taken the Oaths by this Act required.

Trustees to  
suspend Officers.

IX. AND be it further Enacted, by the Authority aforesaid, That the said Trustees and their Successors, or a Majority of them, at their Meeting in October annually, and at any other Meeting called for that Purpose (after due Notice given to at least Nine of the Trustees, signifying the Occasion of such Meeting) shall have full Power and Authority to hear any Complaint against the President, or any Professor or Tutor, and for Misbehaviour or Neglect to suspend, or wholly remove him or them from Office, and appoint others to fill the same Office or Offices respectively; and any President so removed from Office, shall from thenceforth cease to be a Member of the Corporation, and the President appointed in his Room and Stead shall be vested with all the Authority and Privileges with which the President by this Act appointed is invested.

Proviso, not  
to extend to  
Academies  
supported by  
the Public.

X. PROVIDED nevertheless, and be it further Enacted, That this Act, or any Thing therein contained, shall not extend, or be understood to make this Academy one of those Seminaries mentioned in the Constitution, to oblige this State to support any President, Professor or Tutor of said Academy, or other Charge or Expence thereof whatsoever, this Act of Incorporation having been obtained at the earnest Prayer and Intreaty of the said Trustees and others, who were desirous to contribute towards the Support thereof.

Read Three Times, and ratified in  
General Assembly, the Ninth  
Day of May, Anno Dom. 1777.

SIGNED BY

SAM. ASHE, S. S.  
A. NASH, S. C.

AT this Session were also passed, an Act to promote the recruiting Service. An Act to prevent Fire-hunting. An Act to prevent counterfeiting the Lottery Tickets of the United States. An Act for continuing the Act concerning Fences. An Act for ascertaining the Governor's Salary. An Act for enforcing the Statute and Common Law, &c. An Act for erecting County Courts. And an Act for establishing Courts of Oyer and Terminer. as they all expire with the End of the next Session of Assembly, 'twas thought needful to print them, unless they should be continued, in which Case, they will be printed, and added to these now printed.