

TERMS OF SUBSCRIPTION.

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We solicit the aid of our friends in extending our circulation.

DAILY SENTINEL.

"I WOULD RATHER BE RIGHT THAN BE PRESIDENT." - BERRY CLAY.

VOL. I.

RALEIGH, WEDNESDAY, MARCH 14, 1866

NO. 182.

ADVERTISING RATES

Table with 3 columns: Insertion type, Duration, Rate. Includes rates for 1 insertion, 1 month, 3 months, 6 months, 1 year.

Special notices, under a special head, will be charged extra for each insertion. Personal notices will be charged as advertisements.

AN ACT.

To change the jurisdiction of the courts and the rules of pleading therein.

Be it enacted by the General Assembly of the State of North Carolina, that it is hereby enacted by the authority of the same: That from and after the first day of July eighteen hundred and sixty-six, the several superior courts of law shall have exclusive jurisdiction to hear, try and determine all cases of a civil nature, not cognizable before a justice of the peace, and arising out of contracts entered into before the first day of May, in the year eighteen hundred and sixty-five, except when the proceeding shall be by attachment. Provided: That nothing herein contained shall prevent a court of pleas and quarter sessions from continuing a jury to try controversies respecting wills upon issues deviant vel non: Provided further: That all writs of debt, assumpsit, covenant and account issued to Spring Term, 1866, shall be returned Fall term, eighteen hundred and sixty-six: Provided further, That in all suits ex-contra the defendant or defendants shall be allowed six months from the return term to plead or demur.

Be it further enacted, That in all cases committed to the exclusive jurisdiction of the superior courts of law, by section first of this act, when suits have already been brought, and are now pending in any of the said courts, it shall be the duty of the court to give the defendant further time for trial, until the Fall term of eighteen hundred and sixty-six, when the same shall stand for trial as other suits; in all other cases suits may be brought and prosecuted to judgment according to the regular course of the court.

Be it further enacted, That in all cases as aforesaid, pending in superior courts, in which judgments have been heretofore taken, or may be hereafter taken, in the Superior courts, and upon which executions have been issued or may issue, it shall be the duty of the sheriff or other officer in whose hands such executions have been or may be placed, for collection, to endorse a levy upon the property of the defendant or defendants sufficient to satisfy the same, and return such executions without making a sale; and upon said returns, it shall be the duty of the clerk, sixty days before the next term of the court, to issue a writ of fieri facias, or fieri facias, at the election of the plaintiff, returnable to the next term of the court for the costs and one fifth of the sum recovered; and all other executions upon judgments heretofore taken, shall be returnable in like manner, and shall issue, for the like proportion of the judgments: Provided, That nothing contained in this section shall be held to revive dormant judgments.

Be it enacted, That upon the return of execution as aforesaid, it shall be the duty of the clerk, sixty days before that term of the court which is held twelve months from the term to which such execution was returned to issue another writ of fieri facias, at the election of the plaintiff, returnable to the next term of the court for the costs and one fifth of the sum recovered; and upon said return it shall be the duty of the clerk, sixty days before that term of the court which is held twelve months after said return, to issue execution as aforesaid for one half of the remainder of the sum recovered and interest thereon; and upon said return it shall be the duty of the clerk, sixty days before that term of the court which is held twelve months after said return, to issue execution as aforesaid for the remainder of the sum recovered and interest thereon: Provided, That if the defendant shall pay into office or file before the clerk a receipt from the plaintiff therefor, and any one of said instalments, before the time fixed for issuing execution, as aforesaid, in such case execution shall be stayed for said instalment: And provided further, That the judgment shall constitute a lien on the land of the defendant until said judgment is satisfied or the lien discharged by the act or inches of the plaintiff.

Be it further enacted, That so much of the seventeenth section, chapter one hundred and five of the revised code, as subjects a sheriff to a penalty of one hundred dollars for not executing and returning process, be and the same is hereby repealed, except as provides in this act as to all penalties which may be alleged to have been incurred by a compliance with the provisions of this act. Be it further enacted, That it shall be the duty of all constables and other officers to levy any executions which may be in their hands issued upon judgments heretofore rendered by magistrates, and to return the same together with said levies to the justices of the peace who issued the same, or to some other magistrate in said county, whose duty it shall be, upon the application of the plaintiff to issue a writ of fieri facias, returnable to the next term of the court, for the costs and one fifth of the sum recovered and for the like proportion of the sum recovered as hereinbefore prescribed on executions issued from the Superior Court, and so from twelve months to twelve months until the judgment is satisfied. Provided, however, That when there is no personal property or not sufficient to satisfy the plaintiff's demands, it shall be the duty of such officers to levy the execution on the defendant's land, and when there is no personal property, or the same shall have been exhausted by sales as herein directed, to return the same to the next Superior Court of the county, where the same proceedings shall be had as in cases of original jurisdiction in enforcing payment by execution.

Be it further enacted, That hereafter civil writs issued by justices of the peace, where the proceeding is not by attachment, shall be made returnable for trial twelve months after the date of issuing such writ and not before; and no justice of the peace shall have power or jurisdiction to try any such writs before the expiration of twelve months from the issuing of the same: Provided, That the defendant is a resident of the State, and all executions issued by a justice of the peace, shall be made returnable twelve months from the issuing of the same; and upon trial of such writs either party may appeal from the judgment to the next succeeding term of the superior court by giving security as is now provided by law in case of appeal from justices' judgments; and upon judgments there had, according to the course of the court, and upon all judgments given by a magistrate and no appeal therefrom, execution shall issue and be returnable in like manner and time and for the like proportion of the sum recovered as hereinbefore provided, where it is brought in the superior court; provided, however, that all proceedings before any justice or justices for any forcible entry or detainer, or against any other person holding

over against a landlord, or in any other case founded in tort, where jurisdiction has heretofore been given, or may hereafter be given to one or more justices by existing law, shall not be subject to the provision, but all such cases may be prosecuted to judgment and execution in the manner prescribed by law prior to the seventh September, eighteen hundred and sixty-five, or as provided in any act or acts touching such wrongs and conferring such jurisdiction.

Be it further enacted, That if any sheriff, clerk or other officer shall violate any of the provisions of this act, he shall forfeit the sum of two hundred dollars to be recovered by any person suing for the same in the name of the State, and shall also be subject to indictment for a misdemeanor.

Be it further enacted, That none of the provisions of this act shall apply to the collection of the State or county revenue, or repeal any of the existing modes or remedies provided by law for the collection of the same.

Be it further enacted, That the tax for upon justices' judgments returnable to the Superior Court shall be the same as is now taxed in the several county courts.

Be it further enacted, That the time of four years be extended to executors and administrators, wherein to settle the estates of their testators or intestates, and a further time in which to plead; at the discretion of the courts.

Be it further enacted, That the provisions of this act, extending the time of pleading and the return of executions, shall not apply to cases arising under chapter seven, revised code, entitled attachment; but proceedings may be instituted and prosecuted to judgment, and execution in all respects as is provided in the said chapter or any act or acts since passed, concerning attachment.

Be it further enacted, That any action or suit heretofore brought under any existing law, returnable to the next Fall Term of every Superior Court of law or equity, shall be deemed to have been properly brought to said courts, as if instituted after the next spring term of said court; and shall be proceeded with according to the provisions of this act.

Be it further enacted, That an act entitled, "An act to change the jurisdiction of the courts and the rules of pleading," entitled the eleventh day of September, eighteen hundred and sixty-one, and also an act entitled, "An act to restore the courts and for other purposes," entitled the fourteenth December, eighteen hundred and sixty-three, be, and the same are hereby repealed; and except as herein otherwise provided, full jurisdiction, civil and criminal, as conferred in the county courts, and the said Superior Courts of law and equity, in the revised code, shall be, and the same is hereby restored: Provided, that no one of the provisions of this act, save the first section thereof, shall apply to suits upon the official bonds of sheriffs, coroners, constables, clerks of the County and Superior Courts and Clerks and Masters in Equity, nor debts contracted since the first day of May, eighteen hundred and sixty-five; but the remedy in such cases shall remain as it existed in the year 1860.

Be it further enacted, That in all suits brought by any bank of the State or by any manager or auditor of said bank, or any officer of said bank, and except as herein otherwise provided, full jurisdiction, civil and criminal, as conferred in the county courts, and the said Superior Courts of law and equity, in the revised code, shall be, and the same is hereby restored: Provided, that no one of the provisions of this act, save the first section thereof, shall apply to suits upon the official bonds of sheriffs, coroners, constables, clerks of the County and Superior Courts and Clerks and Masters in Equity, nor debts contracted since the first day of May, eighteen hundred and sixty-five; but the remedy in such cases shall remain as it existed in the year 1860.

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FITZHUGH, WILMER & CO., COMMISSION MERCHANTS, Cotton, Tobacco, &c., and for the Purchase of Merchandise.

Old Nick Williams Whiskey. Agents for Nick Williams & Son, we are prepared to furnish the above popular brand of Whiskey, by the barrel or keg.

HENRY R. BRYAN, ATTORNEY AND COUNSELLOR AT LAW, NEWBERNE, N. C., Dec. 29-118-3m.

A. A. WILLARD, Wholesale Dealer in Groceries and General Merchandise, FORWARDING AND COMMISSION MERCHANT.

REFER TO Rev. C. H. Wiley, Superintendent Public Schools for the State, Greensboro, N. C.

MERCHANDIZE received and forwarded with promptness and at most moderate charges. A full supply of GROCERIES.

REFINED and Cub. Sugar for sale by A. A. WILLARD, Wilmington, Feb 2, 1866.

NORTH CAROLINA RAIL ROAD. Change of Time. ON and AFTER SUNDAY, JAN. 7TH, 1866.

CHANGE OF TIME. RALEIGH AND GASTON RAILROAD CO., Superintendent's Office, Raleigh, N. C., Feb 14th, 1866.

WATERHOUSE & BOWEN, Losses. J. C. KING, Supt. March 7-173-410.

VALUABLE PROPERTY FOR SALE. HALF acre lot in the city of Raleigh containing a dwelling and out houses, garden orchard, &c.

FOR 1866 BRADLEY'S CELEBRATED DUPLEX ELLIPTIC SKIRTS. EACH HOOP BEING COMPOSED OF TWO PER-EMTERED SINGLE SPRINGS, braided tightly and firmly together, edge to edge, forming one hoop and making the strongest and most flexible, the lightest and most durable spring made.

Commission Merchants, WILMINGTON, N. C. Sole Agents for the sale of Cotton, Yarns, Domestic, Naval Stores, and other COUNTRY PRODUCE.

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THOMAS & CO., Bankers, No. 176 BALTIMORE STREET, BALTIMORE, MD. WE BUY AND SELL ON THE MOST FAVORABLE TERMS, all the different GOVERNMENT SECURITIES, SOUTHERN BANK NOTES, SOUTHERN STATE BONDS, COMPANY INTEREST NOTES, GOLD AND SILVER.

Commission Merchants, MOREHEAD CITY, N. C. SOLE AGENTS FOR SHIPPING AND FORWARDING Cotton, Tar, Rosin and all kinds of Goods or Produce. Prompt attention and moderate charges. We have regular steam packets from Morehead City to New York, Philadelphia, Boston, &c.

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A. E. COE'S Super-Phosphate of Lime, or BONE MANURE. WARRANTED GENUINE. MADE OF THE BEST MATERIAL AND IN THE MOST IMPROVED MANNER, it is recommended by the highest authorities in preference to any other.

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