

An ACT directing the
courts to meet together
or equity arising on the
for the trial of all persons
frauds.

WHEREAS great incon-
venience has arisen, and much del-
ay in the administration of justice has
arisen from the want of a speedy
determination of all questions of law
on the circuit, either from
dissent in the Judges, or
from the want of further consideration, or
from the want of a competent number of Judges
to sit at present: to the end
that these inconveniences may be
removed, and that decisions shall be had on
controversies at present depend-
ing, or hereafter to depend in the Superior
Court of Law and Equity, with as much dis-
patch and conformity as possible.

I. Be it therefore enacted by the Ge-
neral Assembly of the State of North Carolina, and
by the authority of the same,
and after the passing of this act, that
the Judges of the Superior courts of law and
equity within this state, shall meet and assemble
together twice in each and every year, at the
city of Raleigh, on the tenth days of January
and December, and on said days shall hap-
pen on Sunday the next succeeding days, for
the purpose of determining all questions of
law and equity arising and remaining unde-
termined upon the circuit.

II. And be it further enacted, That the said
Judges, or any two of them, at the first
meeting after the passing of this act, shall
appoint a Clerk of skill and probity, who
shall give bond with sufficient security, pay-
able to the Governor for the time being, in
the sum of five thousand pounds, conditioned
for the faithful discharge of his duties in of-
fice, and for the safe keeping of all records
committed to his custody; which bond shall
be lodged with the Secretary of State. And
the said Clerk, when so appointed, shall
hold his office during good behaviour, but
before entering upon the execution of his of-
fice shall, before the said Judges, or either
of them, take an oath of the same tenor and
effect as that prescribed for the Clerks of the
superior courts of law.

III. And be it further enacted, That when
ever any questions of law or equity, hereafter
shall arise upon the circuit before any of
the Judges of the superior courts, which the
Judge sitting may be unwilling to determine,
and shall be desirous of further consideration
thereon, and a conference with the other
Judges; or where any questions of law or
equity have already arisen on the circuit,
and have remained undecided by reason of a
disagreement of the Judges on the circuit,
in either case the Clerk of the district, un-
der the direction of the Judge then sitting
before whom such question or questions shall
arise or come, shall make out a transcript
of the proceedings in the case in which such
question or questions shall arise, and deliver
the same to the Judge before or at the expi-
ration of the term; or a case shall be made
up by the counsel in the court and under the
direction of the Judge, or by the Judge him-
self, as the nature of the case may require;
and such transcript or case so made as afore-
said, the Judge shall file at the meeting of
the Judges hereby appointed, with their
Clerk.

IV. And be it further enacted, That the
Judges at their said meeting, or any two
of them, shall proceed to argue and deter-
mine all questions so as aforesaid brought be-
fore them, and shall set for ten days at each
and every meeting unless the business shall be

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service
as a sum
Judges, according
not exceeding fifty pounds
certificate of which from
Treasurer shall be authorized
same.

VII. And be it further enacted, That
and after the passing of this act the superior
courts of law and equity, shall be and they
are hereby divided into four ridings; the
districts of Morgan and Salisbury shall com-
pose one riding called the first riding; the
districts of Hillsborough and Fayetteville,
the second riding; the districts of Halifax
and Edenton, the third riding, and the dis-
tricts of Newbern and Wilmington, the
fourth riding:

And whereas many frauds are suggested
to have been committed in the Secretary's
office, and it highly concerns the justice and
honour of the state, that the perpetrators of
the said frauds should be pursued to punish-
ment.

VIII. Be it therefore enacted, That the Go-
vernor for the time being is hereby autho-
rized and empowered, when he may deem it
expedient, to issue a commission to the Judges,
empowering them to sit any time of their
meeting hereby appointed, for the trial of
such persons as shall or may be apprehended
for and on account of their having commit-
ted, been concerned in the commission of,
frauds in the Secretary's office, or in the
office of John Armstrong or Martin Arm-
strong, in the fraudulent issuing, procuring,
receiving or transferring land warrants; or
in the fraudulently issuing, procuring or re-
ceiving grants on such warrants at any of
the said offices. And the said Judges, or any
two of them, upon a commission to them
directed as aforesaid, shall constitute a court
for the trial of all such offences, and shall
have all and singular the powers and autho-
rities necessary for the trial of the offences
aforesaid, committed within any district of
this state, and shall have power and authori-
ty to give judgment and award execution
thereon; any law, usage or custom to the

contrary, notwithstanding.
IX. And be it further enacted, That the At-
torney and Solicitor General, and each of them, immediately after
the passing of this act, to apply for and ob-
tain from any Justice of the Peace within
this state, warrants to apprehend every such
person as they shall suspect to have been
concerned in the commission of any of the
frauds or offences herein mentioned; which
warrant or warrants shall be directed to all
the Sheriffs of the state, who are hereby
severally authorized to execute the same. And
if any person apprehended under such war-
rant, shall fail or refuse to enter into re-
cognizance for his appearance in any court
to be called under this act, he shall and may
be committed to the gaol of the county in
which he shall be apprehended, if the same
be safe, if not to the gaol of the district in
which such county may be, until twenty
days before the sitting of the court when he
shall be ordered and conveyed to the gaol of
the county of Wake.

XII. And be it further enacted, That the Go-
vernor, if he shall deem it expedient, shall
appoint a public Agent, whose duty it shall
be to collect and arrange the testimony a-
gainst; and attend the prosecution of such
persons as shall be charged under the act;
and who shall sign and issue subpoenas for
witnesses, and shall and may take out war-
rants against persons suspected of any of the
offences herein mentioned.

XIII. And be it further enacted, That it shall
be the duty of the Attorney and Solicitor
General to attend said court; which shall sit
for ten days unless the business shall be sooner
determined. And the Attorney and Solli-
citor General, and the public Agent hereby
to be appointed, respectively shall receive
for attending court called under this act,