STAR AND NORTH CAROLINA GAZETTE. ang

RALEIGH, N. C. WEDNESDAY, APRIL 19, 1837

SEC 80. In all cases of insurrection among slaves or

SEC. SI. It shall be the duty of the commanding officer

forthwith to order out the militia in the way he shall judge

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

[fiebiged Statute.] MILITIA. An Act concerning the Militia of this State. Concluded.

olina, without partiality, favor, or affection; and you do fur ther swear, that you will not divulge the sentence of the court until it shall be published by the proper authority, neither will day he shall fail to do duty. you disclose the vote or opinion of any particular member of you disclose the vote or opinion of any particular member of free persons of color, either in any county of the State, or in to the lowest hidder, by the printed page, the public, nes, by a court of justice, in due course of law; so help you an adjoining State, or in case of invasion, seven justices of Go I." And the president shall administer to the judge advas the peace, deeming the emergency to require it; may, at their cate the following oath: "You, A. B. do swear that you will discretion, require, in writing, of the commanding officer or faithfully and impartially discharge the duty of judge advocate officers of their county, to call out the militia under his comon this occasion, as well to the State as to the accused, and mand, and any volunteer company or companies in said counthat you will not disclose the vote or opinion of any particular ty in the absence of the field officer who is entitled to the member of the court, unless required to give evidence thereof. command to suppress or repel such insurrection or invasion, as a witness, by a court of justice, in a due course of 'aw; nor or to protect the inhabitants of their county from the danger divutge the seatence of the court to any but to the proper auapprehended; and may again require of the said officer to thority, until it shall be duly published by the same; so he'p commanding officer may dismiss in like manner.

Sec. 63. The judge advorate of any court martia', constifuted according to the provisions of this act, shall and may is sae a summons, in the nature of a subpotta in criminal cases. d rectetil to the provost martial, to summon witnesses for the best to effect the purpose desired; he may make such con-State and the accused; and the persons summoned by him shart tracts as he may think most to the interest of the State, for be bound to attend and give evidence before the court martia', the requisite aumunition, and appoint some one a commissa-under the pena ty of forty do' ars, to be recovered by the party ry to provide the necessary rations for the subsistence of the argrieved, in an action of debt, before a justice of the peace, men while in Service;" and infinediately on the discharge of unless the witness can prove his inability to attend.

the men, the commanding officer is hereby empowered to dis-SEC. 69. All witnesses shall be sworn or affirmed by the pose of any surplus ammunition or provision for the benefit indge advocats, before they give their evidence as in crimi- of the State; and all expenses hereby incurred, shall be propnul cases, according to the following form: "You, A. B. do erly certified by said officer, and forwarded to the governor swear (or affirm, as the case may be,) that the evidence you and shall be paid by the State, after undergoing an examinawill give the court, in the case between the State and C. D., tion and approval by the governor, treasurer and comptroller, shall be the truth, the whole truth, and nothing but the truth: who are hereby created a board for that purpose SEC. S2. The commanding officer of any regiment, as so help you God."

SEC. 70. All trials by court martial shall be carried on soon as he has called out the militia, under the provisions of in the day time, between the hours of ten o'clock in the the 81st section of this act, shall immediately send an express moraing and five o'clock in the evening; and when the votes to the brigadier or major general of his brigade or division. shall be called for on any question, the judge advocate shall informing him of that fact, and of any other official facts he may begin with the youngest in commission, and proceed regulate in possession of, and continue to do so from time to time: larly to the oldest. And at all courts martial, unless two thirds and the brigadier or major general shall immediately apprize of the members agree that the accused is guilty, the judge the governor, either by express or mail, as he may judge the alvocate shall record his acquittal; and all courts martial au- emergency requires, of all the circumstances; in the mean one copy of the public laws for the executive of cach thorised and appointed in pursuance of the militia laws of time, such general officer shall pursue the most effective State and Territory in the Union. this State, shall have full power and authority to pres ree measures for repelling such invasion, or suppressing such in or ler during their session, and may imprison in the county surrection; and the militia thus called out, shall be armed acjail, for the space of eight hours, any and all persons who cording to law. shall, in the presence of the court martial, behave in a dis-SEC. 83. When there may be outlawed or runaway negroes, committing depredations, or in any way alarming the orderly and contemptuous manner.

SEC. 71. It shall be the duty of the judge advocate, upcitizens of any county, or when the guarding of a jail is neon all trials, to state impartially to the court the evidence, cessary, three justices of the peace, certifying the same in both for and against the accused, to take in writing the evi- writing, and requesting the officer in command of their coundence both for and against the accused, and to minute down ty, he is hereby required to effect the object set forth in said the proceedings of the court, all of which, with the judgment request of the justices; and the expenses of said militia, so days from the rise of each General Assembly, furnish the second called out, shall be paid by the court of the county, who are printer with complete copies of all laws; and the clerks nature, and that of the president of the court, with the pa-pers used at the trial, or copies thereof, certified by him, he shall transmit under scal to the officer who ordered the court; and all motions and objections to evidence, whether on the state of the State, both officers and solpart of the State or the accused, and the opinion of the diers, when called into the service of the State, shall receive ted; and when thus finished, and addressed to these enti-

udge advocate on questions of law made at the trial, shall the same pay and rations as when called into the service of tled to receive them, he shall cause them to be packed be stated in writing, and the statement of the complaint and the defence shall be made in writing, so that a full view of the trial may be had by the officer, whose duty it is to ap-prove or disapprove of the proceedings; and all the original proceedings and indements or sentence of all courts martial sistion before a court month of the complaint and the United States. Sec. 85. Every officer who shall refuse or neglect on prove or disapprove of the proceedings; and all the original proceedings and indements or sentence of all courts martial sistion before a court month of the complaint and the United States. Sec. 85. Every officer who shall refuse or neglect on of State. Sec. 8. The Secretary of State shall employ a trusty 2

States or of this State, he shall not be liable to stand a sec- the printing of the Acts and Resolutions of the General ond draft until the whole of the militia within his company Assembly, passed at each and every session thereof; to let out also, separate and apart from the Acts, the printdistrict shall have performed a like tour of duty. SEC. 79. When militia men are ordered out on duly in ing of the Journats of the Section of the said printing aid of the civil authority, either to guard a jail or for any mons; and the manner of letting out the said printing and the said of the civil authority, but a for the authority shall be as follows: The Secretary of State shall give and the said printing are shall be as follows: The Secretary of State shall give and the said printing are shall be as follows: The Secretary of State shall give and the said printing are shall be as follows: The Secretary of State shall give a state shall give and the said printing state shall give a state shall giv to orders, each man shall be fined at the discretion of his reasonable notice, and receive sealed proposals, in wri-company court martial, not exceeding five dollars for each ting, for the printing aforesaid, under such rules and reg-

ulations as he may prescribe. SEC. 2. The Secretary of State shall also let out, printing which shall be required to be done by either or both Houses of the General Assembly, jointly or separately, during the session, in the manner prescribed in the foregoing section, and communicate to the General 292 Assembly, on the second day of their Assembly, on the second day of their session, the name of the person or persons with whom the said agreements shall be made.

SEC. 3. The person or persons with whom the contract aforesaid shall be made, shall give bond, payable to dismiss his men, when they think the danger is over; and the the tate, in the sum of one thousand dollars on each contrast, (with approved security.) conditioned to perform faithfully the contract so made with him or them. within the time, and in such manner, as shall be preseribed by law. The bonds, and the security to said bonds, must be accepted and approved by the Governor, and the same shall be endorsed on the bonds, after which they shall be filed in the office of the Secretary of State. Sec. 4: The Secretar of tate shall file with the g for doing the printing aforesaid.

SEC. 5. There shall be a sufficient number of the journals of each session of the General Assembly to supply each member thereof with one copy, and the offices of the Governor, Treasurer, Secretary and Comptroller, and the Clerks of the County Courts of this tate with each a copy, and one other copy for each of the clerks of the General Assembly; a sufficient number of the acts passed at each session, to serve each member of the General Assembly with one copy; also one copy for each of the public officers and clerks as aforesaid, one copy for each Judge and clerk of the Supreme and Superior Courts. one for the Attorney General and each of the Solicitors, 5,5 one for every elerk and master of equity, and for every justice of the peace and sheriff throughout the State, and

SEC. 6. The public laws shall be printed separate 5 3.9 from the laws of a private nature, leaving a blank page # # between the public and private laws; and there shall likewise, be printed, in the margin of each page, the year in which the laws were passed. The printer shall also attach to the acts of the General Assembly the statement of the revenue of North Carolina, agreeably to the Comptroller's statement, and an index of the laws.

SEC. 7. The Secretary of State shall, within thirty # g

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proceedings and judgments or sentence of all courts martial viction before a court martial be cashiered, and rendered in. person or persons, to carry to the elerks of the several appointed according to the provisions of this act, after having capable of ever after holding a military appointment under County Courts, or to some person in his behalf, the cobeen approved or disapproved by the officer ordering them, the authority of this State, and be further liable to pay the pies of the journals and acts of Assembly hereby directshall by him, as soon thereafter as convenient, be transmit- sum of forty dollars, to be collected as herein directed, and if ed to be distributed, on the cheapest and best terms he ted to the adjutant general of the State, to be deposited and a non-commissioned officer or private, he shall forfeit and can.

preserved in his office, and the party tried by any court mar- pay the sum of ten dollars. If any person do not march tial as aforesaid, upon request by himself or by any person against the enemy when commanded, by himself or substiproperly authorised, at the adjutant general's office, shall be tute, or refuse or neglect to do his duty or perform the serentitled to a copy of the original record, certified as a ore- vices he is requested to perform by his officer, or quit his said, of the proceedings and sentence of the court, he pay- post, desert or mutiny, it shall and may be lawful for the ble them to discharge the duties required of them by law; ing reasonably for the same.

g reasonably for the same. SEC. 72. When any officer shall be arrested, and noti-martial for the trial of such offender. The members when just, to be judged of and allowed by the board to be comfied to attend any court martial which may be ordered for his met, shall individually, before they proceed, take the followtrial, and shall refuse or neglect to attend the same, the said ing oath: "I swear well and truly to try and determine, accourt shall take up the charges and specifications alledged cording to the evidence of the matter before me, between this against him, provided he has been served with a copy there- State and the person now to be tried, so help me God?" and of, and proceed to trial in the same manner as if he were shall, on trial and conviction, order punishment on the offender, according to the articles of war established for the regulapresent,

SEC. 73. If any person shall wickedly, wilfally and cortion of the army: Provided, such punishment shall not extend runtly, swear falsely before any court martial, touching and to sentence of death, except in case of desertion to an eneconcerning any matter or thing cognizable before such court my, or mutiny.

martial, he shall on conviction thereof, be liable to the pains SEC. 86. If any non-commissioned officer or private mi and penalties of perjury; and in all cases to delinquents and litiaman, while in the pay and service of this State, shall witnesses, oaths and affirmations shall be administered by wilfully desert the service, or abandon the post assigned to the judge advocate or presiding officer of such court martial. him, without being regularly discharged or permitted by an "Sec. 74. Dishonest or ungentlemanly conduct in an offi-cer, shall be punished by cashiering and disabling him from sioned officer or private so deserting or abandoning his post, and being thereof convicted by a court martial having juever holding a military commission in this State.

SEC. 75. Upon any requistion of the United States for risdiction of the offence, shall be adjudged to have torieited detachment of the militia from this State, it shall be the the pay and emoluments due to him at the time of his deserduty of every captain of infantry to enter upon his roll, tion, and be subject to a fine, not less than twenty and not all able bodied free white men between the ages of eighteen exceeding fifty dollars, and imprisonment not exceeding six and forty-five years, except such as are exempted by the sec- nor less than one month, at the discretion of the court mar- in force from and after its ratification. ond section of the act of Congress of one thousand seven tial, and furthermore turned over to serve as a private soldier hundred and ninety-two, and except the Judges of the Supe- in the regular army of the United States, at the discretion of rior Courts of law and Equity, and ministers of the gospel the court martial, not exceeding double the term of time regularly ordained, within his company district, and they are which he had been called out to serve in the militia of this her by declared to be subject to draft: Provided, that noth- State. SEC. 87. All acts heretofore passed on the subject of the

ing in this act shall be understood to subject persons heretofore exempted, to perform ordinary militia duty: and provi- militia are hereby repealed: Provided, that this act shall not thority of the same, That it shall be lawful to open books ded further, nothing herein contained shall be construed to extend to military appointments made by recommendation to in the City of Raleigh, under the direction of William conflict with the provisions of the third section of this act.

SEC. 76. It shall be the duty of each captain or commanding officer of a company of militia, detached as part of General Assembly, incorporating, granting privileges to, or Beverly Daniel, Weston R. Gales, George W. Mordeeai, the requisition under the authority of the United States, to regulating particular corps, whether of the volunteers or of or any three of them; and at Haywood, under the direrreceive and enrol in the place and stead of any person draft- the ordinary militia. ed to serve in such company any able bodied free white citi-SEC. 88. It shall be the duty of the adjutant general to zen to serve as a substitute for such person so drafted. have copies of this act printed, and distributed, one copy to

this State, under the authority of the United States, shall die, for the distribution of the acts of the General Assembly. resign or remove out of the regiment to which he belongs or Skc. 89. Be it further enacted, That this act shall be in may belong, it shall be the duty of the colonel commudant force from and alter its passage. of the regiment to which such officer belonged, to recommend a proper person, resident within the bounds of such regiment, to be commissioned by the Governor, to fill such An Act concerning the Public Printing of the "tate

SEC. 9. The Governor, Treasurer, Comptroller and Adjutant General of this State, are authorised to have printed for their several offices, such blanks and other necessary printing as may be suitable and proper to enaposed of the Governor, Feeretary of State, Treasurer and Comptroller.

SEC. 10. The journals, acts of Assembly, reports of committees, and other documents printed for the Assembly, shall be printed in octavo form.

SEC. 11. A book shall be kept by the Secretary of State, in which the names of each justice of the peace shall be recorded; and by the list so kept, the acts aforesaid shall be distributed; and when a justice of the peace in any county shall resign or die, ir his office otherwise become vacant, it shall be entered therein.

[Ratified 7th January, 1837.]

An Act concerning the Public Printing.

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 in all cases, where advertisement is now required by law to be made in the State Gazette, the same may be hereafter made in any newspaper printed at the scat of government.

SEC. 2. Be it further enacted, That this act shall be

[Ratified 23d January, 1837.]

An Act to incorporate the Raleigh and Columbia Rail Road Company.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authe present Legislature; and provided, that nothing herein Boylan, Thomas P. Devereux, Duncan Cameron, Wilcontained, shall be construed to repeal any private act of the liam II. Haywood, jun. Charles Manly, Alfred Jones, tion of Jonathan Harralson, Charles J. Williams, Spence McClennahan, Robert Faucett, or any three of them; and at Pittsborough, under the direction of villiam H. SEC. 77. If any commissioned officer under the grade of each general officer, one copy to each field officer, and Hardin, Nathan A. Stedman, Joseph Ramsay, Green a field officer, appointed to command in any detachment from two cories to each company, to be distributed as is provided Womack, or any three of them; at Carthage, under the Womack, or any three of them: at Carthage, under the direction of John B. Kelly, A. Currie, John Morrison, Cornelius Dowd, and J. A. D. MeNeill, or any three of them; and at Rockingham, under the direction of Walter F. Leak, James P. Leak; Stephen Wall, and William B. Cole, or any three of them; and at Wadesborough, under the direction of William B. McCorkle, Thomas D. Park,

Vacancy. Sze 7S. In all cases where a militia man shill have of North Carolina, and it is hereby enacled by the same. That hereafter it shall be the duty of the direction of E. P. Mallett, C. Johnston, John Huske, militia man, whether upon the requisition of the United the Secretary of State to let out, to the lowest bidder, E. L. Winslow, T. N. Cameron, or any three of thems

[Ratified 20th January, 1837.]