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## AN ACT

*Amendatory and Supplemental to an Act entitled, "An Act for the more convenient and uniform administration of Justice." Passed at the present Session of the General Assembly.*

Section 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 at the first term at which the several County Courts of Pleas and Quarter Sessions shall be held within this state after the first day of January next, and once at least in every three years thereafter, it shall and may be lawful for each and every of the said County Courts, and they are hereby directed and required to cause the jury list to be made up from the tax returns of such county for the preceding year; which tax returns shall be furnished by the clerk of said county whenever thereto required by said court; and the Justices attending at such court, shall cause therefrom to be transcribed the names of all such persons who are by law qualified to serve as jurors, (except those who from age, infirmity, or from any other cause, may be unfit to serve as jurors) whose names shall be written on small scrolls of paper of equal size, and put into a box to be procured for that purpose; which shall have two divisions, marked No. 1 and No. 2, and two locks, the key of one to be safely kept by the sheriff of the county, and the other by the chairman of the county court, and the box by the clerk of the said court; and the said Justices at each and every session of their said court, so it shall happen next preceding the sitting of the Superior Court of the said county, shall cause to be drawn from the said jury box, out of the partition marked No. 1, by a child not more than ten years of age, thirty persons, who shall serve as jurors at the next succeeding Superior Court, to be held for said county:—*Provided always, That whenever the County Court of such county shall be held within fifteen days of the sitting of the Superior Court of the same, then the court preceding such County Court, shall draw the jury as aforesaid: And provided further, That in case any of the jurors so drawn shall have a suit pending and at issue in the Superior Court, the clerks of the court with his or their names shall be returned into the partition No. 1 of the jury box; or if any of said persons so drawn shall be dead or removed out of the county, the said scrolls with his or their names, to be destroyed, and other jurors shall be drawn to his or their stead; and the scrolls drawn as aforesaid shall be put into the partition marked No. 2; and the clerk shall furnish the sheriff with a list of the jurors so drawn, who shall be bound to summon the same to attend at the court for which they are appointed, under the same rules, regulations and penalties, as are now by law established for the summoning of jurors; and the said jurors shall be bound to attend said court, in the same manner, and shall be subject to the same forfeitures as heretofore for non-attendance: *Provided further, That if before the expiration of three years, the names of the jurors in the partition No. 1, shall be drawn out, then the whole names shall be put into the said partition marked No. 1, and drawn out again as herein first directed; and there shall also be put in said partition marked No. 1, at the court following every fifth day of January, in each year, the names of such persons as shall appear by the tax lists immediately preceding, to have become qualified to serve as jurors, since the making out the general triennial list, subject however to the exceptions in the first section of this act.***

II. *And be it further enacted, That if some one of the Judges of the said Superior Courts shall not attend and hold each of the Superior Courts in this state, on the day by law prescribed for holding such courts, the sheriff of the county or his lawful deputy, shall open and adjourn such court from day to day, until one of the said Judges shall attend and hold the same; or until the third day appointed for the holding thereof; on which said third day, the sheriff or his said lawful deputy shall adjourn the same unto the next court; to which time, all suits, pleas, process, and other matters pending in the said court, shall be continued and have day as if the said court had been duly held.*

III. *Be it further enacted, That the first court to be held under the said act, shall commence on the first Monday in March next; and the first circuits or ridings be performed as follows, and thereafter as directed by the aforesaid act: The courts in the first riding shall be holden by David Stone, Esquire; the courts in the second riding shall be holden by John Louis Taylor, Esquire; the courts in the third riding shall be holden by John Hall, Esquire; the courts in the fourth riding shall be holden by Spruce Mackay, Esquire; the courts in the fifth riding shall be holden by Samuel Lewis, Esquire; the courts in the sixth riding shall be holden by Francis Locke, Esquire; and the said several Judges shall appoint the clerks and clerks and masters in Equity, within their respective circuits or ridings; and it shall be the duty of the clerks and clerks and masters in Equity to take the oaths of office, and to give bonds as by law prescribed, necessary for their qualification, before the Judge holding the Superior Court in each county.*

IV. *And be it further enacted, That in all cases where any person or persons are bound in recognizance to appear and answer to any charges to be alleged against them, to prosecute on behalf of the state, to give evidence, or for other causes, and by virtue of their said recognizances are to appear on the days on which the former Superior Courts respectively were to have been holden, that it shall be the duty of the clerks of the said courts respectively (who are now by law appointed this present session of the legislature, entitled "An act*

for the more uniform and convenient administration of justice within this state," constituted clerks of the Superior courts, to be holden in the several counties in which the former Superior courts were holden, and in which their respective offices are now situated) to attend at the respective courthouses on the days on which the said former Superior Courts were to have been holden, and on the day on which the above description of persons recognized to appear, and then and there, from day to day, for the space of ten days, to call out all such persons so bound as aforesaid; and it shall be the duty of the said clerks respectively, to recognize all such persons so bound as aforesaid; and who shall appear and answer on said days, to appear and answer, to prosecute or give evidence as the cases may be, at the Superior Courts, to be holden in the said counties respectively, agreeably to the above recited act, and which shall happen next after said days that they may be so bound; and in all cases where any of such persons shall appear and refuse to be bound as aforesaid, or refuse or fail to give sufficient security whenever the same is requireable and required by the said clerks for their appearance at the next Superior Court to be holden in said counties respectively, it shall be the duty of the said clerks, and they are hereby authorized and directed to commit such persons to the goals of their respective counties, until the times the Superior Courts by the above recited act shall happen, or until such person or persons give such security as aforesaid; and in all cases where any of the above descriptions of persons shall fail to appear, it shall be the duty of the said clerks respectively, to note their recognizances as forfeited, and to proceed thereon by issuing "writs facias," returnable to the first Superior Courts to be holden in their respective counties thereafter (agreeably to the above recited act), to show cause, if any they have, why the said recognizances should not be absolutely forfeited; and for which services the said clerks shall have such fees as for the same they were heretofore entitled to by law.

V. *And be it further enacted, That it shall be the duty of the said clerks respectively, to transmit to the several county court clerks, the records, papers, and all proceedings, by some safe conveyance, of all such causes, matters and things, as by the above recited act are to be tried in the Superior Courts of the counties, and it shall be the duty of the said county court clerks respectively, to receive and safely keep the same until the Judges shall appoint clerks and clerks and masters in Equity in the said counties for said Superior Courts, and to deliver the said records, papers and proceedings to the said clerks and clerks and masters in Equity so appointed, who shall docket the same according to their respective numbers, for trial; and the said clerks so transmitting the said records, papers and proceedings, shall receive for their trouble the sum of twenty-five shillings, in each and every cause by him transmitted as above directed, to be paid by the party cast on the final decision of such cause.*

VI. *And be it further enacted, That any clerk or clerk and master in Equity of the present Superior Courts of Law and Equity, who shall fail, refuse, or neglect to perform his duty in transferring the suits as required by the before recited act, in manner as directed by this act, shall be deemed guilty of a misdemeanor in office, and on conviction, shall be removed therefrom, and be further liable to pay the sum of five hundred pounds for each failure or neglect, one half to the use of the state, and the other half to the use of the party injured.*

VII. *And be it further enacted, That in all civil suits directed by the aforesaid act to be transmitted to the Superior Courts in the different counties within this state, it shall and may be lawful for the parties, either plaintiff or defendant, their agent or attorney, to apply to the clerk of the County Court within the said county, to issue subpoenas for all such witnesses as may be necessary for him or them on the trial of such cause; and the clerks of the said County Court are hereby authorized and required to issue such subpoena or subpoenas, returnable to the first day of the Superior Court, to be holden in their respective counties, on application as aforesaid; and the several sheriffs within the said counties are hereby authorized and required to execute and make due return of all such subpoenas; and the witness or witnesses so summoned shall be subject to the same penalties for non-attendance, and be entitled to the same pay as is hereafter provided for the compensation of witnesses attending under subpoena.*

VIII. *And be it further enacted, That the sheriffs of the several counties within this state, in which the County Court shall not be regularly holden, between the rise of the present General Assembly and fifteen days before the day appointed by the above recited act for the holding of the Superior Court in such county, to summon seven or more Justices of the Peace of said county, to convene together at the courthouse of said county, which Justices so convened, or any five of them, shall be authorized to appoint a jury to attend the first Superior Court to be held for said county, in the following manner, to wit:—The said Justices shall cause to be written on small scrolls of paper of equal size, the names of one hundred and twenty persons properly qualified to serve as jurors, from which shall be drawn thirty persons, who shall be, and hereby are declared to be legal and qualified jurors, to serve at the said first court to be held for said county: And the said Justices are hereby required to furnish the sheriff with a list of the names so drawn to serve as jurors; and the said sheriff shall be bound to summon the same to attend the said court, under the same rules, regulations and penalties as are now by law established for summoning jurors: And the said jurors shall be bound to attend said court in the same manner, and shall be sub-*

ject to the same forfeitures for non-attendance as heretofore.

IX. *And be it further enacted, That each person who shall attend any of the courts established by the before recited act, as a witness in any cause therein depending, shall be allowed for each and every day's attendance, and for every thirty miles he or she shall travel, going to and returning from the said court, six shillings: *Provided, the said witness resides within the county wherein the suit is tried, or the sum of ten shillings if such witness lives out of said county, to be paid as heretofore directed by law.**

X. *And be it further enacted, That proper seals for each and every court by the said act established, shall be provided by the Governor of this state, and the expense incurred in procuring the same shall be paid on a warrant drawn by the Governor on the Public Treasurer; and the seals heretofore provided shall remain in the offices to which they respectively belong, for the purpose of attesting the records of the present district Superior Courts of Law and Equity.*

XI. *And be it further enacted, That the clerks and clerks and masters of the present district Superior Courts of Law and Courts of Equity, shall have full power and authority to issue executions and all other necessary process in all judgments and decrees now had, or which may hereafter be had or made in any of the said courts previous to the first Monday in March next; and may continually thereafter issue executions and other necessary process to carry any such judgments and decrees into full and complete effect; and that all executions which now are or may hereafter be issued from any of the officers of the District Courts, shall be returned to the Superior Courts of the counties respectively in which the said District Courts were held; and upon the commencement of the first term of the respective Superior Courts of Law and Courts of Equity by the above recited act established, all original and mesne process shall and may be issued by the clerks and clerks and masters in Equity of the present District Courts, and returnable to the Superior Courts of Law and Courts of Equity, where the same may be triable according to the provisions of the above recited act.*

XII. *And be it further enacted, That whenever any suit shall be directed to be removed from any of the Superior Courts by said act established, agreeably to the twelfth section of said act, it shall be the duty of the clerk to transmit a transcript of the record of said suit to the court to which it is directed, the same to be transmitted, together with any depositions or other written evidences which may be filed therein, at least fifteen days before the sitting of the court to which the same shall be directed to be transmitted; for which he shall be allowed the sum of ten shillings, to be paid by the party making application for the removal, at the time of filing his, her or their affidavit.*

XIII. *And be it further enacted, That the Judges to be appointed under the said recited act may, and they are hereby authorized and empowered, to take the oaths prescribed by law for their qualification on behalf any Judge or Justice of the Peace before whom such Judge or Judges may qualify, to cause such Judge or Judges to subscribe the oaths by him or them taken, and having certified the same, shall return said oaths to the Secretary of State, who shall carefully preserve them: *Provided however, That the duties and compensation of the said Judges shall not commence prior to the first Monday in March next.**

Read three times and ratified in General Assembly, the 19th day of December, A. D. 1866.

JOSEPH RIDDICK, S. S.  
JOHN MOORE, S. H. C.

## Debate ON THE JUDICIARY BILL.

[CONTINUED.]

Mr. WRIGHT said, notwithstanding the patience of the house as well as the subject in debate was considerably exhausted, yet he deemed it the duty of every man entrusted with any portion of the public confidence, when called upon in the character of a legislator to give a vote, to give also the reasons which influence him in giving that vote in the affirmative or the negative. He would therefore state to the house the reasons which weighed with him and induced him to give the preference to the amendment proposed by the gentleman from Orange (Mr. Cameron) to the bill on the table; and in doing this, (as the general principles of the bill had been fully examined) he would rather confine himself to answering some of the remarks which had been made in opposition to the amendment and in favour of the bill. He would, however, premise his remarks by saying that he would not impeach the motives of any member—he presumed they were honourable and pure, and he was sorry that any allusion should have been made to the circumstance of members coming from borough towns having a peculiar interest in the opposition which they give to the proposed change in the Judiciary.—An idea of this kind was unworthy of any man in the character of a legislator. If the reasoning made use of by any member was found to be correct, it was of no consequence from what section of the country he comes, it ought to have weight; if it is fallacious, it is the duty of those who think so to expose it; & those who would impeach the motives of the borough members should reflect how vulnerable they are themselves—they should consider how they could answer if addressed thus: "Sir, you are a representative for a county in which there is no district town—you are a man of influence and popularity, but your influence is not equal to your ambition—you can exercise it to many advantages, but not to all purposes—you can wield the voice of the people, but you cannot direct or obstruct the administration of justice, you wish