

# CAROLINA CENTINEL.

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## CAPTIONS OF THE ACTS Passed by the General Assembly, 1820.

### PUBLIC ACTS.

1. An Act to provide a Revenue for the payment of the civil list and contingent charges of Government for the year 1821. [The tax on land and polls is the same as last year. Retail Merchants are taxed in proportion to their stock in trade; those whose stock is between \$100 and \$2,000 pay \$6; between \$2,000 and \$5,000 pay \$8; between \$5,000 and \$10,000 pay \$12; if above \$10,000 pay \$20. Wholesale Merchants pay a tax of \$25; Commission Merchants \$15. Tax on Billiard Tables \$500. Tax on Negroes carried through the State \$10.]

2. Prescribing the time within which mortgages and deeds and conveyances in trust shall be proved and registered. [Within six months after their execution. To take effect on the 1st of June next.]

3. In aid of an act passed by the Legislature of Virginia incorporating a company to establish a communication between the waters of Roanoke River, and those which fall into Chowan River, and the rivers and other water courses intermediate between any of them and the River Potomac.

4. To authorize the Governor of this state to direct the sale of the lands lately acquired by treaty from the Cherokee Indians which are yet unsold. [Two commissioners to be appointed by the Governor are to lay off the land, and he is to fix the time of sale.]

5. Granting further time to perfect titles to lands within this state. [Allowing two years.]

To explain the duties of county courts, executors, administrators and guardians, in certain cases therein mentioned, and for other purposes. [Giving guardians appointed in other states power to claim their wards' shares in this state.]

7. For repairing and improving the road leading over Swannanoah Gap to Asheville, thence to the Haywood line.

8. To provide for the payment of costs when a slave is convicted of a capital crime. [Costs to be paid by the county.]

9. For clearing out and deepening the swash or swashes at Ocracoke inlet, and improving the navigation of the same. [A company is incorporated for the purpose.]

10. Allowing additional compensation to the Attorney-General and Solicitors for the state. [To have \$20 a court allowed, exclusive of fees; and the Attorney-General \$100 for attending each Supreme Court.]

11. To quiet the title of persons in possession of slaves. [Where a person has been in possession of a slave for a certain period, his title shall not be questioned, except in cases in which the law requires a written transfer.]

12. To regulate the proceedings on suits against corporations. [A plaintiff is authorized to summon the President or chief officer of a corporation to answer his complaint.]

13. Prohibiting white men from cultivating the lands reserved by the Cherokee Indians. [Penalty not exceeding \$50 at the discretion of the Court.]

14. Limiting the time within which judgments before a justice of peace may be revived. [Within three years.]

15. To repeal an act passed in 1796, to punish persons for removing debtors out of one county to another, or out of the state, and for other purposes. [Where a debtor is removed by a person with intent to injure the creditor, he is still liable for all his debts.]

16. To establish a College in the western part of this State. [This is a mere act of incorporation, giving no funds. It authorizes the Trustees to fix on the site of the buildings when they shall have sufficient funds to commence their work.]

17. For the purpose of aiding the opening of a State Road from Jonathan Woody's blacksmith's shop to the Tennessee line, in the counties of Wilkes and Ashe.

18. Concerning the clerks of the courts of pleas and quarter sessions. [No clerk to retain his office after residing twelve months out of the county.]

19. Compensating the commissioners appointed by virtue of an act of 1819, for surveying and selling the public lands adjoining the city of Raleigh. [Allow-

ing them three dollars a day and the same sum for every thirty miles travelling.

20. To authorize and direct the publication of the British Statutes in force in this State. [Judge Potter is authorized to contract for the printing of such statutes or parts of statutes as have been reported by the commissioners appointed to revise the laws of this State, as in their opinion, to be in force.]

21. Allowing compensation to the members of the Senate and House of Commons of this State. [To each member, \$3 a day; to the Speakers \$4; to the Clerks of each House \$6, with \$60 for transcribing their Journals; Engraving Clerks \$4; and to each \$3 for every 20 miles travelling.]

22. To amend an act of 1819, concerning clerks of superior and county courts. [Extending the provisions of the act to the clerk of the Supreme Court.]

23. To appoint commissioners to review a part of the State Road in Ashe.

24. Further pointing out the duty of guardians. [Required to renew their bonds every three years; on failure, the Clerks to issue securities against them.]

25. To amend the act laying duties on sales at auction of merchandise. [The commissioners of Fayetteville, Wilmington, Newbern, Edenton, Elizabeth City, Halifax and Raleigh, to appoint not exceeding three auctioneers, and to require bonds.]

26. To amend an act passed in 1819, making provision for running the boundary line between the State of Tennessee, and to repeal a part thereof. [Makes some alteration in the compensation allowed to the commissioners.]

To amend an act passed in 1817 concerning promissory notes. [Where there are more than one person bound they shall be concentrated in one suit.]

28. Concerning Coroners. [They are to give bond in \$2000 and renew it annually.]

29. To amend the 4th and 6th sections of the act of 1812, concerning the navigation of the Yadkin. [Altering the place for advertising stock for sale.]

30. To clear out and improve the navigation at Broad River in the county of Rutherford. [\$5,000 are appropriated for this purpose from the funds set apart for Public Improvement.]

31. To authorize commissioners to erect a house in Fayetteville for the safe-keeping of the public arms. [The Governor is authorized to draw on the Treasury for \$750 for this purpose.]

32. To amend the militia laws of this State. [The Adjutant-General is directed to bring suit against General and Field Officers, in future, in the superior court of the county in which they reside.]

33. To authorize the Supreme Court to hear parol evidence in certain cases.

34. To repeal an act of last session chapter 47, allowing compensation to jurors.

35. For the relief of honest debtors. [No debtor to be imprisoned, if he will make a surrender of his property, or can conscientiously take the insolvent's oath.]

37. An act to revive and continue in force an act entitled an act concerning military land warrants passed in the year 1819.

37. To incorporate the New River Navigation Company.

38. Extending the jurisdiction of Justices of the peace. [To suits not exceeding \$100.]

39. Directing the manner in which property shall be sold which is levied upon by sheriff's and constables. [To be sold on the last Thursday in every month after 20 days notice.]

40. To authorize the Treasurer to appropriate the surplus money in the Treasury to the purchase of Bank Stock.

41. Directing the county courts to pay fees to certain officers therein named in certain cases.

42. Concerning the marriage of infant females. [Shall not marry under the age of fifteen, except by consent of parents.]

### RESOLUTIONS.

1. To provide additional Furniture for the House of the Governor, \$1000 was appropriated.

2. Jeremiah Slade, Simmons J. Baker and Thomas Brickell, are appointed commissioners on the subject of lands in Bertie county claimed by the tribe of Tuscarora Indians.

3. A sum of money not exceeding \$210 was appropriated towards the repairs of the State House.

4. Allowing Merrit Dilliard \$27.60 for carrying a writ of election to the Sheriff of Columbus county.

5. To remunerate Alexander Roach of Rockingham certain expenses incur-

red on the trial and execution of his negro woman.

6. Requiring the Governor to cause the field books made out by the deputy surveyors of the Cherokee lands now lying in the Executive office, to be deposited in the office of the Secretary of State, and to be bound.

For the relief of John Baird, sheriff of Rowan County.

8. In favor of Stirling Anderson, late Sheriff of Nash County.

9. In favor of Ransom Hinton.

10. To prosecute the Editor of the Halifax Compiler for a libel on the Legislature.

11. In favor of Mark Brittain.

12. In favor of James Copeland.

13. Appropriating \$2000 for the purpose of forming a Deane and Interlocution in the State House for the reception of the Statue of General Washington.

### PRIVATE ACTS.

1. An act to attach Capt. Frederick Gobble's company to the 4th regiment of Rowan militia.

2. To alter the time of holding two of the Courts of Pleas and Quarter Sessions for Lincoln County.

3. To appoint commissioners to lay off and establish a dividing line between the counties of Chowan and Gates.

4. To authorize John Frost of Rowan county, to erect a dam across Mitchell's River, in the county of Surry.

5. To repeal an act passed in 1819, to repeal certain parts of three acts concerning Patrollers, one passed in the year 1794, another in 1802, and the other in 1816, so far as respects the county of Edgecomb.

6. To authorize the County Court of Haywood to contract for making a turnpike Road from the War Ford on the Tuckasee River to the Tennessee line near the head of the west fork of Little Pigeon.

7. To exempt Wm. Williams, of Haywood county, from the payment of a tax imposed by law on Gates erected across public highways.

8. To authorize Wm. R. Smith, of the county of Halifax, to erect one or more Gates across the public road leading through his plantation in Scotland Neck.

9. To compel the clerk of the county court of Mecklenburg to keep his office at the courthouse in the town of Charlotte.

10. To authorize the county court of Rutherford to lay a tax for the payment of jurors in the county and superior courts, and for other purposes.

11. Providing for a Female Department in the Greensborough Academy.

12. To establish a court of Probate in the County of Cumberland, and for other purposes.

13. To authorize the administrators of John M'Raw, late sheriff of Cumberland county, to collect the taxes therein mentioned.

14. To appoint additional commissioners for the town of Hamilton in Martin county.

15. To establish Farnwell Grove Academy, in the county of Halifax.

16. To authorize and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough to organize and keep up Fire-Engine Companies.

17. To authorize the Trustees of the Milton Female Academy to raise certain sums of money by way of lottery.

18. To appoint commissioners for the town of Rockingham, in Richmond county.

19. To authorize Major John Clark or him or his assignees, to build a toll bridge across Fungoriver at the Loghouse landing.

20. Supplementary to an act passed in 1819, chapter 100, authorizing the appointment of a committee of finance for Moore county.

21. Compensating witnesses attending Chatham county and superior courts.

22. To revive and continue in force an act passed in 1802, incorporating Wadesborough Academy.

23. To repeal the 2d and 5th sections of the act passed in 1818; to authorize the sale of the town commons of the town of Trenton in Jones county and to establish an Academy in said county, and for other purposes.

24. To establish an Academy in Gates county.

25. To alter and amend the 1st and 5th sections of an act passed in the year 1819, concerning the county of Rutherford.

26. To appoint commissioners to lay off and establish a town on the lands of James Jones deceased, in the county of Washington.

27. To establish Concord Academy in Perquimons county, and to incorporate the Trustees thereof.

28. To repeal the 4th section of an act passed in 1806, to revise the Militia laws of this State, so far as respects the Grenadiers and Light Infantry companies in the county of Randolph.

29. To appoint commissioners to fix upon a suitable place for the public buildings in Hyde county, and for other purposes.

30. For the better regulation of the special Magistrates in the town of Fayetteville.

31. To prevent fishing with nets at the mouth of Cotentney creek.

32. To authorize the sale of lands belonging to the town of Hillsborough.

33. To authorize a lottery for the benefit of Farnwell Grove Academy, in Halifax county.

34. To authorize Eagle Lodge, No. 71, in the town of Hillsborough, to raise certain sums by way of lottery.

35. To allow jurors in the county and superior courts of Wilkes county to receive pay for their services.

35. For the better organization of the Militia of Beaufort county.

37. To establish an Academy at Elizabeth City, in Pasquotank county, and for other purposes.

38. To regulate fishermen in Pamlico Sound, between Stumpy Point, Bay and the Great Marshes.

39. To prevent fishing on Sunday with seines in Rock River of Pedee, or in the North-west Branch of Cape Fear River.

40. Granting to the superior courts of Robeson county original and exclusive jurisdiction of all cases where the intervention of a jury is necessary.

41. To restore Josina Chesnut of Sampson county, to credit.

42. To incorporate the Carraway Library Society in the county of Randolph.

43. To establish separate courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes.

44. To amend an act passed in 1815 to authorize the county court of Montgomery to appoint a committee of finance to settle with the officers of said county therein mentioned.

45. To incorporate the Shocco Female Academy in Warren county.

46. For extending and marking the dividing-line between Bladen and Columbus counties.

47. To authorize the Trustees of the Presbyterian Church in the town of Wilmington to raise the sum of \$6,000 by way of lottery, for the completion of said Church.

48. Supplementary to an act passed in 1818, chapter 109, authorizing the appointment of a committee of finance for Cumberland county.

49. To incorporate the Widow's Son Lodge in Camden county.

50. To allow jurors in the county of Montgomery to receive pay for their services.

51. To authorize Joseph Evers, junr. of Fredell county, to erect a gate across the public road leading from Shevill's ford on the Catawba river to Salisbury.

52. To amend an act passed in 1818, to elect a Magistrate for the town of Wilmington, and for other purposes.

53. For supplying the town of Fayetteville with pure and wholesome water.

54. To repeal an act passed in 1813 for the payment of jurors attending the county and superior courts in Carteret county, and for other purposes.

55. To repeal an act passed in 1819, authorizing the commissioners of the town of Morganton to sell certain parts of the public square in said town, and to repeal an act passed in 1815, appointing commissioners to sell certain lots on the town commons of said town.

56. Relative to the allowance of county claims in the county of Richmond.

57. To alter the time of holding the county courts of Beaufort.

58. To amend the several acts relative to the poor in Northampton county.

59. Granting to Jonathan Davis, of Surry, leave to erect a dam across Fisher's River in said county.

60. To improve and repair the Turnpike Road lately owned by Nathan Horton of Wilkes.

61. Authorizing the commissioners of Madison Academy to raise \$2000 by lottery.

62. Authorizing the county court of Buncomb to have the records of said court transcribed.

63. To compel the Register in the county of Warren to keep his office at the Courthouse in the town of Warrenton.

64. To authorize the county court of Burk to have the records of the Entry-taker of said county transcribed, from March 1795 to Oct. 1817.

65. For the enlargement of the limits of the town of Washington, and for

other purposes.

66. To authorize the building of a Bridge across Trent River near the town of Newbern.

67. To authorize the county court of Tyrell to alter the times of holding separate elections.

68. For the better regulation of the county courts of Rutherford, Burke and Lincoln.

69. To regulate the county court of the counties of Wilkes, Hyde, Johnston and Randolph, and for other purposes.

70. To appoint commissioners to meet certain commissioners to be appointed by a corresponding act of the Legislature of Virginia, to divide the real estate of Wm. Moore deceased, among his heirs.

71. Allowing compensation to the jurors of the county and superior courts of the county of Warren.

### AN ACT

FOR THE RELIEF OF HONEST DEBTORS.  
Passed at the Session of 1820.

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 1st day of January next, when any Debtor or Debtors shall be taken upon any Capias ad Satisfaciendum; and shall be desirous of taking the benefit of the Oath prescribed for the relief of Insolvent Debtors, or of rendering a full and fair Schedule of his property, it shall and may be lawful for such Debtor or Debtors to tender to the Sheriff of the County, his lawful Deputy, or any Constable by whom he, she or they may have been taken, a Bond or Bonds payable to the party at whose instance the arrest was made, with good and sufficient securities in twice the amount of the debt, conditioned for his appearance at the next County Court, then and there to stand to and abide by such proceedings as may be had by the Court, in relation to his her or their taking the benefit of this Act; and in case of failure to appear, Judgment shall be entered up instanter upon said Bond, against the Principal and his Securities, to be discharged upon the payment of the debt and costs; and when an Execution issues thereon, neither of the Defendants shall be entitled to the benefit of this Act. *Provided*, That if either of the parties to the said Bond shall be desirous to have an issue made up and submitted to a Jury, a Jury shall be immediately impanelled to try such issue; and the plea of Non est Factum shall only be received, upon the party making oath of its verity. *And provided further*, That if it shall be made to appear satisfactorily to said Court, that said Debtor or Debtors are prevented from attending Court by sickness or other sufficient cause, to be judged of by the Court, the case shall be continued over to the next Court, at which time the same proceedings shall be had as if he had appeared at the first Term: *And provided further*, That if such Debtor or Debtors, shall die in the mean time, it shall be an absolute discharge of said Bond or Bonds. *Provided nevertheless*, That when any Debtor or Debtors shall be taken as aforesaid within twenty days before the sitting of said Court, said bond shall be conditioned for his her or their appearance at the succeeding term of the Court aforesaid.

*Be it further enacted*, That upon such Debtor or Debtors tendering such Bond or Bonds, it shall be the duty of such Sheriff, Deputy, or Constable, as the case may be, to release him, her or them from confinement or custody, any law, usage or custom to the contrary notwithstanding.

*Be it further enacted*, That to enable the Honest Debtor the more easily to obtain the Security required in the first section of this Act, it shall be lawful for the said Security, at the Court to which the Principal is bound to appear, to surrender, in open Court, the said Principal in discharge of the Security. *And* for the purpose of making the surrender, the Security is hereby authorized to exercise all the power which by law special bail have over their principal.

*Be it further enacted*, That upon the appearance of such Debtor or Debtors at the County Court aforesaid, it shall be lawful for him, her or them, either in person or by attorney to move the Court to be admitted to take the oath prescribed for the relief of Insolvent Debtors, or to swear to the Schedule previously filed with the Clerk of the Court, agreeably to the provisions of this Act hereinafter contained; *And* it shall be the duty of said Court upon such Debtor or Debtors making it appear to them that, at least, ten days notice has been given, in writing to his, her or their Creditors of the intention to avail him, her or themselves of the benefit of this Act, to administer