# IN STAR AND NORTH CAROLINA GAZBTTD.

# RALEIGH, N. C. WEDNESDAY, APRIL 5, 1837

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

MISCELLANEOUS.

### AN ACT CONCERNING THE REEISED STATUTES. CONCLUDED.]

111. An act to prevent the taking away of boats, canoe and pettiaugers from landings or elsewhere without leave.

112. An act concerning the public arms,

113. An act concerning proceedings in criminal cases.

114. An act for the better security of personal liberty.

115. An act for establishing public landings and places of regulation of inspections,

SEC. 2. All acts and parts of acts, passed before the pre sent session of this General Assembly, the subjects whereof are revised and re-enacted in the Revised Statutes, or which are repugnant to the provisions therein contained, and all the statutos of England or Great Britain heretofore in use this State, are hereby declared to be repealed, and of no torce and effect from and after the first day of January next, with the exceptions and limitations hereafter mentioned.

SEC. 3. The repeal of the acts and statutes mentioned in the next preceding section, shall not affect any act done or be taken by them. any right accruing or accrued or established, or any suit or proceedings had or commenced in any case before the time

when such topeal shall take effect; but the proceedings in every such case shall be conformed, where necessary, to the provisions of the Revised Statutes.

SEC. 4. No offence committed, and no penalties or forfeitures incurred under any of the acts hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, except that where any punishment, penalty or forfeiture shall have been mitigated by the provisions of the Revised Statutes, such provisious may be extended and applied to any judgment to be pronounced after the said repeal.

the said repeal, for any offence committed, or for the recovery shall be his duty as an officer, diligently to endeavor to colof any penalty or forfeiture incurred under any of the acts lect, and pay them over in like manner as constables are now hereby repealed, shall be affected by such repeal. except that bound; and in default of such duty, he shall be liable to the the proceedings in such suit or prosecution shall be conformed, when necessary, to the provisions of the Revised Statutes, in any court of law, by suit on his official bond, executed un-

acts herein before mentioned.

SEC. 7. All persons who, at the time when the said reacts hereby repealed, shall continue to hold the same accord lected by sheriffs under process of law, ing to the tenure thereof, except those offices which may have been abolished, and those as to which a different provision shall have been made by the Revised Statutes.

SEC. S. No act of a private or local nature; no act containing a grant of corporate privileges for any purpose; no act granting privileges or imposing duties, in any particular county, inconsistent with the general provisions of law; no act regulating the time, place and manner of elections, musters or reviews in any county; no act relating to fisheries in any particular section of the county; no act providing for the support of the poor in any county; and no act directed to be pointed by law are hereby authorised, or a majority of them, published by the tenth section of this act, shall be construed to draw on the Public Treasurer of this State for such sums, to be repealed by the second section of this act.

section of this act, shall not be published in the usual pam- and the warrants of said commissioners shall be a sufficient phlet form, (except those herein before directed to take effect authority to the Treasurer for payment of the sums so reimmediately.) with the other acts of the present session, but shall he published in a separate volume, under the superintendence and direction of two commissioners, to be appoint ed by the Governor, who, in case of vacancy after the appointment, shall fill the same; who shall procure the same to be done in good style, upon the most economical terms, giving a preference, when the style and terms of printing are equal, to the printers of this State; shall take hond for the faithful performance of the work of those who may undertake the same. They shall be arranged, in the publication, in alphabetical order, according to their heads or titles, with marginal references as reported by the commissioners of revisal, and also with references to the decisions of the Supreme Court upon their subject, and with a full index. In the same volume shall to the same exceptions as other depositions. be published the constitution of the United States, and the constitution and bill of rights of this State, and the Mecklenhurg declaration of Independence, with a short narrative thereof. There shall also be published in the same volume, the acts of a public nature passed at this session, excluding all acts granting corporate privileges. SEC. 10. There shall be published, in a second volume, the second charter of Charles the second, to the Lords Proprietors of this State; the Great Deed of Grant from the Lords Proprietors; the Grant from George the second to Earl thorised, by said decree, to make title to the purchaser or Granville; and the following acts; to wit: all the acts relating to the boundaries of the State, and its several counties; all acts ceding the lands of this State to the General Govern- ken as good and sufficient to convey to the purchaser or purment; all acts incorporating banks and rail road, turnpike and navigation companies, which are now in force and use; all acts relative to the incorporation or to the corporate powers of the Trustees of the University; and such other acts, now in force, and not repealed by this act, as the superintendents may in their discretion think proper to place in the said second volume. SEC. 11. There shall be published of the first volume of An Act to make compensation to the Secretary of State for tion to the sheriffs shall be ascertained and certified by the the said Revised Statutes, five thousand copies; and of the second volume, one thousand copies; the copy right whereof shall be secured to this State by the said superintendents; and thousand eight hundred and thirty-one, the Secretary of State the expense of preparing, printing, puotsning, ontoing discharge the duty of Librarian; and by an act of the present distributing the said copies, shall be paid by the Public Treas-urer, on the warrant of the Governor, founded on requisitions additional duties are required of him: SEC. 12. The said copies, when completed, shall be dis tributed, under the direction of the Governor, as follows, to North Carolina, and it is hereby enacted by the anthority of wit: to the Library of the Congress of the United States, the same, That the Secretary of State be allowed the sum of ten copies; to the several States and territories, three copies fifty dollars per annum, for his services as State Librarian, each; to the Library of the University of North Carolina, during the term he has, and may continue to discharge the three copies; to the Governor, Treasurer, Secretary of State duties of State Librarian; and the sum of one hundred doland Comptroller, two copies each, for the use of their respec-tive offices; to the State Library, five copies; to the clerks of hoth houses of the General Assembly, five copies cach, for the use of their respective houses; to the clerk of the Su-for the use of their respective houses; to the clerk of the Su-for the use of their respective houses; to the clerk of the Supreme Court, and the clerks of the several Superior and County Courts, one copy each, for the use of their respective courts; to the Judges of the Supreme and Superior Courts, one copy An Act to alter the time of holding elections in the counties each; to the members of the present General Assembly, who shall not be justices of the peace on the first day of January, shall not be justices of the perce on the first day of January, one thousand eight hundred and thirty eight, one copy each: North Carolina, and it is hereby enacted by the authority of Negro Head Point downwards, and out of each of the Inlets

such manner, and upon such terms, as the Governor shall ter be holden, in the years in which they severally occur, in the counties of Halilax, Northampton and Martin, on the direct and appoint.

direct and appoint. SEC. 13. The said volumes shall be published as speedi-ly as practicable: and when completed and delivered to the order of the Governor, the superintendents shall receive such order of the Governor, the superintendents shall receive such

Revised Statutes, which shall be printed as aforesaid, shall be force from and after its ratification, received as evidence of the law before all tribunals, and in all places, in the same manner, to all intents and purposes, inspection, and for the appointment of inspectors and as the originals in the office of the Secretary of State. [Ratified 23rd January, 1837.]

in certain cases.

with thesame penalties in case of false swearing. Ratified 14th December, 1836.]

An Act increasing the liabilities of Sheriffs. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the anthority of

the same, That in future whenever a sheriff, by himself or Sec. 5. No suit or prosecution, pending at the time of deputy, shall receive into his hands claims for collection, it owner of such claims for damages, which may be recovered SEC. 6. No act which has heretofore been repealed, shall der the provisions of the act of the General Assembly, passed be revived by the repeal, contained in this act, of any of the in the year seventeen hundred and seventy-seven, chapter eight; and for moneys collected on such claims, the sheriff and his sureties shall be liable in like manner and for like peal shall take effect, shall hold any office under any of the damages, as are now provided for in the case of money col-

Ratified 19th December, 1836

An Act making an appropriation for carrying on and completing the Capitol of this State.

Be it enacted by the General Assemb y of the State of North Carolina, and it is hereby enacted by the authority of the same. That the sum of one hundred and twenty thousand dollars be, and the same is hereby appropriated for carrying on, completing and furnishing the capitol now being erected in the city of Ralcigh; and the commissioners appointed by law are hereby authorised, or a majority of them, out of the said appropriation, as they, or a majority of them, 'SEC. 9. The Revised Statutes councrated in the first may require from time to time in the progress of said work;

shall be sold, for the benefit of the State, by such person, in sheriffs, and members of the General assembly, shall hereaf

compensation as to the Governor shall seem just and reason-able, to be paid by the Public Treasurer, upon his warrant. SEC. 14. Be it further enacted. That the copies of the SEC. 3. Be it further enacted. That the copies of the

# [Ratified 6th January, 1837]

An act concerning the Public Arms now in the Arsenals in Raleigh and Fayetteville.

An ect allowing sheriffs or their deputies to administer oaths North Carolina, and it is hereby enacted by the anthority of the same. That it shall be the duty of the Adjutant General, Be it enacted by the General Assembly of the State and he is hereby authorised, to employ some well qualified of North Carolina, and it is hereby enacted by the au-thority of the same. That whenever the treeholders, desig-now in the Arsenals at Raleigh and Fayetteville, and to have nated in the act of seventeen hundred and seventy seven, each Musket and rifle deeply stamped with the letters, N. C. chapter twenty-three; passed in relation to mills, shall be as-SEC. 2. Be it further enacted, That when the said arms chapter twenty-three; passed in relation to mills, shall be as-sembled for the purposes specified in that act, the sheriff or are so stamped, and in proper order for service, they shall be any justice of the peace may administer the eath required to deposited by the Adjutant General at the following places of depot, viz: At Morganton, six hundred and thirty five rifles,

SEC. 2. And be it further enacted, That in all cases where any civil officer, in the discharge of his duties, is per-mined by the law to administer an oath, the deputy of such officer, when discharging such duties, shall have authority to administer it, provided he is a sworn officer; and the oath uted, one hundred and five rifles to each of the counties of thus administered by the deputy, shall be as obligatory, as if Rowan, Wilkes, Davie, Davidson, Lincoln, Iredell, Stokes, administered by the principal officer, and shall be attended Surry, Ashe, Cabarrus and Mecklenburg; and one hundred and two muskets to each of the counties of Guillord, Randolph and Montgomery. At Fayetteville, eight hundred and sixteen muskets, to be distributed, one hundred and two to each of the counties of Cumberland, Moore, Auson, Richmond, Robeson, Columbus, Bladen and Sampson. At Wilmington, three hundred and six muskets, one hundred and two to each of the counties of New-Hauover, Brunswick and Duplin. At Raleigh, eight hundred and sixteen muskets. to be distributed, one hundred and two to each of the counties of Wake, Johnston, Franklin, Orange, Person, Chatham, Rockingham and Caswell. At Newbern, six hundred and welve muskets, to be distributed, one hundred and two to each of the counties of Craven, Carterot, Jones, Lenoir, Wayne and Onslow. At Washington, five hundred and ton muskets, to be distributed, one bundred and two to each of the counties of Beaufort, Hyde, Pitt, Green and Edgecombe. At Elizabeth City, five hundred and ten, to be distributed, one hundred and two to each of the counties of Camden, Currituck, Tyrrel, Pasquotank and Perquimous. At Plymouth, six bundred and twelve muskets, to be distributed, one hundred and two, to each of the counties of Washington, Bertie, Hertford, Martin, Gates and Chowan. At Halifax, five hundred and ten muskets, to be distributed, one hundred and two to each of the counties of Halifax, Nash, Northampton, War

ren, Granville. And the Adjutant General is hereby author ized to employ, at each of the above depots, an agent to receive and distribute the said arms. SEC. 3. Be if further enacted. That the Adjutant Gener-

I shall forth with inform the seignior Colonel of several counties at what depot the quota belonging to his county may be, who shall send for the said arms, and receipt to the Adjutant General therefor. The Colonel shall deposite the arms with one or more companies of his regiments, and take the Cap-tain's receipt therefor; and each soldier shall sign the receipt for his musket or rifle in the muster book; and the expenses 2.

VOL XXVIII.

110 15

[Ratified 19th January, 1837.]

An Act concerning depositions of persons confined in jail.

he lawful for the party desiring to use it, to take his or her of the prisoner confined in jail as aforesaid; subject, however,

[Ratified 15th January, 1837.]

An Act to authorise Courts of Equity to direct the Clerks and Masters thereof to execute titles for all property

sold under decrees of said courts.

North Carolina, and it is hereby enacted by the authority of the same, That in all cases hereafter where any clerk and master in equity, shall sell any real or personal estate, in obedience to a decree of a Court of Equity, and shall be aupurchasers for the same, the deed of the clerk and master of the court ordering the sale, shall be held, deemed and taproperty so sold, as the party of record owning the samepeq therein.

SEC. 2. Be it further enacted, That this act shall be in operation from and after its passage.

[Ratified 22nd December, 1836.]

additional services required of him.

Whereas, by a resolution of the General Assembly of one

Be it enacted by the General Assembly of the State of

# [Ratified 23d January, 1837.]

of Halifax, Northampton and Martin.

Be it enacted by the General Assembly of the State of

conveying the arms from the depots shall be paid out of the fines collected in the company or companies receiving the 5

said arms. When any soldier, from age or any other cause, Be it enacted by the General Assembly of the State of leaves the company, he shall hand over the musket or rifle to North Curolina. and it is hereby enacted by the authority of the Captain; and any person selling a musket or rifle stampthe same. That whenever it may be necessary to use the tes- ed as aforesaid, shall be subject to indictment in any court, timony of any prisoner who may be confined in jail, it shall and be fined and imprisoned at the discretion of the court. SEC. 4. And be it further cuacted. That when any Voldeposition, under the same rules and regulations as are pre- unteer Company, which has been, or may be incorporated, scribed for the taking of depositions in other cases; and such shall be dissolved, the muskets or rifles shall be delivered deposition so taken may be read in evidence in the absence over to the Colonel, and by him disposed of as heretofore di rented.

SEC. 5. Be it further enacted. That the expenses of repairing and stamping the public arms, in pursuance of this act, and also of removing them to the several depots, shall be paid by the Treasurer, on the warrant of the Governor. Ratified 20th January, 1837.]

Be it enacted by the General Assembly of the State of An Act to amend an act, entitled "an act concerning the election of Governor and members of the General Assembly," passed in the year one thousand eight

# hundred and thirty-five. Be it ennoted by the General Assembly of the State of

North Carolina, and it is hereby enacted by the anthority of the same. That each one of the sheriff of the several countics in this State, shall hereafter be entitled to receive the snin of two dollars for each and every day he may be neceschasers such title, interest and estate in the real or personal sarily engaged in making the returns of elections for Governor in his or their respective counties, according to the provisions of the fourth section of said act, and in travelling to and from the city of Raleigh, by the most usual road from and to his residence; any law to the contrary notwithstanding.

Secretary of State; and the same shall be passed as public accounts, and paid by the Treasurer.

SEC. 3. Be it further ennered. That this act shall be in force and operation from and after its ratification.

[Ratified 20th January, 1837.]

### [Rebised Statute.]

PILOTS AND COMMISSIONERS OF NAVIGATION An Act to reduce, into one, the several acts concerning Pilots and Commissioners of Navigation.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby muched by the authority of the same. That at the first Court of Pleas and Quarter Sessions to commissioners are authorised and empowered to appoint a clerk, whose duty it shall be to keep a book and record therein all the orders, rules and proceedings of the said board of commissioners

Szc. 2. The said commissioners shall have authority in all to the justices of thepeace of the several counties, one copy the same, That the elections for members of Congress, for and with respect to throwing trash in the river at the town of each, of the first volume only. All the remaining copies Governor, for clerks of the Superior and County Courts, Wilmington, and the construction of wharves, shall have a

| ie and a state   |   | 30 5                    | ii th   |
|--|---|-------------------------|---|
| pit and  | 120   | L be                    | 2.  |
| in the same  |   | N                       |   |
| in a start a   | he  | 3 . 8                   |   |
| be injured by such bring into the said river any vessel whatever, such person shall directed to the sheriff of<br>suit on such bond. forfeit and pay the sum of forty dollars, to be recovered by ac- who are hereby respect<br>hamage by him sus- tion of debt, one half to the person who shall sue for the same, execute the same, and<br>the first recovery, and the other half to the commissioners of, navigation for said and on any warrant is<br>at, but may be put-iver: <i>Provided always</i> , that it shall be lawful for any person commissioners may go<br>to shall be injured to conduct into the port of Brunswick, any vess 1 in danger sixty dollars, and ma-<br>le penalty shall be from distress of weather, or in a leaky condition; any thing manner of issuing exec-<br>tion to the conduct into the content provides and marked in the peace; and any exe-   | The Carolina, in the paper that such pilot is removed.<br>In for the due and SEC. 8. If any person not authorised as a pilot for Cape five to pilotage, and for<br>shall be filed with Fear in manner as by this act directed, shall assume and take alty incurred by any a<br>scores in trust for more himself the office of pilot, and shall bring or attenut to ling the pilotage of C | IN COM                  | and it  |
| all bon o'   | ed a  | o an u                  |   |
| L Di Su  |   | a in Sta                | 2 5   |
| R LEY P LE   |   | <b>P G</b>              | 戸田  |
| bring into the said river any vessel wi<br>forfeit and pay the sum of Torty dolla<br>too of debt, one half to the person w<br>and the other half to the commission<br>river: <i>Provided alaritys</i> , that it shall<br>to conduct into the port of Brunswi<br>from distress of weathe , or in a lea<br>in react to the contrary potwithstandin   | Fr. Pa  |                         | 18  |
|  |   |                         | an Barton   |
|  |   |                         | 20  |
| of and   | mat B.  | win win                 | 時間  |
| t ine the  |   | the at                  |   |
| on the state   | BIER  | 10.2                    | and the second  |
|  | P P P P.  | Sai a                   | 3.9   |
| ni si  | 8.0 0   | d de la                 |   |
| Part and   |   | po pa ca                | - 9   |
| he he  | o hio   | t in the                | 0   |
| A. office the  | D. a .  | -                       |   |
| T T PAS  | nov.  | -                       | Dag.  |
| in it it is  | et d  | Bei - In                | 6 B.  |
| a last   | in and  | ST. TE                  | a fa  |
| will will an will be a wil | te  |                         |   |
| ky be  | 5 G - 2   | a Nan Su                | 里台  |
| o a la for   | # shed  | tir                     | 94  |
| un win   |   | 200 7 1                 | and the   |
| Line Su Su   |   | C IN DE                 | B Barro   |
| ion for a ch   | e a p   | AND                     | 금목이   |
|  | B   | en y                    | " Tida  |
| an in y  |   |                         | Barth   |
| Y go b   |   |                         | 8 L 14  |
| Shi Shi  |   | p a                     | 50  |
| 14 4 8 H 9 1 1   | the   | -                       |   |
| 72 88 8 8 8 E  | 1 1 2   | 1 1 N 1                 | 22  |
| ty na co   |   | e ne d                  | 1 4   |
| te dis   | S a d   |                         | A DO  |
| irected to the sheriff of<br>who are hereby respec-<br>recute the same, and<br>and on any warrant i<br>commissioners may go<br>insty dollars, and many<br>mather of issuing exe-<br>he peace; and any exe-   | pil   | De la su                | - H - H - 1   |
| al lie lie lie lie lie lie lie lie lie li  | an  | a la ca                 | le na   |
| by an and a state  | Top of  | o is pi                 | 물건  |
| an man   |   | T to of P               | n 9.  |
| d's an appril  | And a   |                         | 3   |
| Xe Du La C   | 0.2 2.4   | P a a                   |   |
| Cu Sul al  | De ct " a   | SE C                    | -   |
| in in a start  | PS SEC  | to a line a             | 12 2  |
| a and a da c   | the   | ag age                  | a s   |
| o des a la serie de la serie d | 0.00  | an all st               | ZE  |
| tal<br>functe<br>function<br>function  | Ore   | an an an                | of  |
| the state  |   | gand .                  | GA  |
| sid off  | windf   | an an                   | 12-12-14  |
| in a sur N   | An  | 승물건법                    | lie   |
| an a   | T SY B  | ste                     | -   |
| id non an  | In an   | 7.0.                    |   |
| n b ne ed  | Ty Fel  | in state                |   |
| T a gat  | int into  | The state               | Paller  |
| ob the   | a rait  | 1 8 6 5                 |   |
| te le  | 229   | the land                | and dime  |
| Nin Bar  | - apres   | SAU                     | angewares.  |
|  | 百年早晨  | で見ずう                    |   |
| Continued  | en second t   | Piconis .               | PRAIL DIS   |
| A REAL PROPERTY OF A REAL PROPER | A REAL PROPERTY AND INCOME.   | the state of the second | the second se |

ŝ

snid