

NORTH-CAROLINA GAZETTE.

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An ACT to remedy certain inconveniences arising under the present Land Laws.

WHEREAS the entry-takers are not required by law to insert the date of the entry in the warrant issued to the claimant, and the date of the entry does not therefore appear upon the grant, and it frequently happens that a second enterer of the same land obtains his grant first, and great injustice is done to the first fair and honest purchaser: For remedy whereof,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the 1st day of March next, it shall be the duty of the entry-taker to insert the date of the entry in the body of the warrant; and the secretary of state shall and he is hereby required, in issuing grants for land, in all cases whatsoever, to insert in the body of such grant the date of the entry when such date shall appear on the warrant returned into his office; and if any entry-taker shall issue a warrant contrary to the directions of this act, he shall forfeit and pay the sum of two hundred pounds, to be recovered by action of debt, one half to the person who shall sue for the same, and the other half to the use of the State.

II. Whereas difficulties have arisen in obtaining grants, under the operation of the sixth section of an act, passed at the last General Assembly, entitled "An act to amend an act, entitled An act to prevent the issuing of grants for lands entered with any of the entry-takers in the State, in certain cases; and to prevent the issuing warrants of survey in manner as described," where the original enterer is dead or removed, so that the oath required by said act cannot be made. *Be it further enacted,* That in all cases where the original enterer is dead, or where the claimant may hold by assignment of a person removed out of the State, it shall and may be lawful, upon such claimant filing an affidavit to that effect in the secretary's office, for the secretary of state to issue grants upon warrants so returned, for all entries made previous to the first day of January, 1794: Provided the warrant corresponds sufficiently with the transcript returned under the said act to the secretary's office by the clerks of the county courts. Provided also, That grants may issue to persons claiming lands entered in the counties of Guilford and Chatham previous to the year 1783, although there may be no transcript with which the warrants may or can be compared.

III. And whereas warrants have in some instances been lost, that have issued upon entries made on the books now in possession of the clerks of the county courts, and others never issued, so that titles cannot be perfected to the lands so claimed: For remedy whereof, *Be it further enacted,* That it shall and may be lawful for any person claiming lands under such circumstances to make application to the court of the county in whose office such books are lodged, for a second warrant; and if it shall be made appear to the satisfaction of such court by the inspection of the books, that such entry was made, and that the party had been legally entitled to receive a warrant, and it shall also be made appear by the oath of a surveyor or some credible witness, that such warrant has been lost or destroyed, then it shall be the duty of the court to order the clerk to issue a second warrant of the same tenor and date as the one so lost or destroyed, stating in the body thereof that the same is a duplicate; which warrant shall issue under the seal of the court of the county, and the same shall be as valid as if issued by the entry-taker; and the surveyor making return of plat and surveys under such duplicates, it shall be his duty to note the the same particularly therein; and the secretary issuing any grant or grants thereon, shall recite in the

face of the same, that the same is issued under a duplicate warrant by virtue of this act, and liable to become null and void if at any future time it should appear that a grant had been obtained on the original warrant stated to have been lost or destroyed as aforesaid.

IV. *And be it further enacted,* That in all cases where it shall appear by the entry-taker's books that warrants have not issued by the entry-taker, the clerk by order of the court, is hereby directed to issue warrants in the same manner as by the first section in this act directed, to the person or persons who may apply for the same; and the clerk of the court shall be entitled to demand and receive the sum of four shillings in full for all services in this behalf.

V. And whereas lands now in the counties of Wilkes, Burke and Buncombe, were formerly liable to be entered, and may have been entered, with the entry-takers of Washington and Greene, in the State of Tennessee. And whereas fraud may be attempted under colour of warrants from the said counties of Washington and Greene: For prevention whereof, *Be it enacted by the authority aforesaid,* That every person claiming lands in either of said counties of Wilkes, Burke or Buncombe, under colour of an entry made in Washington or Greene, shall previous to making a survey thereof, produce to the court of the county in which the land lieth, a majority of the Justices being present, his warrant, and make it appear by his oath, and other testimony where it can be procured, that the purchase money for the land claimed hath been paid to the entry-taker; and thereupon the warrant shall be countersigned by the clerk, and thereafter be held a good warrant. Provided nevertheless, That all such surveys shall be made agreeable to the location. And provided also, That any grant obtained on a warrant countersigned as aforesaid, shall be and the same is hereby declared null and void in case it shall afterwards appear that a warrant had been previously issued and a grant at any time obtained thereon.

VI. And to prevent grants being issued upon feigned or forged warrants: *Be it enacted,* That it shall be the duty of the secretary of state to stay the issuing of grants on a warrant returned into his office, purporting to be signed by any entry-taker of the counties of Washington and Greene, whereof he may entertain any doubt of their being genuine, or not actually signed by any of the said entry-takers; and in all such cases it shall be his duty to lay such warrants before the next General Assembly, who will take such order thereon as justice and the interest of the State may require.

VII. And whereas by the said act, lands entered and not paid for in a certain time therein limited revert again to the State, and may again be entered by any person on procuring the certificate therein prescribed from the treasurer, and it has happened in divers instances, from a want of a general publication of said law, in time to enable the citizens to provide for the payment of their lands, the claims of many persons have lapsed and become void: For remedy whereof, *Be it enacted,* That all entries of claims for lands which have been made in any of the counties of this State after the 8th day of February, 1795, and for which the purchase money hath not been heretofore paid to the State, may yet be paid for at any time during the present session of the General Assembly, or within twelve months after the rising of the same: and the public treasurer shall be and hereby is required to receive the purchase money for all such entries as aforesaid, and to grant receipts for the same in like manner as he would have done had such entries never lapsed or become void under the operation of the act aforesaid. Provided, That no receipt of the of the purchase money shall operate in bar of,

or to the prejudice of any entry or entries which may have been since lawfully made for any of the lands of the aforesaid description.

VIII. *And be it further enacted,* That in all cases of entries made since the first day of January, 1794, it shall be the duty of the person having made such entry, to cause the warrant and survey to be returned to the secretary's office within twelve months after the expiration of the present session of the General Assembly; and in all cases of entries which may hereafter be made, it shall be the duty of person making such entry, to have the warrant and survey returned to the secretary's office within twelve months after the passing of this act or the date of such entry; and the remainder of the purchase money shall in all cases of entry since the first day of January, 1794, be paid into the public treasury within twelve months from the expiration of the present session of the General Assembly; and in all cases of entry made hereafter, it shall be paid to the public treasurer within twelve months from the date of the entry; after which times, if the purchase money shall not be paid, suit shall be brought by the treasurer against such enterers; and the entry-taker's returns, filed in the comptroller's office, shall be *prima facie* evidence that such entry was made and the money unpaid. Provided always, That it shall be lawful for the enterer to make it appear by the oath of the surveyor of the county where the lands were entered, made in open court, and certified by the clerk upon the warrant that no vacant land could be found, or only part of the quantity called for by said warrant, and the enterer shall then have credit to the amount thereof with the treasurer; and the said warrant shall be filed as a voucher in the treasury, and thereupon the treasurer shall forbear to bring suit; and in all cases where the treasurer shall have brought suit, and such evidence shall be used upon the trial, the defendant shall pay costs, although there may be no recovery for the State.

IX. And to the end that the names of the enterers of land in the several counties within this State, since the 8th day of February, 1795, may be known: *Be it enacted by the authority aforesaid,* That the entry-takers of the respective counties shall, within twelve months after the expiration of the present session of the General Assembly, furnish the treasurer with a complete return, on oath, of all the entries made in their respective offices, since the 8th day of February, 1795, either with themselves or their predecessor in office, as shall appear from the books in their possession: For which service they shall receive an adequate reward, to be fixed by the treasurer and comptroller, and to be paid out of the treasury on the delivery of such return; and annually hereafter they shall make return of all lands entered with them as a part of their official duty, for which they shall claim no reward. And in case of the refusal or failure of any entry-taker to furnish returns as by this act required, he or they so refusing or failing, shall forfeit and pay the sum of one hundred pounds, to be recovered, on motion, in any court having cognizance thereof, on the certificate of the treasurer that such failure hath happened.

X. And to remedy the neglects and abuses of surveyors in certain instances: *Be it also enacted,* That from and after the passing of this act, whenever a warrant of survey shall come to any surveyor in this State, he shall as usual proceed to survey the same, and shall within thirty days after such survey is made, deliver to the person or persons for whom the survey was made, upon his or their application, and upon his fees being paid, the warrant, together with two just and fair plats of such survey, under the penalty of twenty pounds for each failure, to be recovered be-