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## Laws of N. Carolina, passed in 182728.

## BY AUTHORITY.)

Be it ensoled by the General Assembly of the State of North-Carplina, and it is hereby enacted by the authority of the same, That the Treasurer shall be annually elected, and the election shall be made as early in each session as can be conveniently done; before entering into office, and within lifteen days after his election, he shall take and subscribe the oath herein ofter prescribed, before some justice of the peace; he shall give duplicate houds to the Governor, with securities, to be approved by the Governor and the Spockers of the two Houses of the General Assembly, in the penalty of two hundred and lifty thousand dollars, bayable to the Governor for the time being and his successors in office, with condition, that he will faithfully account for all monies and other things which shall come to his hands in virtue of his office, and perform all other duties required by law, or which may hereafter be required by law, of the Treasurer of this State; and the said Treasurer shall execute duplicates of said bond, and the said Treasurer shall execute duplicates of said bond which shall be endorsed "approved," and signed by the Gover-nor and Speakers of the two Houses; and one duplicate shall be delivered by the Governor to the Comptroller, and the other to the Secretary of State, for safe keeping; and the certificate of the Treasurer's qualification shall be delivered to the Comptroller, and filed with the bonds: Provided, that the election of Treasurer shall not take place until after the committee of Finance shall have made their report on the state of the Treasury.

II. And be it further enucted, That suit may be brought on ei

er of said bonds, to the use of the State, and judgment entered in the same manner, and under the same rules and regulations as have been, or shall be prescribed for entering judgment a

III. And be it further enacted. That it shall be the duty of the Treasurer, in books provided for that purpose at the public ex pense, to state and keepan account of all money received by him for public taxes and impositions, and otherwise, and paid in pur-suance of public dues, acts and votes of the General Assembly. in such a manner that the nett produce of the whole revenue, a well as of every branch thereof, and the amount of disbursements in discharge of the several demands, may distinctly appear; which said accounts shall at all times be liable to the inspection and examination of the General Assembly.

IV. Be it further enacted. That if the person elected Treasure shall fail to give band and security within the time mentioned by this act, it shall be the duty of the Governor to communicate the same to the General Assembly, who shall proceed to elect some

V. Be it further engeted. That if at any time, there shall no be fifteen days between the election of Treasurer and the rise of the General Assembly, then the bonds required by this act shall be given to the Governor within fifteen days after such election. and be by him endorsed "approved;" and if any person elected Treasurer shall fail to give such bond within the time prescribed and the Legislature should not then be in session, it shall be the daty of the Governor to call the Council of State, and proseed to appoint some other person Trensurer; and the person s appointed shall give bonds and security within fifteen days, to be approved by the Governor: Provided, that in no case shall any person, appointed Treasurer either by the General Assembly o the Governor and Council, enter into office before giving bonds, and taking and subscribing an oath of office, as required by this

VI. Be it further enacted, That in case of a vacancy in the of fice of Treasurer, by death, resignation, disability or otherwise, during the recess of the General Assembly, then it shall and may be lawful for the Governor, and he is hereby empowered and re suired, with advice of his Council, to appoint some other suitable person to the office of Treasurer; which person so appointed shall have all the powers, authorities and emoluments hereby granted, subject to the same rules, regulations and penalties herein directed; which office he shall hold until the end of the succeeding session of the Legislature, and no longer.

VII. Be it further enacted, That all sheriffs and receivers of public monies shall settle their public accounts, or cause them to sesttled, with the Comptroller of this State; the whole of which settlements, except those which now are or may hereafter be excepted by law, shall be made in the months of July, August and September in each and every year; and it shall be the duty o the Comptroller, on forming any such settlement, forthwith to re port the sums or amount due from such accountant to the Treasurer of the State, setting forth in such report (if a sheriff's ac count) the nett amount of each species of public tax; and the Treasurer shall raise an account against each and every of such persons, and debit them accordingly. In case any such person shall fail to appear. fully pay up and finally settle for the sums so reported against aim or them on or before the first day of Oc toper in each year, it shall then be the indispensable duty of the Treasurer, and he is hereby required to take judgment without delay for the several sums or balances due the State agreeably to such reports; to which sum, in case the delinquent be a sheriff shall be added his commissions, which shall be considered as absolutely forfeited to the State; and it is hereby declared, that in all cases of a delinquency of sheriffs, clerks of courts, collectors of imposts, vendue masters, and others accountable for public monies, the Comptroller's report shall be held and deemed sufficient testimony for the court and jury to found their verdict on.

VIII. Be it further exacted, That in all cases of failure of a sheriff to settle his account within the time by law required, and to take the oaths prescribed by law, it shall be the duty of the emptroller, and he is hereby directed to report immediately on the same, allowing neither commissions nor insolvents, but add ing to the account the sum of four hundred dollars as the suppor ed amount of such delinquent's receipts from tavern keepers an persons failing to give in their lists of taxable property.

IX. Be it further enacted, That the public Treasurer shall no discharge any grant of the Assembly, or warrant of the Governor bereafter to be issued, unless in the said grant and warrant if

X. And be it further enacted, That the Public Treasurer, consideration of his office, shall be entitled to and receive the sal-ary of lifteen hundred dollars per annum in full consideration of and fixing the hours of business to be observed by the heads of ary of afteen hundred dollars per annum in full consideration of all services incident to his office; and the Treasurer is hereby required to take and subscribe the following oath: "I swear that according to the best of my abilities and judgment, I will execute impartially the office of Public Treasurer, in all things according to the law, and account for public taxes, and that I will not directly or indirectly apply the public money to any other use than by law directed: So help me God."

XI. Be it further enacted, That the Trensurer shall form an accurate statement of the Trensury, which shall be laid before the General Assembly of each year, and be published, and bound up with the laws of each session; in which statement shall be cified the nett produce of the several branches of revenue, the several allowances for insolvencies and the arrears of any sheriffs or county treasurers; all allowances or drafts made by the General Assembly, and warrants issued by the Governor shall be severally unumerated, briefly setting forth in whose favor they

were made or drawn, and on what account.

XII. Be it further enacted. That it shall be the duty of the Treasurer and Comptroller of this State, to have monthly settlements of all accounts of public monies which by law they are required to keep, and once in each month to balance said accounts, and ascertain the amount of public money in the possession of the Freasurer; which said amount shall immediately thereafter sited by the Treasurer in the banks of this State.

XIII. Be it further enacted. That for all deposites of public mo-

ney made by the Treasurer in the banks of this State, the ca ter thereof shall give duplicate certificates of deposite, one to the Comptroller, which he shall file and unfely keep in his office, and the other to the Treasurer; and which certificates shall be given by the cashier at the time the deposite shall be made by the

XIV. Be if further enocied. That the Trea-urer shall from time to time, as the public interest may require it, check for the public momes deposited in the Banks as aloresaid; and the amount for which he shall so draw, he shall account with the Comptroller in their monthly settlements; but the Treasurer may check for, and keep in his office during the session of the Legislature, an amount of money sufficient to pay the members and officers of the wo Houses

XV. Be it further enacted. That if at any time the Treasurer chall suspect the solvency of any of the Banks in which public monies are deposited, it shall be his duty to communicate the same to the Governor; and if, upon an examination of the subject, the Governor shall consider that the public interest requires the public money to be withdrawn from the Bank, it shall be the duty of the Treasurer immediately to remove or cause to be removed the deposite in the said Bank.

XVI. Be it further enacted. That the books and accounts of the meeting as follows:

1. It was the your includence and leave and addressed the meeting as follows:

Treasurer and Comptroller shall be subject to the inspection and examination of the Committee of Finance of the Legislature during each session of the Legislature; and it shall be the duty of the said committee carefully to examine at each session the exact condition and statement of the deposites made in the said Banks by the Treasurer, and ascertain the amount of funds of the State the time of the report of the Treasurer to the Legislature; and they shall report thereon at each session.

XVII. Be it further enocted. That if at any time hereafter it has counts from the pation; the justice you have done to the pation; the justice you have done to the bravery and nationand of the pation; the justice you have done to the bravery and nationand of the pation; the justice you have done to the bravery and national of the pation; the justice you have done to the bravery and national of the pation; the justice you have done to the bravery and national of the pation; the justice you have done to the bravery and national of the pation. Treasurer and Comptroller shall be subject to the inspection and 1 trust that your indulgence, gentler examination of the Committee of Finance of the Legislature due. will excuse me, when I confess that I did

shall appear, from the accounts kept between the Comp-troller and Treasurer, or it shall appear in any other way, that he Pressurer has not accounted for and paid over the public monies of this State as directed by law, it shall and may be lawful for the State to move for and obtain judgment against the said Pressurer and his securities, or any of them, in any court of reord in this State, first giving to the persons against whom such notion shall be made at least five days notice of the time and lace, when and where such motion will be made; and upon such adement execution shall issue as in other cases.

XVIII. Be it further enacted, That if any person appointed Treasurer shall die indebted to the State, or being so indebted, Treasurer shall die indebted to the State, or being so indebted, which they promptly and unanimously step-shall become insolvent, any debt which he may owe to the ped forth, under circumstances of imminent State shall be first satisfied; and the priority hereby establish-ed, shall be deemed to extend to cases in which such debter, not ed, shall be deemed to extend to cases in which such debtor, not littoal rights, held dear by men!!" having sufficient property to pay all his debts, shall make a vo-luntary assignment thereof, or in which his estate or effects shall

be attached as of an absconding, concealed or absent debtor.

XIX. Beit further enacted, That the Treasurer be allowed the sum of five hundred dollars as a salary to a clerk or clerks as he may think proper to employ in the office, to be paid out of the of without accognice, and repeat without beby the Governor.

XX. Be it further enacted, That the Treasurer shall, in al payments made to him, grant two receipts of the same tenor and date: one of which receipts shall be filed in the Comptroller's office, and the other shall be endorsed by the Comptroller and confice, and the other shall be endorsed by the Comptroller and con-their past services, and express his convic-tinued with the person who has made the payment; without which tion that they will verify the prediction you endorsement of the Comptroller, no receipt said to be given by have made of their f ture cooduct, (here the Treasurer shall be operative.

XXI. Be it further enacted. That the receipt and expendition was interuped by the greatest applause,) he can identify himself with them, if not in their merits, at least in

tures of the Literary Fund and the Fund for Internal Improve-ment, shall be, in all cases, passed through the Comptroller's of now does, thanks for the expressions of fra-fice, be examined by him and entered on his books, in like manner ternal feeling which have just been exhibited,

as all other receipts and expenditures.

XXII. Be it further enacted. That in all cases where judgments have been, or shall be obtained against delinquent sheriffs, and others in arrears to the State, and where it shall so happen that the principal and his securities do not all reside in the same whenever either shall be invaded. county, it shall and may be lawful for the clerks of the courts, on application of the Treasurer, to issue executions from time to time to any one of the counties in which either of the parties reference of the counties in which either of the parties reference of the applications but it acquires inestimable value from its being offered on the applications of sides, or in which their property may be found; any law, custom or usage to the contrary notwithstanding.

XXIII. And be it further enacted, That on the first day of No. vember, in each and every year, it shall be the duty of the Public ing as their guest and their deliverer. Phere Treasurer and Comptroller for the time being, to certify and deli-

their settle nents with the Treasurer, and shall also be allowed the sum of one dollar and fifty cents for every thirty miles of the estimated distance of going and returning home by the most usual road from their places. Tresidence to the seat of government, to be paid by the Treasurer; and if any sheriff shall fail to pay the whole amount of the taxes due from him to the State, at the time he makes such settlement, he shall not be entitled to any pay for mileage, nor to the three dollars a day allowed for his detention in making the settlement.

XXV. Be it further enacted, That the Public Treasurer of this State shall have full power and authority to move for judgment against any person or persons, acting as agents for the State, who the service, and promised the reward, and on against any person or persons, acting as agents for the State, who are indebted to the State by or on account of such agency, in any this occasion, as it was on that, will the percount of record of this State, in the same manner and under the same rules and regulations which are prescribed in cases of delinquent Sheriffs; and the said courts shall respectively render judgment and award execution, though the amount thereof may be seized by those who recoilect the political state. be within the jurisdiction of a justice of the peace.

XXVI. And be it further enacted. That so much of an act shall particularly express the cause and service for which the Assembly, passed in the year one thousand eight hundred and same was issued.

An act directing the erection of a Trea-

## EIGHTH OF JANUARY.

have done to the bravery and patriotism of its inhabitants, is a more than sufficient recompense for any personal privation which circumstances could impose and the plea-sure I derive from this testimony of your approbation of the conduct of my constituents derives its chief, its only value, from a knowl edge that they have described it. It is twelve years since the Representatives of the Peobrave Louisinnians descried well of the patriotism, sidelity, zeal, and courage with er title of nobility than ever King bestowed, has just been ratified by you, in the eathur siastic applause with which the toast that announced it has been received. These are things, gentlemen, of which a representative may be justly proud-which he may beast the exalted ment of his constituents, must be the consciousness how difficult it is worthily to represent them. While, however, he asserts the justice, he can feel the kind-ness, of the notice that has been taken of

is something that elevates, cheers, and exilerates the mind, in knowing that the same Treasurer and Comptroller for the time being, to certify and deliver to the Public Printer, to be by him published for one month, a list containing the names of all the revenue officers of the State, who shall on that day have failed to account for the public taxes tand other monies due by them for the last year, and which by law are made payable into the Treasury on the first of October preceding, stating in such list the sum due from each officer respectively for that year; and this they shall consider their indispensable duty to do yearly.

XXIV. Be it further enacted, That the Sheriffs of the several counties of this State, shall in future be allowed the sum of three dollars for every day they may be necessarily engaged in making their settle nents with the Treasurer, and shall also be allowed the sum of one dollar and fifty cents for every thirty miles of the escal events of that day, and are conversant with those which are now passing. There are some, however, who inside that to justify

xXVI. And be if purther enacted. That is o much of an act of Assembly, passed in the year one thousand eight hundred and twenty four, entitled "An act directing the erection of a Treasurer to employ an assistant clerk, directing improvements in the office of Secretary of State. In minimum of the first of the same is hereby repealed.

An act making the endorsers of bills, bonds and promissory notes surely for the same.

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 bill, bond, or promissory notes, made negotiable by the act passed in the year one thousand seven hundred and is the passed in the year one thousand seven hundred and the provided, that nothing herein contained, shall, in any respect, and the first day of July next, such endorsement, unless it be otherwise plainly expressed therein, shall render said endorser or endorsers liable as surely next, such endorsement, unless it be otherwise plainly expressed the remains on the provided, that nothing herein contained, shall, in any respect, apply to bills of exchange, inland or foreign.

That after the close of the present term of the Supreme Court, and it is hereby enacted by the authority of the same. Be it enacted by the General Assembly of the State of Vorth. An act to make the securities therein the entitle of the same and eighty six, entitled "An act to make the securities therein and the provided of the present contained, shall, in any respect, apply to bills of exchange, inland or foreign.

That after the close of the present term of the Supreme Court, and the subject of the constitution of the source, and is not provided that nothing herein contained, shall, in any respect, and the time of no consume danger, are a week to the change the time of hereign.

That after the close of the present term of the Supreme Court, and the subject of the country, in any situation of the present term of the Supreme Court.

provided, and very madequa-the other, incapable of the alitally wanting. The magazines alone well provided. This was the state of an loveding army of the most imposing for from their number, their discipline, the from their number, their discipline, the ex-cellence of their appointments, and the repu-tation of the Generals who commanded them. To add to the difficulties of our situation, there was division. Let me not be moun-derstood; not disaffection, but that confusion which naturally arises in times of danger, when there is no head, or one in which there

a no confidence. Committees of defence were named by the citizens, exhousations were made to result the enemy, and show that the insulting confidence he had expressed in the out of attachment of a large portion of the State to the Union, was false. Funds were unicasored to be rused, every tung was done to show that the inhabitants were disposed to detend themselves and their constry; but every effort demonstrated their constry; but every effort demonstrated that, we hout further aid, the struggle would be ineffectual. Instand their trungs would be ineffectual. Instand their trungs would be ineffectual. Instand their trungs would be ineffectual. In the commanding General From the insmet of his arrival, the confidence of the himbitants in him begot confidence in themselves. He visited the forts he organized the scanty force which was placed under his command; he addressed to trein the inspiring language which promised future victory; he addressed their fusions their prejudices,—and above all, their love of country and of glory. He continued the fearful consequences of defeat, and the shameful results of submission, to their sountry, with the honors and safety of the victory which he confidently promised. He spoke to the inhabitants of different origin, the language over calculated to excite national entimesses, and to direct it to the common detence. This was the great, the important operation. In organizing this moral and physical force, the foundation was faid for the great work that followed and I have the ranks of which were not their masterspecta-and instantly the names of the most respecta-ble citizens were inscribed on the muster rolls. Nor was this spirit confined to a par-ticular corps, the body of the militia were e-

difference of numbers or discipline all were found at their posts when the hour of conflict arrived. But although all were ready, yet the number was comparatively small. Some were unarmed others were necessarily posted with a view to interior defence; and the nature of the country called for a dispersion of this little force to guard its numerous inters. In the mean time, by forced marches, our brave and generous neighbours had run to our assistance. At length the storm which had been gathering, and of which Jackson and his little band had calmly waited the approach, burst over them. Our little raval force, after a most gullant defence, fell into the bands of our invaders, and facilitated their operations; an out-post which guarded one of the principal inlets was surprised, and advancing through an nonmabited and onlin habitable country, the enemy was within seven miles of the city, and the banks of the river, before he was dischered. This was at two in the afternoon of one of the shortest days in the year. All the disposable force was collected from different points. Before the sun had set fifteen hundred men, the greater part of which were militis, some of whom were arned only with pikes, were on their march, with a perfect knowledge that they were about to attack in the open field, three