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## Laws of North Carolina.

Passed 1819.

(BY AUTHORITY.)

An Act relative to the apprehension of runaway Slaves.  
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 all persons hereafter, who may apprehend and confine in any runaway slave agreeably to the existing laws, for whom reward shall not have been offered, shall be entitled to receive and receive from the owner of such slave, the sum of five dollars, to be taxed by the jailor against such owner, and collected with his prison fees, Provided however, That this act shall not be construed to extend to cases where a slave is apprehended in the county in which their master, mistress or overseer reside.

An Act for the speedy decision of controversies about lands conveyed to or condemned for the use of Companies incorporated for cutting canals or for other public purposes.

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 all cases where disputes have arisen or shall arise between an incorporated company, for cutting a canal, or for other public purposes, and any individual or individuals, claiming the possession of, or title to land alleged to have been conveyed to an incorporated company, for cutting a canal or for other public purpose, or to have been condemned for the use thereof, and of which land the alleged conveyance or condemnation is not to be found of record, full and complete jurisdiction of all such disputes and of the subject matter thereof, both in law and equity, be, and the same is hereby given to the Court of Pleas and Quarter Sessions of the county wherein the land lies, and also to the Superior court of said county; and it shall be competent for either court, upon a petition in writing, whereof ten days previous notice shall have been given to the adverse party, to examine into the matter in controversy in a summary way, and to render and carry into execution such decrees thereon, as of right and in equity ought to be made and done.

II. And be it further enacted, That this act shall be in force from and after its ratification.

An Act to authorize the Rangers of the several counties in this State, to administer oaths in certain cases, and for other purposes.

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 Rangers in the several counties in this state, on all applications to enter on their respective books, any estray or estrays, to administer to the freeholders called upon to value such estray or estrays, on oath for the faithful and impartial discharge of their duty; and also to administer the usual oath to persons by whom the owner or owners of property entered or to be entered as estrays may wish to prosecute, before the taking of such property: And any person swearing falsely and corruptly before any Ranger in this state, in any case in which he is authorized by this act to administer oaths, shall upon conviction, suffer the penalties already prescribed by law in cases of perjury.

II. And be it further enacted, That if any person shall hereafter take up any estray or estrays, and shall fail to have the same valued and entered upon the ranger's books as by law directed, he, she or they so offending, shall forfeit and pay the sum of ten pounds, to be recovered as heretofore provided by law.

III. Be it further enacted, That all acts and clauses of acts, coming within the meaning and purview of this act, be and they be hereby repealed.

An Act concerning Militia fines and forfeitures.

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 the acts of the General Assembly now in force, as directs that the fines and forfeitures incurred by officers of regiments, brigades and divisions, for not making the returns required by law, to be appropriated to the use of the said regiments, brigades and divisions, be, and the same is hereby repealed.

II. And be it further enacted, That all such fines and forfeitures shall hereafter be paid into the Public Treasury of this state by the officers into whose hands the same may come, to form a fund for the payment of the salary allowed to the adjutant general, and to defray the contingent charges incurred in the execution of the laws respecting the militia.

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

An Act to repeal part of an act passed in the year one thousand seven hundred and eighty-four, entitled "an act for the more regular collecting and accounting for the public taxes."

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 an act passed in the year one thousand seven hundred and eighty-four, entitled "an act for the more regular collecting, payment of, and accounting for the public taxes as requires that the bond directed by law to be annually given by the Public Treasurer, shall be approved by the Governor's council, be and the same is hereby repealed.

An Act to prevent frauds in the revocation of last wills and testaments.

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 no devise in writing of lands, tenements or hereditaments, or any clause thereof shall be revocable, otherwise than by some other will or codicil in writing, or other writing declaring the same, or by burning, cancelling, tearing or obliterating the same, by the deviser himself, or in his presence and by his direction and consent: But all devises of lands and tenements, shall remain and continue in force until the same be burnt, cancelled, torn or obliterated by the deviser, or in his presence and by his consent and direction; or unless the same be altered or revoked by some other will or codicil in writing, or other writing of the deviser signed by him or some other person in his presence and by his direction, and subscribed in his presence, by two witnesses at least, or unless the same be altered or revoked by some other will or codicil in writing or other writing of the deviser; all of which shall be in the hand writing of the deviser, and his name subscribed thereto or inserted therein, and lodged by him with some person for safe keeping, or left by him in some secure place, or among his valuable papers or effects; every part of which will or codicil, or other writing shall be proved to be in the hand writing of the deviser, by three witnesses at least.

II. And be it further enacted, That no will in writing, pass-

ing or bequeathing a personal estate of greater value than one hundred pounds current money of North Carolina, or any clause thereof shall be revocable otherwise than by some other will or codicil or other writing declaring the same; or by burning, cancelling, tearing or obliterating the same, by the testator himself, or in presence or by his direction and consent. But such will in writing, passing or bequeathing a personal estate of greater value than one hundred pounds, shall continue and remain in force until the same shall be burnt, torn, cancelled or obliterated by the testator himself, or in his presence by his direction and consent, or unless the same be altered or revoked by some other will or codicil, or other writing executed in the same manner, and with the same formalities as a will, good and sufficient in law to pass a personal estate of greater value than one hundred pounds currency.

An Act to confirm the boundary line between this State and the State of Georgia, so far as the same has been run.

Whereas the States of Georgia and North-Carolina, by their respective commissioners, duly authorized for that purpose, have run and marked in part, the boundary line between the said states, in conformity with articles of conventional agreement made and concluded by, and between the said states, by their respective commissioners, at Buncombe Court-House, on the eighteenth of June, one thousand eight hundred and seven: And whereas, the said first mentioned commissioners have reported the running and marking said boundary line as follows:—To commence at Ellicott's Rock, and run due west on the thirty-fifth degree of north latitude, and marked as follows: The trees on each side of the line with three chops, the fore and aft trees with a blaze on the east and west side, the mile trees with the number of miles from Ellicott's Rock on the east side of the tree, and a cross on the east and west side; whereupon the line was commenced under the superintendance of the undersigned commissioners jointly: Timothy Tyrrel, Esquire, surveyor on the part of the commissioners of the state of Georgia, and Robert Love, Esquire, surveyor on the part of the commissioners of the state of North-Carolina—upon which latitude the undersigned caused the line to be extended just thirty miles due west, marking and measuring as above described, in a conspicuous manner throughout; in addition thereto, they caused at the end of the first eleven miles after first crossing the Blue Ridge a rock to be set up descriptive of the line, engraved thereon upon the north side, September 25th, 1819, N. C. and upon the south side, 33 degree N. L. G. then after crossing the river Cowee or Tennessee, at the end of sixteen miles near the road, running up and down the said river, a locust post marked thus on the south side, Ga. October 14, 1819; and on the north side, 56 degree N. L. N. C. and then at the end of twenty-one miles and three quarters, the second crossing of the Blue Ridge, a rock engraved on the north side, 25 degree N. L. N. C. and on the south side, Ga. 12th Oct. 1819; then on the rock at the end of the thirty miles, a rock to be set up on the north side of a mountain, the waters of which fall into Shooting creek, a branch of the High-wasse, due north of the eastern point of the boundary line, between the states of Georgia and Tennessee, commonly called Montgomery's Line, just six hundred and sixty-one yards.

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 said boundary line, as described in the said report, be, and the same is hereby fully established, ratified and confirmed forever as the boundary line between the States of North-Carolina and Georgia.

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

An Act to amend the acts respecting lands sold for taxes.

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 sheriff of every county shall at the term of the Court of Pleas and Quarter Sessions of his county, next preceding the day he shall fix for the sale of any lands for taxes, in open court return a list of the tracts of land upon which the taxes are unpaid, and which he proposes to sell for the taxes; therein mentioning the owner of each tract and if the owner be unknown, the name of the last known or reputed owner shall be mentioned, the situation of said lands, and the amount of tax thereon due, which said list shall be read aloud in open court, recorded by the clerk, upon the minutes of the court, and a copy thereof shall be put up by the said clerk, during the said term, in the court room.

II. Be it further enacted, That it shall be the duty of the sheriff at the term of the Court of Pleas and Quarter Sessions of his county, next after any sale of lands by him made for taxes, to return to said court a list of the tracts of land by him sold for taxes, the quality thereof so bid off for the tax, the name of the purchaser, and the sum due or paid to said sheriff, by said purchaser for tax and charges, which list shall be read aloud by the Clerk in open Court, shall be recorded in the minutes of the court, and a copy thereof shall be put up by the clerk during the said term in the court room.

III. Be it further enacted, That it shall be competent for any person desiring to redeem said lands, to pay the sum due for the redemption thereof, to the clerk of the said court, whose receipt shall discharge the said land from all claim from the purchaser: Provided, such payment be made within the time fixed by law for redemption of lands sold for taxes; and Provided also, That nothing herein contained shall be construed to dispense with the advertisement by the sheriff of his sales of lands for taxes as now by law directed.

An Act to amend an act passed in the year one thousand eight hundred and fourteen, entitled "an act concerning divorce and Alimony"

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 when on complaint and due proof made, a competent court shall hereafter decree a divorce from bed and board, the wife so divorced shall have capacity to acquire, retain and dispose of all such property as may thereafter be procured by her own industry or may accrue to her by descent, devise, gift, bequest or in any other manner; and that the said property shall not be liable to the power, dominion, controul or debts of her husband, but on her death without a disposition thereof by her, shall be transmissible in the same manner as though she were unmarried.

II. And be it further enacted, That after a divorce decreed as aforesaid the wife may sue and be sued without joining her husband, and may claim redress for, and be made liable upon contracts and injuries thereafter made and done as though she were a feme sole.

An Act to amend an act passed in the year one thousand eight hundred and two, entitled "An act to prevent conspiracies and insurrections among slaves"

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 when any slave or slaves shall hereafter be convicted of either of the felonies created and recited in the first or second section of said recited act, he, she or they shall suffer death without the benefit of clergy, or be transported according to the provisions of said recited act.

An Act to provide for the payment of witnesses on behalf of the 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 hereafter witnesses summoned or recognized on behalf of the state, to attend on any prosecution either in the Superior or County Courts and the defendant by law shall not be bound to pay the same, and the court do not order them to be paid by the prosecutor, shall be paid by the county in which said prosecution was commenced.

An Act to amend an act passed in the year 1812, entitled "an act making the protest of a notary public evidence 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 all actions of law, wherein it may be necessary to prove a demand upon, or notice to the drawer or indorser of a bill of exchange or promissory note or other negotiable security, the protest of a notary public, setting forth that he has made such demand, or give such notice and the manner in which he has done the same, shall be prima facie evidence that such demand was made or notice given, in manner set forth in such protest.

An Act more effectually to compel payment from the officers therein named of monies by them received in virtue or under colour of their office.

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 a sheriff, coroner, constable, Clerk of a court of law, or clerk and master in equity has collected or received, or shall have collected or received, any money by virtue or under colour of his office, and on demand shall fail to pay the same to the person entitled to require the payment thereof, it shall be lawful for the person thereby aggrieved to move for judgment, in any court having competent jurisdiction, against such sheriff, coroner, constable, clerk, or clerk and master as the case may be, and against any or all of his securities; and it shall be the duty of such court to try the same and to render judgment accordingly, and at the term when the motion shall be made, provided ten days notice, in writing, be served on the officer and on whom judgment is prayed.

II. And be it further enacted, That whenever hereafter money received as aforesaid, shall be unlawfully detained by a sheriff, coroner, constable, clerk of a court of law, or clerk and master in equity, from any person entitled to require the payment thereof, it shall be lawful for the person thereby aggrieved, whether pursuing his remedy against such delinquent or his representatives, or his securities, whether suing in the mode by this act prescribed or in any other way known to the law, to recover over and above the sum detained, damages at the rate of twelve per centum per annum, from the time of such detention until payment, and such damages shall form a part of the judgment to be rendered in his behalf by the court or the magistrate before whom his action may be brought: Provided, That such officers shall not be liable to the damages hereby given, if such officers shall offer payment in any of the notes of the Banks of this State; unless the creditor shall have given notice to such officer not to receive any monies but gold or silver.

An Act to prevent fraudulent trading with Slaves

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 person or persons shall deal, trade or traffic with any negro slave, the property of another, for any cotton, tobacco, flax, corn, wheat, rice, rye, oats, barley, bacon, pork, spirituous liquors or beef, at any time, or for any kind of goods or commodities, or any thing in the night time, or between the setting of the sun and the rising thereof, or on the sabbath day, without a permission in writing from the master, mistress or other person having the management of such slave or slaves, setting forth the specific article or articles such slave or slaves may have for sale, every such person or persons, on conviction before any justice of the peace in the county where such offence was committed, shall pay the sum of fifty dollars, the one half thereof to the use of the person suing for the same, and the other half to the wardens of the poor of said county.

II. Be it further enacted, That the said offence shall moreover be indictable in the County or Superior Court; and the defendant on conviction, shall be fined or imprisoned at the discretion of the Court, Provided, the fine shall not exceed fifty dollars, or the imprisonment three months.

III. Be it further enacted, That if it shall appear on the trial that the defendant is a licenced retailer of spirituous liquors by the small measure, he or she shall also forfeit his or her retailing licence, and shall be incapable of taking a new licence for the space of two years from and after the date of his or her conviction.

IV. Be it further enacted, That either of the parties being dissatisfied with the judgment of the justice, or verdict of the jury, may appeal therefrom as in other cases.

An Act giving to the Courts of Pleas and Quarter sessions power to regulate separate elections.

Whereas much of the time of the General Assembly is required to pass acts establishing and altering the places of holding separate elections,

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 the Courts of Pleas and Quarter Sessions of this state, at the term of election of sheriffs, a majority of the justices of said county being present, shall have full power and authority to fix and alter the places of holding separate elections in their respective counties; elections at the places so fixed to be subject to the same rules and regulations as elections are subject to by the general laws of the state.