THE STAR AND NORTH CAROLINA GAZET

RALEIGH, N. C. WEDNESDAY, MARCH 15, 1837

LAWS OF NORTH CAROLINA. Passed at the Session of 1836--'37.

[fiebised Statute.]

No. XC.

An Act concerning Courts of Justice, Practice, Pleas and Process.

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 the Justices of the Peace within this State shall be Judges of the Courts of Pleas and Quarter Sessions of the several counties for which they are appointed, and have all the powers incident to such a jurisdiction. Said Courts of Pleas and Quarter Sessions shall be held for their respective counties on the days following. to wit :

and October.

Ashe, fourth Monday in February, May, August and November.

Beaufort, first Monday in March, June, September and December.

Bertie, second Monday in February, May, August and November.

Bladen, first Monday in February, May, August and November.

Brunswick, first Monday in March, June, September and December.

Buncombe, second Monday in February, first Monday in July, and the third Monday after the fourth in March and September.

Burke, fourth Menday in January, April, July and October. Cabarrus, third Monday in January, April, July and October.

Camden, first Manulay in February and August, and research Monday after the fourth Monday of March and September. Carteret, third Monday in March, June, September and De-

cember. Caswell, second Monday after the fourth Monday of March,

June, September and December.

vember. Chowan, first Monday in February, May, August and November.

Co'umbus, second Monday in February, May, August and No- statutes of this State. or of the laws passed by the Congress of vember.

vember.

Cumberland, first Monday in March, June, September and December.

Currituck, the last Monday in February, May, August and November. Duplin, third Monday in January, April, July and October.

Davidson, second Monday in February, May, August and No- all trespasses and breaches of the peace and other misdemeanors in each and every year. vember.

Davie, the fourth Monday in February, May, August and November.

Edgecomb, fourth Monday in February, May, August and November.

Franklin, second Monday in March, June, September and December.

Gates, third Monday in February, May, August and November.

Granville, first Monday in February, May, August and November. Greene, second Monday in February, May, August and No-

vember

Guilford, third Monday in February, May, August and Novem-

Halifax, third Monday in February, May, August and Novem-

next before the last Monday in June.

Wilkes, first Monday after the fourth Monday of June and Ju-the county of Hyde, on the sixth Monday after the fourth Monly, and the second Monday in March and September.

Yancy, first Monday in February, last Monday in June, and setember.

SEC. 2. If the business of any of the said Courts cannot be determined on the first day of the term, the justices may ad-

which time the causes and matters which may be depending he- September; Johnston, the fourth Monday in March and Sepfore them, and not then finally determined, shall be continued tember; Wake, the first Monday after the fourth Monday in to the next succeeding term. SEC. 3. If, by reason of indisposition or other inability, bad weather or other accidents, it shall so happen that a sufficient number of justices shall not meet for holding the said Courts, or

shall and may be lawful for any one justice to adjourn the court Monday of March and September: Anson county, on the second Monday in January, April, July whereof he shall be a member from day to day, not exceeding hold the court.

SEC. 4. None of the said county courts, nor any process in any of them depending, shall be discontinued for or by reason of the justices failing to hold court upon the day by law appointed, or of any alteration of any of the days appointed for holding the said courts; but in every such case, all such process, matters and things depending shall stand continued; and all appearances upon returns of process shall be made to the next succeedterm had been the same term to which such process had stood continued, or such returns or appearances had been made; and all recognizances, bonds and obligations for appearances, and all returns shall be of the same force and validity, for the ap-

pearance of any person or persons at such succeeding term, and all summonses for witnesses, as effectual as if the next success ing term had been expressly mentioned-therein.

jurisdiction to hear, try and determine all causes of a civil nature whitever, at the common law, within their respective counpreme or Superior Courts; of all penalties, to the amount of sixty dollars and upwards, incurred by a violation of the penal Craven, second Monday in February, May, August and No- the courts of the several States; of suits for dower, partition. filial portions, legacies and distributive shares of intestates' estate, and all other matters relating thereto; to try, hear and determine all matters and things relating to orphans, idiots and lunatics, and the management of their estates, in like manner hear and determine all petit larcenies, assaults and batteries, of whatever kind soever, of an inferior nature; and of all other criminal cases where the judgment, upon conviction, shall not extend to life. limb or member; and in all other cases where jurisdiction and power to act is given by any act of the General Assembly.

SEC. 6. The justices of said courts shall have power and authorit- to purchase such books as they shall deem necessary to be kept by their clerk, in his office, for the use of said court, and the said justices, a majority of them being present, at discretion, appoint five of their number to hold said courts for one year; any three of whom shall have full power an tauthority to act; and they shall be entitled to receive, as a compensation for their services, a sum not exceeding three dollars. nor less than one dollar per day for each and every day they ber. Haywood, last Monday in January, the first Monday after the a majority of the justices being present, and shall be paid out of circuit: Macon, to begin on the fourth Monday of March and court, showing the number of days each justice has attended.

SEC. 7. If any county court clerk shall abuse or d-stroy, or Hyde, last Monday in February, May, August and November. to his care, he shall be fined, at the discretion of the court, for

day of March and September.

SEC. 13. The courts in the counties composing the third circond Monday after the fourth Monday in March and Sep- cuit, shall be held on the following times, to wit: In the county of Martin, on the Monday before the first Monday in March and September; in the county of Pitt, on the first Monday in March and September; Edgecombe, the second Monday in journ from day to day, not exceeding six days; at the end of March and September; Nash, the third Monday in March and March and September; Franktin, the second Monday alter the fourth Monday in March and September; Warren, the third Monday after the furth Monday in March and September; Halifax, the fourth Monday after the fourth Monday of March any of them, on the days by this act appointed, in such case it and September: Northampton, the fifth Monday after the fourth

SEc. 14. The courts in the counties composing the fourth cirthree days, until a sufficient number of justices can attend to cuit, shall be held on the following times, to wit: In the county of Granville, on the first Monday in March and September: O ange, the second Monday in March and September; Chatham, the third Monday in March and September: Randolph, the fourth Monday in March and September: Davidson, the first Monday after the fourth Monday of March and September; Stokes, the second Monday after the fourth Monday of March and September: Guilford, the third and fourth Mondays after the fourth Monday of March and September: Rockingham, the ing term in course, in the same manner as if such succeeding lifth Monday after the fourth Monday of March and September; Caswell the sixth Monday after the fourth Monday of March and September: Person, the seventh Monday after the fourth Monday of March and September.

SEc. 15. The courts in the counties composing the fifth circuit. shall be held on the following times, to wit: In the county of go Moore, on the Jast Mouday of February and on the last Monday of August; Montgomery, on the first Monday in March 573 SEC. 5. The justices of the said county courts, or any three and the first Monday of Septembers Anson, on the second of them, shall be competent to hold the terms thereof, and shall Monday of March and the second Monday of September; and may take cognizance and have full power and authority and Richmond, on the third Monday of March and the fourth Monday of September; Robeson, on the fourth Monday of March and the first Monday after the fourth Monday of September; Chatham, second Monday in February, May, August and No- ties, where the original jurisdiction is not, by an act of the Gen- Bladen, on the first Monday after the fourth Monday of March, eral Assembly, confined to a single magistrate, or to the Su- and the second Monday after the fourth Monday in September; columbus, on the second Monday after the fourth Monday in March, and on the third Monday after the fourth Monday in September; Brunswick, on the third Monday after the fourth the United States, where, by such law, jurisdiction is given to Monday in March, and on the fourth Monday after the fourth Monday of September; New Hanover, on the fourth Monday after the fourth Monday of March, and on the fifth Monday ofter the fourth Monday of September: Sampson, on the fifth Monday after the fourth Monday of March, and on the sixth Monday after the fourth Monday of September: Cumberland, as courts of chancery exercise jurisdiction in such cases; to try, on the sixth Monday after the fourth Monday of March. and on the seventh Monilay after the tourth Monday of September,

SEc. 16. The term of Anson Superior Court of Law and Equi. ty, shall continue two weeks successively, at the fall term thereof, whenever the business of the said court requires it.

SEC. 17. The courts in the counties composing the sixth circuit, shall be held on the following times, to wit: Cabarcus, on the second Monday in February and August; Mecklenburg, on the third Monday in February and August; Lincoln, on the second Monday after the third Monday of February and August; Iredell, on the third Monday after the third Manday in February the first term of said courts which may happen after the and August; Rowan, on the fourth Monday after the third Monfirst day of January, in each and every year, may, in their day in February and August; Surry, on the fifth Monday alter the third Monday in Pebruary and August, Ache, on the sixth Monday after the third Monday of February and August; Wilkes, on the seventh Monday after the third Monday of February and August; Davie, on the eighth Monday after the th rd Monday of February and August.

fourth Monday in March and September, and the Monday the funds of said county, upon the certificate of the clerk of said September; Haywood, on the first Monday after the fourth Monday of March and September; Yancy, on the second Monday after the fourth Monday of March and September: Buncombe, suffer to be abused or destroyed, any of the books so committed on the third Monday after the fourth Monday in March and September; Rutherford, on the fifth Monday after the fourth Monday of March and September; and Burke, on the seventh Monday after the tourth Monday of March and September, in each and every year hereafter. SEC. 19. Nothing contained in this act fixing the duration of, or assigning a period to the close of the term of any Superior Court, shall prevent the Judge holding the same, from keeping it open a longer period when the trial of a capital case shall have been commenced, and the jury not have returned "their verdict; but in any such case the Judge holding the court is hereby authorised to continue said court or adjourn the same from day to day, for the purpose of finishing the trial and the reception of the verdict and rendering the judgment of the law thereon, in any capital case, the trial whereof may have previously commenced. SEC. 20. The said courts shall be holden by judges, being men of abilities, integrity and loarned in the law, who shall have cognizance and legal jurisdiction of all pleas, real, personal and mixed, and also all suits and demands relative to legacies. filial portions and estates of intestates-all pleas of the State and criminal matters, of what nature, degree or denomination soever-whether brought before them by original or mesne process, or by certierari, writ of error, appeal from any inferior court, or by any other way or means whatsoever: and they are hereby declared to have full power and authority to give judgment and to award execution and all necessary process thereon: and shall have, use, exercise and enjoy the same powers and authorities, rights, privileges and pre-eminences as were had, used, exercised and enjoyed by any former judges of the Surespective court shall continue in session one week, unless the perior Courts in this State, except where it is or may be otherwise directed by this or any other act of the Legislature. SEC. 21. The said judges, before they act as such, shall, in open court, or before the Governor for the time being, or before one of the Judges of the Superior Courts, or before some justice of the peace, take the oath appointed for the qualification of public officers, and also an oath of office. SEC. 22. It shall be the duty of the officers or court before whom such judge or judges shall qualify, to cause such judge or of Chowan, on the second Monday after the fourth Monday of judges to subscribe the oaths by him or them taken; and, having March and September; in the county of Perquimons, on the certified the same, shall return said oaths to the Secretary of here in the county of Pasquotank, on the fourth Monday after shall act in his office before he shall have taken the oaths hereby the fourth Monday of March and September; in the county of directed, he shall forfeit and pay two thousand dollars, to be re-Camden, on the fifth Monday after the fourth Monday of March covered by action of debt in any of the Superior Courts, one half to the use of the State, and the other half to the person who shall sue for the same. SEC. 23. The judges of the Superior Courts, or a majority of the fifth Monday after the fourth Monday in March and Sep- circuit, shall be held on the following times, to wit: In the coun- them, shall allot the circuits among themselves; and it shall be their duty to cause a notification of such allotment to be publishthe county of Jones, on the Wednesday next after the second ed in the State Gazette by the first day of February and the first Monday of March and Septembers in the county of Lenoir, on day of August preceding each and every circuit for which such allotment shall be made; provided that no judge shall be

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ferilord, fourth Monday in February vember.

Iredell, third Monday in February and August, and on the such his neglect. fifth Monday after the fourth in March and September. SEC. 8. Said

Johnston, fourth Monday in February, May, August and November.

ones, second Monday in March, June, September and December.

Lenoir, first Monday in January, April, July and October. incoln, third Monday in January and July, and the second Monday after the third Monday in February and August. dartin, second Monday in January, April, July and October. Pasquotank, Perquimons, Chowan, Gates, Hertford, Bertie, decklenburg, fourth Monday in January, April, July and October.

uary.

Moore, third Monday in February and August, May and November.

on the Monday before the last Monday of January, and the second Monday before the last Monday of June, Nash, second Monday in February, May, August and Novem- Moore, Robeson, Cumberland, Bladen, Columbus, Brunswick,

ber. New Hanover, second Monday in March, June, September and December.

Northampton, first Monday in March, June, September and December

Inslow, first Monday in February, May, August and November.

Drange, fourth Monday in February, May, August and Novem ber.

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erson, second Monday in March, June, September and December.

Pitt, first Monday in February, May, August and November. Randolph, first Monday in February, May, August and November.

Richmond, third Monday in January, April, July and October. Rowan, third Monday in February, May, August and Novem- third Monday after the fourth Monday of March and Septem- State, who shall carefully preserve the same; and if any judge ber.

Robeson, fourth Monday in February, May, August and November.

Rockingham, fourth Monday in February, May, August and November.

Rutherford, on the second Monday in January and July, and tember.

Sampson, third Monday in February and August, May and November.

Stokes, second Monday in March, June, September and December.

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SEC. 8. Said court shall have full power to lay such an additional tax on their respective counties, as shall be sufficient to purchase and provide the books aforesaid.

SEC. 9. A Superior Court shall be held by a Judge thereof. at the court house in each county in the State, twice in every year.

SEC. 10 The State shall be divided into seven circuits: the first circuit to be composed of the counties of Currituck, Camden, Washington and Tyrrell. The second circuit to be composed of the counties of Jones, Carteret, Onslow, Duplin, Wayne, Montgomery, first Monday in April, July and October and Jan- Greene, Lenoir, Craven, Beaufort and Hyde. The third circuit to be composed of the counties of Pitt. Edgecomb, Nash, John-

ston, Wake, Franklin. Warren, Halifax, Northampton and Martin. The fourth circuit to be composed of the counties of Macon, on the fourth Monday of March and September, and Chatham, Randolph, Davidson, Stokes, Rockingham, Guilford, Caswell, Person, Granville and Orange. The fifth circuit to be composed of the counties of Montgomery, Anson, Richmond, New Hanover and Sampson. The sixth circuit to be composed of the counties of Surry, Wilkes. Ashe, Lincoln, Iredell, Cabarrus, Mecklenburg, Davie and Rowan. And the seventh circuit to be composed of the counties of Macon, Haywood, Yancy, Buncombe, Rutherford and Burke.

> SEC. 11. The Superior Courts of Law and Equity, in the first judicial circuit, in the several counties thereof, shall be opened and held at the times hereinafter expressed; and each business of the court shall be sooner determined, viz: In the county of Tyrrell, the said courts shall be held on the first Monday in March and September; in the county of Washington, on the second Monday in March and September; in the county of Bertie, on the third Monday of March and September; in the county of Hertford, on the fourth Monday of March and September; in the county of Gates, on the first Monday after the fourth Monday of March and September; in the county

> and September; in the county of Currituck, on the sixth Mon-

day after the fourth Monday of March and September. SEC. 12. The courts in the counties composing the second

ty of Onslow, on the first Monday of March and September; in the third Monday of March and September; in the county of such allotment shall be made; provided the Duplin, on the fourth Monday of March and September; in the allotted the same circuit twice in succession county of Wayne, on the first Monday after the fourth Monday of March and September; in the county of Greene, on the any court or courts in their circuits.

second Monday after the fourth Monday of March and Sep-

Monday after the fourth Monday of March and September; in or until the third day appointed for the holding thereof, on

SEC. 24. The said judges may exchange with each other for

SEC. 25. If some one of the said judges shall not attend tembers in the county of Carteret. on the third Monday after and hold each of the Superior Courts, on the day by law prethe fourth Monday in March and September; in the county of scribed for holding such courts, the sheriff of the county or his Craven, on the fourth Monday after the fourth Monday of lawful deputy shall open and adjourn such court from day to March and September; in the county of Beaufort, on the fifth day until one of the said judges shall attend and hold the same,