

## General Assembly.

### CAPTIONS OF THE LAWS.

*Enacted by the General Assembly of North-Carolina, at its session in 1828. -29.*

#### PUBLIC ACTS.

1 An act to alter and amend the act of 1827, concerning the Public Treasurer. [Suspends, during the session of the Legislature, the provisions of the act of 1827, which requires the Treasurer & Comptroller to have monthly settlements.]

2 For the inspection of steam mill timber. [Provides that timber shall not hereafter be inspected by inspectors belonging to the steam mill as formerly, but by the town inspectors.]

3 To amend the act of 1800 concerning wrecks. [Persons taking wrecks in the sea made liable to the same penalty as taking them on land.]

4 To amend the act of 1820, chapter 1045, extending the jurisdiction of justices of the peace. [Gives jurisdiction to justices over all liquidated sums where the principal does not exceed 100 dollars.]

5 For the taking of depositions. [Provides that the Court, where either party to a suit may require the testimony of the Governor, Treasurer, Comptroller, Secretary of State, Judges of the Supreme and Superior Courts, Attorney General and Solicitors in this State, may issue a commission to take their depositions, to be read in evidence in said suits; and providing further that depositions taken in a court of law shall be passed upon by the clerk of said court in the same manner as they are passed upon by clerks and masters in chancery.]

6 Amendatory of the law respecting dower. [Giving the wife dower in an equity of redemption where there is no valid incumbrance.]

7 Amending the 9th section of the act of 1816, chapter 693, for the more convenient administration of justice within this State. [Provides that a majority of the justices of the County Courts shall be requisite to make an order for dispensing with jurors; and that whenever a majority of the justices shall concur in ordering that jurors be so dispensed within two of their said courts, it shall not be in the power of a less number of said justices to rescind such order.]

8 To determine how surveys of land shall be made to enable surveyors to obtain grants from the State, and to confirm grants heretofore made to surveyors and deputy surveyors in certain cases. [When a county surveyor shall wish to have lands surveyed in the county where he acts as principal surveyor, for the purpose of obtaining a grant from the State, the County Court shall appoint a person to make the survey, and the entry taker shall direct his warrant of survey to the person by name authorised to survey. Grants of land heretofore made to surveyors and deputy surveyors, confirmed under certain conditions.]

9 More effectually to enforce the payment of taxes from free negroes and mulattoes. [Provides that the owners of lands, on which free negroes and mulattoes reside with their permission, shall be liable for the public, county and parish taxes of said free negroes and mulattoes, and for refusal or neglect to give them in as free polls in their list of taxable property, the owners of land as aforesaid shall be liable to the same penalty as for a neglect or refusal to give in their own list of taxable property.]

10 In addition to the acts concerning Divorce and Alimony. [Gives the Superior Courts of law jurisdiction in all applications for alimony; and where an application is made for divorce and Alimony, the court may decree alimony alone—to continue as long as the justice of the case may require. Provides further, that when a man becomes an habitual drunkard and spendthrift, it shall be lawful for the wife to claim, and the court to decree alimony; and secures to the wife, where any decree shall be made, such property as she may acquire.]

11 Erecting the county of Macon.

12 In aid of the Clubfoot and Harlows Creek Canal Company. [Makes to the Company a further loan of 6,000 dollars, under the same rules, regulations and restrictions as the loan of 1826.]

13 Amending the act to prohibit the trading with slaves. [Prohibits any white person from selling to a slave any fire arms, powder, shot or lead, under a penalty of 100 dollars; and also declares such trading to be an indictable offence. It also provides that if any free negro or mulatto shall trade in the above enumerated articles, he shall, on conviction, receive 39 lashes.]

14 Repealing in part the 3d section of the act of 1806, entitled an act to revise the militia laws of this State relative to infantry, and to repeal the 9th and 10th section of an act passed in 1813, entitled an act to amend the militia laws of this State. [Repeals so much of the first recited act as inflicts the penalty of 2 shillings and 6 pence for failing to have a pouch and powder horn on the days of musters; and repeals the 9th and 10th sections of the last recited act; and provides that this act shall not be so construed as to prevent the colonels from drilling their officers on the day previous to the general or regimental musters.]

15 Amending the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace. [Provides that where an executor or administrator shall be warranted on any demand against his testator or intestate, before the expiration of nine months from the time of his taking upon him the office of executor or administrator, the magistrate shall endorse thereon a postponement of the trial until the expiration of said time; that on the trial of a warrant, if an executor or administrator shall suggest that he has a defence to make

on account of a deficiency of assets, the magistrate shall note such suggestion on the warrant, give judgment thereon if the plaintiff's demand be just, and return the same to the County Court, where the defendant may plead as though the suit were returnable to the said Court. The executor or administrator, where a suit is brought against him, shall not be compelled to plead till after the expiration of nine months. No execution on the judgment of a justice shall be levied upon the lands of heirs and devisees.

Where an execution, issued by a justice, is levied on the lands of a defendant, said defendant shall have five days notice before the term to which it is returnable. If an infant heir or devisee, against whom a judgment has been obtained on a scire facias against the real estate, has a general or regular guardian, said guardian, if the interest of the infant require it, shall obtain an order of sale to sell so much of the infant's estate as will satisfy said judgment, and proceedings thereupon shall be staid 18 months; and if the infant have no guardian, the proceedings shall be staid for 18 months after a guardian has been appointed, or for one year after his arriving at full age. The commencement of a suit against an executor or administrator shall not create a lien on the goods of the deceased.)

16 Appropriating 8920 dollars for improving the navigation of the Cape Fear river below Wilmington. (Appropriates the said sum out of the fund for internal improvements.)

17 Regulating costs in petitions for dower and partition. (Provides that the court, to whom the petition is preferred, may decree, at their discretion, by whom and in what manner the costs shall be paid; and that a larger attorney's fee than four dollars shall not be taxed in the bill of costs.)

18 Authorising the Court of Equity to grant administration in certain cases. (Where a person dies intestate, having mortgaged personal estate, and no administration shall be taken out, the Court of Equity is authorised to appoint a special administrator.)

19 Validating all grants issued by the Secretary of State on surveys made and signed only by deputy surveyors previous to the year 1820.

20 Amending the act of 1823, entitled an act to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures. (Provides that clerks of courts in this State, six months before they make a return to the Public Treasurer of monies remaining in their hands under the act of 1823, shall post up at the court house door a list of such monies, with the amount payable to each person; and for failing or neglecting to do so, shall forfeit 20 dollars.)

21 Amending the act, entitled an act to amend the act respecting lands sold for taxes, passed in 1819, chapter 1006. (Provides that every Clerk or Sheriff, who shall omit to perform the several duties enjoined by the aforesaid act, shall forfeit 100 dollars, and

be liable for such damages as may be sustained by the owner of the lands in consequence of an irregular sale.)

22 Extending the provisions of the act of 1822, granting further time to perfect titles to land within this State. (Extends the time to the 1st January, 1831.)

23 Amending the act of 1821, to promote the administration of justice in the State, by requiring the production of papers in certain cases. (Provides that the County Courts shall have the same power to require parties to produce books or writings, as the Superior Courts.)

24 Explanatory of the act of 1810, relating to bonds given by sheriffs and clerks of the Superior and County Courts. (Provides that all suits on bonds of clerks and masters in equity, if the right of action has already accrued, shall be commenced and prosecuted within three years after the passage of this act, and all suits, where the right of action shall accrue hereafter, shall be commenced within six years after the right of action shall have accrued—saving the right of infants, feme coverts, and persons non compos mentis, so that they sue within three years after their disabilities are removed.)

25 Regulating the payment of salaries to the officers of State. (Authorises the Governor, Judges of the Supreme Court, Secretary of State, Public Treasurer, Comptroller, Governor's Private Secretary, Clerk of the Treasury Department, State Librarian, and keeper of the public buildings, to receive their salaries quarterly.)

26 Providing for the protection of the arsenal and safe keeping of the public arms, and for other purposes. (Authorises the Adjutant General to employ some person to secure the windows in the State arsenal with grates; and to call in and remove the public arms to this place, in such proportion and with such reservations to the towns and companies as the Governor may direct. Directs the Adjutant General to appoint a keeper of the arms, with a salary not exceeding 60 dollars per annum.)

27 Amending the act of 1823, chapter 1235, entitled an act to amend an act, passed in 1819, to create a fund for internal improvement, and to establish a Board for the government thereof. (Repeals so much of the 2d section of the said act as authorises the employment of a Civil Engineer.)

28 Authorising the time of payment of purchase money on entries of land made in 1826. (Extends the time to the 31st of Jan. 1829.)

29 To ratify and confirm the sale of the land and negroes conveyed to the Governor for the use of the state, as made by the commissioners to superintend the sale of the property for the late Treasurer.

30 To restrain the justices of the County Courts in granting licenses to retail spiritous liquors. [Provides that licenses shall not be granted to any but a free white person of good moral character, to be testified to by at least two witnesses.]