

At a GENERAL ASSEMBLY, begun and held at Fayetteville, on the Eighteenth Day of November; in the Year of our Lord One Thousand Seven Hundred and Eighty-six, and in the Eleventh Year of the Independence of the said State: Being the First Session of this Assembly.

RICHARD
CASWELL,
Esq; Governor.

An act for raising troops for the protection of the inhabitants of Davidson county.

CHAP. I.

WHEREAS the frequent acts of hostility committed by the Indians on the inhabitants of Davidson county for a considerable time past, render it necessary that some measures should be taken for their protection:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That two hundred and one men shall be enlisted and formed into a military body, for the protection of the inhabitants of Davidson county, in such manner and form, and under such regulations and rules, as are herein after mentioned; whose time of service shall continue for two years, commencing from the day of their first general rendezvous at the lower end of Clinch mountain, unless sooner disbanded by the general assembly.

201 men to be raised by 2 years from the day of their rendezvous.

II. *And be it further enacted,* That the said troops, when raised and embodied, shall be formed into three companies, each company consisting of sixty-seven men, and officered by one captain, one lieutenant, one ensign and four serjeants; the whole to be under the immediate command of one major: The major, captains, lieutenants and ensigns to be elected by joint ballot of both houses of the general assembly, and commissioned by his excellency the governor for the time being: the serjeants to be chosen and appointed by the commissioned officers, or the majority of them, being assembled for that purpose by the commanding officer.

How officered.

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

Officers appointed to enlist, &c.

Disposition of the troops, &c.

Commanding officer's authority.

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

Discipline.

Rules for their government.

V. *And it be further enacted,* That every able bodied man who shall be enlisted into the said service, and shall furnish himself with one good rifled or smooth bored gun fit for service, one good picker, shot-bag and powder-horn, twelve good flints, one pound of good powder, and two pounds of good leaden bullets or buck shot suitable to his gun, shall be entitled to receive from this state on the first day of October, in

What each soldier shall be entitled to receive.
Arms.

Cloathing.

each year of his service, one blanket, two pair of stockings, two pair of shoes, two shirts, two leather stocks, one good hunting-shirt, one good woollen or fur hat of a middle size, one pair of buckskin breeches, and one waistcoat lined, to be provided and furnished by a clothier to be appointed by his excellency the governor for the time being; who shall be furnished in convenient time by the commanding officer of the said troops, with a certificate sworn to before some three or more justices of some county within this state, with the amount of the number of troops under his command entitled to draw clothes according to this act, which the said clothier shall present to the governor for the time being, together with the whole amount of each article wanted for the troops, and thereupon his excellency shall grant him a warrant on the treasury for a sum sufficient to purchase the said articles at a moderate rate, and to defray the expence of making them into suits, and removing them to the troops: And the said clothier shall purchase the said articles, and cause them to be made up into suits, and delivered to the troops at the times aforesaid, taking a receipt from each soldier, attested by the captain of the company to which he may belong; for all which services the said clothier shall be allowed by the general assembly on the settlement of his accounts, a sum not less than the amount of the yearly pay hereby appointed for a captain in the said troops.

Provisions.

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

Cloathing for officers.

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

Pay and rations.

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

Paymaster's duty.

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

Pay rolls to be sent the treasurer.

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