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An Act directing the Judges of the superior courts to meet together to settle questions of law or equity arising on the circuit, and to provide for the trial of all persons concerned in certain frauds.

WHEREAS great inconveniences have arisen, and much delay in the administration of justice has been occasioned, from the want of a speedy and uniform decision of all questions of law or equity arising on the circuit, either from difference of opinion in the Judges, or from a desire of further consideration, or from a want of a competent number of Judges as the law exists at present: to the end therefore that these inconveniences may be remedied, and that decisions shall be had on all suits and controversies at present depending or hereafter to depend in the superior courts of law and equity, with as much dispatch and uniformity as possible:

I. 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 from and after the passing of this act, 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 10th days of June and December, and if said days shall happen on Sunday, the next succeeding days, for the purpose of determining all questions of law and equity arising and remaining undetermined 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, payable to the Governor for the time being, in the sum of five thousand pounds, conditioned for the faithful discharge of his duties in office, 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 behavior, but before entering upon the execution of his office, 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, under 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 expiration 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 himself, as the nature of the case may require; and such transcript or case so made as aforesaid, 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 determine all questions so as aforesaid brought before them, and shall sit for ten days at each and every meeting, unless the business shall be sooner finished; and each and every Judge at their said meeting, shall give their final opinion in every case in writing, to be filed with the Clerk, and by him to be entered in a book kept for that purpose.

V. And be it further enacted, That it shall be the duty of the Clerk of the said meeting of the Judges, immediately after the rise of each and every sitting, to make out a full and correct certificate of the decision of the Judges, ready to be delivered to the person in whose favour the decision shall be, or to any person for him on application; or if application should not be made, to be by said Clerk transmitted to the Clerk of the superior court of law and equity, where the question had been depending and had arisen; and the Clerk of the said superior court shall thereupon issue execution as may be proper in the case, for the debt or damages that may have been recovered, together with the costs in the court of his district, or otherwise proceed as the decision of Judges may demand.

And whereas the compensation proper to be made to the Clerk hereby appointed in entering suit, entering up the opinion of the Judges, for certificate of decision, and other services, cannot be accurately foreseen and provided for; and the procuring dispatch and uniformity in judicial decisions is an object of public magnitude, and should be with as little expence to the individual suitor as possible:

VI. Be it therefore enacted, That the said Clerk shall receive a compensation for his services, a sum to be estimated by two of the Judges, according to the business performed, not exceeding fifty pounds per annum; on certificate of which from the Judges, the Treasurer shall be authorized to pay the same.

VII. And be it further enacted, That from 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 compose 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 districts of Newbern and Wilmington, the 4th 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 punishment:

VIII. Be it therefore enacted, That the Governor for the time being, is hereby authorized and empowered, when he may deem it expedient, to issue a commission to the Judges, empowering them to sit at 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 committed, or been concerned in the commission of, frauds in the Secretary's office, or in the office of John Armstrong or Martin Armstrong, in the fraudulent issuing, procuring, receiving or transferring land warrants; or in the fraudulently issuing, procuring or receiving 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 offenders, and shall have all and singular the powers and authorities necessary for the trial of the offences aforesaid, committed within any district of this State, and shall have power and authority to give judgment and award execution thereon; any law, usage or custom to the contrary notwithstanding.

IX. And be it further enacted, That the Clerk of the meeting of the Judges hereby appointed, shall also be the Clerk of the court hereby to be constituted for the trial of offenders; and for the faithful performance of his duties in office, shall give bond with sufficient security to the Governor for the time being, in the sum of two thousand pounds; which bond shall be lodged in the Secretary's office; and before entering on the duties of his office, shall take the same oath as prescribed by law for the Clerks of the superior courts of law; and shall be entitled to the same fees as the Clerks of the said superior courts are entitled to in similar cases.

X. And be it further enacted, That thirty days previous to the time fixed for the meeting of any court to be called under this act, the Governor shall issue a commission to three Justices of each of the counties of Wake, Franklin, Johnston, Chatham, Orange and Cumberland, directing them to nominate and cause to be summoned by the Sheriffs of their several counties, eight freeholders of each of their said counties; and the persons so nominated and summoned within five days before the meeting of said court, shall be bound to attend the same, under the same rules and regulations as jurors attending the superior courts; and shall receive for each and every day's attendance, the sum of twelve shillings and six pence, and the same sum for every thirty miles they shall travel to and from the same: and it shall be the duty of the Sheriff of Wake to attend said court and execute the orders, judgments and sentences thereof; and of the Sheriffs of the counties herein mentioned, to summon and make return of the jurors nominated agreeable to this act, under the same rules and penalties prescribed by law for like services at and to the superior courts.

XI. And be it further enacted, That it shall be the duty of the Attorney and Solicitor Generals, and each of them, immediately after the passing of this act, to apply for and obtain 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 warrant, shall fail or refuse to enter into recognizance for his appearance at 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 Governor, if he shall deem it expedient, shall appoint a public

Agent, whose duty it shall be to collect and arrange the testimony against, and attend the prosecution of such persons as shall be charged under this act; and who shall sign and issue subpoenas for witnesses, and shall and may take out warrants 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 Solicitor General, and the public Agent hereby to be appointed, respectively shall receive for attending any court called under this act, the sum of forty pounds each; and the public Agent shall for his services previous to the sitting of said court, an account of which shall be kept by him, receive such compensation as shall be allowed by the succeeding General Assembly.

XIV. And be it further enacted, That one Judge shall be held and deemed competent to superintend and direct all the business of said court, except passing final sentence on such person or persons as shall be convicted before him to do which two Judges shall be held and deemed necessary. And if no Judge shall attend the day fixed on for the sitting of the court, the Sheriff of the county of Wake, or any other Sheriff attending, may adjourn the same from day to day for three days. And the Judges shall so arrange the ridings among themselves, that one of the Judges of the superior courts shall attend any of the superior courts of law and equity; and one Judge of the said court shall hereafter have full power and authority to hold said courts, and determine all cases both in law and equity depending or hereafter to depend in the same, and to do every thing therein which the case may require; any law to the contrary notwithstanding. And the said Judges shall pass through the said ridings, on the same principle of rotation as heretofore prescribed by law.

XV. And be it further enacted, That this act shall continue in force from its commencement only for two years, and from thence to the end of the next succeeding General Assembly.

An Act to raise a revenue for the payment of the civil list and contingent charges of government, for the year one thousand eight hundred.

I. 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 the year one thousand eight hundred, a tax of eight pence for every hundred acres of land in this State, and a tax of two shillings on every hundred pounds value of town lots with their improvements, and a tax of two shillings on every poll; shall be levied, collected, and accounted for in the manner directed by the several acts of Assembly for those cases made and provided.

II. And be it further enacted, That a tax on all stud-horses within this State, of the full sum which the owner of such stud-horse shall ask and receive for the season, of one mare to such stud-horse, shall be levied, collected, and accounted for in the same manner that such taxes have been heretofore levied, collected, and accounted for.

III. And be it further enacted, That no sinking fund tax be collected for the year one thousand eight hundred.

An Act to ascertain the amount of the certificate debt of this State.

WHEREAS it is necessary to ascertain the amount of the certificate debt of this State, to the end that provision may be made for discharging the same:

I. 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 all persons holding certificates of the debt of this State, shall on or before the first day of December, one thousand eight hundred, present the same at the office of the Treasurer; whose duty it shall be to register the number, date and amount thereof, together with the name of the persons to whom the same shall be made payable, in a book to be by him provided for that purpose; and the Treasurer shall note on the said certificate that the same has been presented and registered as by this act required.

II. And be it further enacted, That all certificates of the debt of this State, not presented to the Treasurer for the purpose of registration as aforesaid, within the time limited by this act, shall forever thereafter be barred, and shall not be received in any payment to the State, nor in any office thereof.

III. And be it further enacted, That it shall be the duty of the Treasurer to give public notice of the requisites of this act in the State Gazette, and at least three other newspapers within this State, within one