

# THE STAR,

## And North-Carolina State Gazette.

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Vol. A.

(By Authority.)

### LAWS OF NORTH-CAROLINA.

Passed by the Legislature at its session in 1817.

(Revenue Law continued.)

XXII. *And be it further enacted,* That each sheriff upon settling his accounts with the Comptroller, County Trustee and County Wardens within their respective counties for the preceding year, shall make and subscribe an affidavit that he has duly accounted for in his settlement for all taxes received by him under this act upon any occupation, article or thing included in the lists of taxable property furnished to the clerk of his county, and shall append to the said affidavit a list of all such taxes so by him received, and the names of the persons from whom he received the same, and set forth opposite to each item the occupation, article or thing for which the said taxes were received: And whereas, sheriffs after they have made their settlements with the Comptroller, may collect taxes from delinquents, and there is no security for their accounting for the taxes so collected.

XXIII. *Be it further enacted,* That in addition to the oath required to be taken by sheriffs on settling with the Comptroller, said sheriffs shall swear that if he collect any delinquent tax by distress account in said settlement, he will render a true account thereof to the Comptroller within one year after such collection, and if it shall be discovered by any sheriff, or any person by virtue of having a sheriff shall collect delinquent taxes and shall not account for the same as herein required, such sheriff or other person shall be liable to pay four fold the amount of the sum so collected and not accounted for, to be recovered in the name of the state before any jurisdiction having cognizance thereof.

XXIV. *And be it further enacted,* That the sheriffs of the several counties in this state shall in future be allowed the sum of three dollars for the day they be engaged in making their settlements with the Treasurer, to be paid by the Treasurer.

Read three times and Ratified in General Assembly, the 23d day of December, A. D. 1817.

B. YANCEY, S. S.

J. A. IREDELL, S. H. C.

A true Copy, WM. HILL, Secretary.

*An act to alter the mode of punishing the crime of Horse Stealing.*

*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 the crime of Horse Stealing shall in future, in the first instance be considered as a clerical felony.

II. *And be it further enacted,* That if any person shall be found guilty of feloniously stealing any horse, mare, gelding, jack ass, or mule within the limits of his state, for the second offence such person shall suffer death without benefit of clergy; any law to the contrary notwithstanding.

*An act to increase the penalty for neglecting or refusing to work on the Public Highways within this state.*

*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 the sum of ten shillings per day shall be recovered from any person or persons liable to work on any of the highways in this state, who shall refuse or neglect to attend and perform the services required by law.

II. *And be it further enacted,* That in all cases where the several overseers of roads are compelled to warrant their hands for neglect or refusal to perform their duty, and the said defendants are unable to discharge said judgment and costs it shall be the duty of the respective county courts in this state to pay the costs upon the affidavits and warrants, *Provided,* that the defendant shall first have taken the benefit of the act for the relief of insolvent debtors.

III. *And be it further enacted,* That all persons owning slaves liable to work on any public highway, who shall refuse or neglect to send their slaves when summoned as prescribed by law, shall forfeit and pay for each slave the above named penalty.

IV. *And be it further enacted,* That the penalty hereby imposed shall be recovered and applied under the rules, regulations and restrictions as are now prescribed by law.

V. *And be it further enacted by the authority aforesaid,* That all acts and parts of acts coming within the purview and meaning of this act, be and the same are hereby repealed and made void.

*An act supplemental to an act entitled, "An act declaring the duties of Clerks and for other purposes," passed in the year 1816.*

*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 for each summons directed to be issued by the act above referred to, and to which this act is a supplement, the sheriffs respectively for each county in this state shall be entitled to demand and receive of the person against whom such summons shall be issued the sum of thirty cents; any law, usage or custom to the contrary notwithstanding.

*An act concerning Promissory Notes and other Negotiable Instruments.*

*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 it shall and may be lawful for any person or persons, bodies politic and corporate, having a right to demand any sum of money due upon any endorsed promissory note, single bill, bond or other writing obligatory which is, shall or may be negotiable by the laws of this state, to commence and prosecute at the option of the person or persons, bodies politic or corporate having such right, on action or actions for such sum or sums of money so due as aforesaid against the maker or makers of such promissory note, or obligor or obligors in such bill, bond or other writing obligatory, and the endorser or endorsers thereof, jointly or against any one or more of such makers or obligors and endorsers, and judgment shall and may be given accordingly; any law to the contrary notwithstanding.

*An act directing what number of Jurors may hereafter be drawn to serve in the Superior and County Courts.*

*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 the several County Courts of Pleas and Quarter Sessions held in this state, may draw any number of Jurors not exceeding thirty-six, nor less than thirty, to serve in the superior and county courts aforesaid.

II. *And be it further enacted,* That this act shall be in force from and after the passing thereof.

*An act to amend the Road Law.*

*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 whenever any person by permission of the court of his county, and agreeably to law, shall have turned, altered or changed any road, and shall tender the same to the overseer and the overseer shall refuse to receive said road upon the ground that the said road is not in good or sufficient order, the person making such alteration in the road, if dissatisfied with the decision of said overseer, may petition the court of his county, who shall appoint three persons to examine said road, and their report as to the condition of the road shall be conclusive: And in like manner, any person liable to work on any road, or any person sending three hands to work on any road and dissatisfied with the certificate or decision of any overseer, that a road altered or turned, or a new road opened, is in good and sufficient order, may make his objection to said certificate to the court of his county at the term such certificate is returned, and said court shall appoint three persons to examine said road, and their report as to the condition of said road shall be conclusive.

II. *Be it further enacted,* That no order of a county court imposing a toll on any road or bridge shall be made unless all persons are subjected to said toll, and every order heretofore made or hereafter to be made, exempting any person from the payment of toll over bridges or roads, shall be null and void.

*An act further pointing out the duty of Overseers of Roads.*

*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 passing of this act, it shall be the duty of the Overseers of the roads in the several counties in this state where the county court may direct, to make or cause to be made and kept in repair good and sufficient foot ways across all swamps and runs of water that may cross that part of the road allotted them by an order of the court of said county, for the convenience of travellers on foot, and in case of failure, be subject to indictment as in other cases of neglect, in the performance of their duty on roads.

II. *And be it further enacted,* That it shall also be their duty to erect and keep hand-rails on each side of all hollow bridges where the county courts may direct which may be situated on that part of said road so allotted them by the county court.

III. *And be it further enacted,* That it shall be the duty of owners of toll bridges to keep good and sufficient hand-rails across the same.

*An act to compel owners of Water Mills situated on Public Roads to keep in repair their bridges.*

*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 passing of this act it shall be the duty of every owner of a Water Mill within any county in this state whose mill is situated on any public road, to keep at his, her or their own expense, in such order as the county court thereof may deem sufficient, all bridges that are or may be erected and attached to his, her or their mill dam immediately over which such public road may run: *Provided,* that nothing herein contained shall be construed to extend to any mill which was erected before the laying off of any such road, except such road as was laid off by the request of the owner of said mill.

II. *And be it further enacted by the authority of the same,* That every owner or owners of any such water mill, who shall refuse or neglect to do his, her or their duty as is by this act directed, or shall let remain out of repair any such bridge or bridges for the space of ten days, unless prevented by unavoidable circumstances, such owner or owners shall forfeit for each and every such offence, the sum of ten pounds over and above such damage as may be sustained.

III. *And be it further enacted by the authority of the same,* That all offences committed or done against this act shall be prosecuted by indictment in any court having cognizance thereof; and all forfeitures shall be recovered by action of debt, bill, plaint or information, one half to the use of the prosecutor, the other half to the use of the poor of the county in which the same may be recovered; any law to the contrary notwithstanding.

*An act to amend the several Inspection Laws of this State.*

*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 so much of any act of the General Assembly of this state as authorizes the Inspectors of Tobacco, to cause refused Tobacco, or Tobacco not fit for exportation, to be burnt, be and the same is hereby repealed.

II. *And be it further enacted,* That in all cases hereafter, when a note for Inspected Tobacco, shall be lost or destroyed, the owner thereof shall, before obtaining another note for the same, give bond with approved security to the Inspectors, who gave the lost or destroyed note, or their successors, in double the amount of the value of the Tobacco, to indemnify the person who may hereafter produce the original note, the value by him paid for the same: The bond so taken shall be assignable by the Inspectors taking the same to the person producing the original note, who may maintain an action of debt thereupon, and such assignment shall exonerate the Inspectors from any claim or demand against them, by virtue of the original note.

III. *And be it further enacted,* That this act shall be in force from and after the passing thereof.

*An act prescribing the duty of the Majors and Brigadiers General of the Militia of this State in certain cases.*

*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 in future it shall be the duty of the Majors and Brigadiers General of the Militia of this state, to give fifty days notice by order to the commandant of their regiments or brigades previous to such reviews taking place; and the reviews shall take place by the Brigadiers and Majors General as aforesaid at the same times and under the same rules and regulations as heretofore prescribed by law.

II. *And be it further enacted,* That any Major or Brigadier General failing to give notice as above specified, shall forfeit and pay for every offence the sum of fifty dollars, to be recovered before any jurisdiction having cognizance thereof, one half to the county in which such offence is committed, and the other half to the use of the persons suing for the same.

III. *And be it further enacted,* That if any Brigadier General shall fail to make his return to the Adjutant General as required by the 24th section of the militia act passed in 1806, such Brigadier General so failing, shall forfeit and pay the sum of fifty pounds, to be sued for and recovered in like manner as other fines.

*An act to authorize the Courts of Pleas and Quarter Sessions of the respective counties in this state to increase the fees of the Jailors thereof.*

*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 the Courts of Pleas and Quarter Sessions of the several counties within this state, be and they are hereby authorized and empowered, whenever they shall deem it expedient, a majority of the acting Justices being present, to increase the fees of the Jailors of their respective counties; *Provided,* the same does not exceed fifty per cent upon the fees now by law established.

II. *And be it further enacted,* That whenever any county court shall increase the Jailors' fees of said county, they shall cause the same to be recorded, which sum shall not be altered within one year thereafter.

*An act to authorize the several Courts of Pleas and Quarter Sessions within this State to lay a tax sufficient for the maintenance of the poor.*

*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 the several Courts of Pleas and Quarter Sessions within this state, be and they are hereby authorized on the application of the wardens, to lay a tax which may be sufficient for the maintenance of the poor, which said tax shall be collected and accounted for to the Wardens and applied by them in the manner now prescribed by law: *Provided,* that a majority of the Justices be present when said tax is laid.

II. *And be it further enacted,* That all laws and clauses of laws which come within the meaning and purview of this act be, and the same are hereby repealed and made void.

*An act concerning Mad Dogs.*

WHEREAS, that most dreadful of all maladies Hydrophobia, has become much more common than formerly, by reason of the negligence of the owners of Dogs: For remedy whereof,

*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 whenever the owner of any Dog shall know or have good reason to believe that his or her dog, or any dog belonging to his or her slave or other person in his or her employment, has been bitten by a mad dog, and shall neglect or refuse immediately to kill the same, he or she so refusing or neglecting shall pay the sum of twenty-five pounds, to be recovered for the use of him or her who may sue for the same, in any court having jurisdiction thereof, with costs.

II. *And be it further enacted,* That he or she so refusing or neglecting as aforesaid, shall be further liable to pay all damages which may be sustained by any person or persons whatsoever by the bite of any dog belonging as aforesaid.

*An act to amend the Health Laws of this State.*

*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 if any vessel shall be brought into the state from a place which, at the time of her departure was infected with the Yellow Fever, Small Pox or other infectious disorder, or if any vessel arriving in this state shall have the small pox or yellow fever, or other infectious disorder on board, or which shall have had such disorder on board during her passage to this state, such vessel shall be anchored at the place appointed for quarantine, and there remain until permitted to remove by the commissioners of navigation or by the commissioners of the town to which said vessel is bound, and if any such vessel shall come to such town or into its harbor without permission obtained as aforesaid, the pilot or master conducting said vessel or ordering or permitting her to be so conducted to such town or harbor, shall be subject to indictment in the court of pleas and quarter sessions or superior court of the county in which said offence is committed, and upon conviction, shall be fined not less than five hundred pounds and to imprisonment until such fine and costs are paid; *Provided* such imprisonment shall not exceed one year.

II. *BE it further enacted,* That the commissioners of navigation or the commissioners of the town in the harbor of which any vessel shall have arrived in violation of this act, shall have power and are authorized to use such force as shall be necessary to remove said vessel to the place of Quarantine, their reasonable charge for which service shall be paid by the master or owner of said vessel and may be recovered by either of them before any jurisdiction having cognizance thereof.