

A. D. 1729.

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

VIII. *PROVIDED nevertheless*, That it is not hereby intended, that the said Precinct shall send more than Two Burgeses at present, to sit in General Assembly, without it shall appear that there is three hundred Tythables in the said Precinct; and in such Case, it shall and may send three Burgeses; and so as it shall increase in Number of Tythables, it shall send one Burges for every Hundred more, so as not to exceed Five Representatives in the whole.

C H A P. V.

See Act passed 1715, Chap. 44.

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

Presumbe.

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

Proceedings to be had on distrained Stock.

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

Penalty how to be recovered. Guardian, &c. not to be excluded.

III. *AND be it further Enacted*, by the Authority aforesaid, That the Penalty of Ten Pounds in the said Act for appointing Toll-Books, may be recovered by Distress in like Manner, provided that no Guardian or Executor shall be excluded by the said Act from bringing any Stock, under their Care, on their Land.

Foreigners Stock found on Lands in this Province, deemed to be

IV. *AND be it further Enacted*, by the Authority aforesaid, That the Stock of any Inhabitant of another Government being found on Peoples Land in this Government, contrary to the said Act, shall be deemed to be driven thither by the Owners,

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

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driven thither,
unless otherwise
proved.

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

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

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

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

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

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

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

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

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

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

Provide.