

# THE STATE GAZETTE

OF

## NORTH-CAROLINA.

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*An Act to amend an Act, entitled, An Act for establishing Courts of Law, and regulating the Proceedings therein, and another Act, entitled, An Act for giving an Equity Jurisdiction to the Superior Courts.*

**W**HEREAS it hath become necessary to a due and regular administration of justice, that the terms of the superior courts of law and the courts of equity should be enlarged, and that the business in the said courts should be so arranged and expedited as to be less expensive to the suitor, and more convenient to jurors and witnesses:

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 tenth day of January next, the said superior courts of law and courts of equity shall be, and the same are hereby, divided into ridings, *that is to say,* The districts of Morgan, Salisbury, Hillsborough and Fayetteville, shall constitute one riding, and be distinguished and known by the name of the western riding; and the districts of Halifax, Edenton, Newbern and Wilmington, shall constitute one other riding, and be distinguished and known by the name of the eastern riding: And the said several superior courts of law and courts of equity in the ridings before mentioned, shall be held for their respective districts, at the following places and on the following days, *that is to say,* In the western riding, for the district of Morgan, at the town of Morgan, on the first days of March and September; for the district of Salisbury, at the town of Salisbury, on the nineteenth days of March and September; for the district of Hillsborough, at the town of Hillsborough, on the sixth days of April and October; for the district of Fayetteville, at the town of Fayetteville, on the twenty-third days of April and October. In the eastern riding, for the district of Halifax, at the town of Halifax, on the twenty-third days of April and October; for the district of Edenton, at the town of Edenton, on the sixth days of April and October; for the district of Newbern, at the town of Newbern, on the nineteenth days of March and September; for the district of Wilmington, at the town of Wilmington, on the first days of March and September: To which times respectively, all matters and things depending in the said courts shall stand adjourned: And each

term shall continue thirteen days exclusive of Sundays, by adjournment from day to day if the business should require so long time; but otherwise may be sooner determined. *Provided always,* That if the day by this act appointed for holding any of the said courts, should happen to fall on Sunday, then such court shall be held the next succeeding day, any thing herein contained to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That one Judge shall be appointed in addition to the present number of the Judges of the said courts, who shall have, use, exercise and enjoy the same powers, authorities, rights, privileges and pre-eminences, as are used, exercised and enjoyed by the present Judges of said courts, under the said act, entitled, "An act for establishing courts of law and regulating the proceedings therein," or any other act or law whatsoever of this state.— And the Judges of said courts shall so arrange their attendance at said courts, that two of them shall regularly attend the courts of the western riding, and the other two, those of the eastern riding, and in such manner that any two of the said Judges shall not attend the same courts successively, but one of the said Judges shall pass into the other riding at each succeeding circuit, and this change shall be performed by them in regular rotation. *Provided,* That the Judge so to be added, shall before he act as such, take the oaths directed by law to be taken by the Judges of the said superior courts.

III. *And be it further enacted by the authority aforesaid,* That the Judges attending the courts within the said ridings at the end of each term thereof, shall at their discretion divide and distribute the business with respect to the days or part of the next term of each respective court under such rules as they shall think fit; which rule or order shall be advertised by the Clerk of said court at every court house of every county within the said district within sixty days, under the penalty of two hundred pounds, to be recovered by a tion of debt in any court having cognizance thereof; and for which service the Clerk shall be allowed twenty shillings for each county, to be paid by the Treasurer of this state on affidavit to be made by the Clerk.

IV. *And be it further enacted by the authority aforesaid,* That each of the jurors attending the said courts shall be allowed as heretofore.

V. *And be it further enacted by the authority aforesaid,* That each of the Judges of said courts shall be allowed the sum of eight hundred pounds annually, in full compensation for all services: and in case the said Judges, or either of them, should fail to attend at any of the said courts, upon such failure the sum of seven pounds per day shall be deducted for every day they shall be absent during each term, sickness or other unavoidable accidents excepted.

VI. *And be it further enacted by the authority aforesaid,* That the Clerks of the respective courts shall certify to the Treasurer the number of days each Judge shall have failed to attend the courts as by this act directed, under the penalty of fifty pounds for every neglect; and the Treasurer shall deduct from the salary of such Judge accordingly.

VII. *And be it further enacted by the authority aforesaid,* That one other person, being a man of abilities, integrity and learned in the law, shall be appointed Solicitor-General for the state, who shall have the same powers, and be under the same restrictions, and have the same allowances and fees as the Attorney-General of this state: and the said Solicitor-General and Attorney-General shall arrange the business in such manner as may be most convenient to themselves, so that one of them shall attend in each riding; and the said Solicitor-General shall be appointed by joint ballot of both houses of the General Assembly.

VIII. *And be it further enacted by the authority aforesaid,* That all indictments for assaults, batteries and petit larcenies, and actions for slander, shall in future originate in the county courts of pleas and quarter-sessions only.

IX. *And be it further enacted,* That no summons, writ, declaration, returns, process, judgment or other proceedings in the civil causes in any court of record, shall be abated, arrested, quashed or reversed for any defect or want of form, but the said courts respectively shall proceed and give judgment accordingly, as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration or other pleading, return, process, judgment or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially set down and express, together with his demurrer as the cause thereof. And the said courts

(See the last page.)