



AND  
NORTH-CAROLINA STATE GAZETTE.

*“Ours are the Plans of fair delightful Peace,  
Unwarp'd by Party Rage to live like Brothers.”*

VOL. IV.

TUESDAY, JANUARY 25, 1802.

No. 171.

LAWS OF NORTH-CAROLINA.

*Passed at the late Session of the General Assembly.*

An Act for the relief of the Tuscarora Nation of Indians.

WHEREAS the Indians composing the Tuscarora Nation, have by their Chief Sacarusa, and others, regularly deputed and authorized, requested the concurrence of the General Assembly of this State to enable them to lease or demise, for a number of years, the residue of their lands situate in the county of Bertie, in such manner that the whole of the leases on said land shall terminate at the same period:

*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 said Chief Sacarusa, Longboard and Samuel Smith, or a majority of them, be, and they are hereby authorized to lease and to farm let, the undemised residue of the lands allotted to the Tuscarora Nation in Bertie county, for a term of years that shall expire and end when the lease made by the Tuscarora Nation to Robert Jones and others, in the year one thousand seven hundred and sixty-six, shall end and expire, and also extend the term or terms of the leases already made or granted for a shorter term, to a term or terms which shall expire at the same time with the said lease made in the year one thousand seven hundred and sixty-six, in such parcels and on such rents and conditions as may be approved by the Commissioners appointed in pursuance of this act, and which may best promote the interest and convenience of the said Indian Nation.

And whereas some difficulties have arisen respecting the receipt and payment of the rents on some of the present leases,

II. *Be it further enacted,* That the said Chiefs, or a majority of them, be, and they are hereby authorized to make such alterations, by covenant or agreement, respecting the payment and receipt of any of the rents due, or that may become due on any of the existing leases, as the Commissioners appointed in pursuance of this act, or a majority of them, shall approve.

Whereas the said Indian Chiefs are ignorant of the usual forms of business, and may want advice and assistance in transacting the business respecting their lands, for remedy whereof, and to prevent their being injured,

III. *Be it further enacted,* That the Governor shall appoint three Commissioners for the purpose of carrying the provisions of this act into effect; and no lease, grant, demise, covenant or agreement made by said Indian Chiefs as aforesaid respecting said lands, or the rents thereof, shall be good or valid in law, unless the same shall be approved by said Commissioners, or a majority of them, and such approbation shall be expressed in writing, and annexed or endorsed on such lease, covenant or agreement, and registered in the Register's office of the county of Bertie, together with said lease or agreement; and the said Commissioners shall receive the sum of twenty-five shillings per day for their compensation, and expenses, to be paid out of the monies received by the said Chiefs on leasing said lands.

IV. *And be it further enacted,* That the occupancy and possession of the tenants under the said leases, heretofore confirmed by act or acts of the General Assembly, and such leases as may be made under this act, shall be held and deemed, in all cases whatsoever, the occupancy and possession of the said Tuscarora Nation, to all intents and purposes as if the said Nation, or the Indians thereof, or any of them, actually resided on said lands.

Whereas the said Chiefs Sacarusa, Longboard and Samuel Smith, being duly and fully authorized and empowered by the said Tuscarora Nation, have consented that the Indian claim to the use, possession and occupancy of said lands, shall cease and be extinguished, when the said lease made in the year one thousand seven hundred and sixty-six, to Robert Jones and others, shall expire.

V. *Be it enacted,* That from and after the twelfth day of July, which shall be in the year one thousand nine hundred and sixteen, the whole of the lands allotted to the said Tuscarora Indians, by an act of the General Assembly passed at Newbern, on the fifteenth day of October, in the year of our Lord one thousand seven hundred and forty-eight, shall revert to, and become the property of the State, and the Indian claim thereto, shall, from that time, be held and deemed forever extinguished.

VI. *And be it further enacted,* That after the said lands shall revert to the State, if the same, or any part thereof, shall be vacant, the same shall not be liable to the entry or entries of any person or persons, without an express act of the Legislature to that effect: *Provided always,* That it shall not be lawful for any person or persons to make any entry or entries on the said land, after the passing of this act: *Provided always,* that nothing in this act contained, shall be construed so as to effect the title of any individual: *Provided nevertheless,* That no lot or parcel of lands laid off under the direction of said Commissioners, shall exceed two hundred acres: *And provided further,* That no lease shall be made but by public auction, of which due notice shall be given in the Halifax and Edenton newspapers.

An Act to prevent the vile practice of Duelling within this State.

*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 from and after the passing of this act, no person sending, accepting, or being the bearer of a challenge for the purpose of fighting a duel, though no death ensues, shall ever after be eligible to any office of trust, honour or profit in this State, any pardon or reprieve notwithstanding; and shall further be liable to be indicted, and on conviction before any of the courts in this State having cognizance thereof, shall forfeit and pay a sum not exceeding one hundred pounds to the use of the State.

II. *And be it further enacted,* That if any person fights a duel in consequence of a challenge sent or received, and either of the parties should be killed, then the survivor, on conviction thereof, shall suffer death without benefit of clergy; and all their aiders or abettors shall be considered accessories before the fact, and likewise suffer death without benefit of clergy.

An Act to amend an act, entitled "An act directing the mode of recovering debts of twenty pounds and under."

*BE it enacted by the General Assembly of the State of North-Carolina, That from and after the first day of May next, Justices of the Peace shall have jurisdiction*

of all debts and demands of twenty-five pounds and under, agreeable to the restrictions of the before recited act, *Provided always* That the same stay of execution on sums from twenty to twenty-five pounds, shall be the same as is provided for sums between ten and twenty pounds in the before recited act. And whereas executions are not made returnable on any certain day from the issuing thereof, whereby great injury often results to the party recovering, by reason of constables neglecting to perform their duty; therefore,

II. *Be it enacted,* That from and after the aforesaid first day of May next, all executions issued by a Justice of the Peace, shall be made returnable in the same time as is provided for the return of warrants in the before recited act; and when any execution shall be returned not fully satisfied and discharged, it shall and may be lawful for any Justice of the Peace of said county, to issue another execution for the sum so remaining due on the former execution.

And whereas doubts have arisen how recoveries may be had upon judgments had before Justices of the Peace of twelvemonths standing, where execution hath not issued; for remedy whereof,

III. *Be it enacted,* That where judgment shall be had and execution not issued within twelvemonths thereafter, it shall be lawful to sue for and recover the same by warrant, before a Justice of the Peace, and that the former judgment shall be evidence of the debt, subject to such deductions as the defendant may make appear on trial to have been paid, in full or in part of said former judgment.

IV. *And be it further enacted,* That whenever it shall hereafter happen that judgment shall be entered against either plaintiff or defendant, he, she or they not being present, that at any time within ten days after such judgment, the person or persons against whom such judgment hath been given, on making oath before any Justice of the county where such judgment may be entered, that he, she or they was or were prevented from attending on the day of trial by bodily infirmity, mistaking the day of trial, or other sufficient cause, and that he, she or they are likely to be injured by such judgment, that then and in that case, it shall and may be lawful for such Justice to grant an appeal to the next county court, or stay of execution, on such person or persons entering into bond with sufficient security, as in other cases of granting appeals or staying of execution from the judgment of the Justice; and it shall also be the duty of such Justice, to give to the party craving such appeal, a written order to the Constable, or other person having such judgment in his or their hands, commanding him to return said judgment, together with such other papers and documents as may be in their hands relative to such judgment, to him the said Justice before the next county court; and also commanding said officer to give notice to the party in whose favour such judgment hath been given, of an appeal being granted thereon; and that it shall be the duty of the Justice, on receiving such judgment and other papers, to make return thereof, together with the appeal bond and affidavit of the party craving such appeal, to the next ensuing court of his county, to be tried as other appeals from Justices judgments.

V. *And be it further enacted,* That all forfeitures and penalties incurred by virtue of the General Assembly not exceeding twenty five pounds, shall and may be received by warrant before any Justice of the Peace, any law to the contrary notwithstanding.

An Act to amend the Quarantine laws of this State.

WHEREAS by an act of the General Assembly, passed in the year one thousand seven hundred and ninety-three, it is made necessary that three Commissioners of Navigation, or three Justices of the Peace, should issue the necessary orders, commanding any vessel having a contagious disease on board, or coming from a place where such disease prevailed, to perform quarantine. And whereas it sometimes happens, that neither three Commissioners, nor three justices of the Peace, can be conveniently, and in time, procured for the purpose of enforcing the above recited act, whereby the same is frequently evaded; for remedy whereof:

*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 from and after the passing of this act, it shall and may be lawful for any one Commissioner of Navigation, with two Justices of the Peace, or any one Justice of the Peace with two Commissioners of Navigation, to enforce and cause to be executed the above recited act, so far as regards the issuing of orders to compel vessels to perform quarantine.

II. *And be it further enacted,* That from and after the passing of this act, the Commissioners of Navigation in the several ports of this State, shall be and they are hereby authorized and empowered to appoint Port Physicians, and to retate and prescribe the fees to which they shall be respectively entitled, according to the different quarantine stations which they shall be bound to attend for the purpose of inspecting vessels, as required by the before recited act, and giving certificates of their situation and condition in regard to the health of their respective crews and passengers.

An act to fix the permanent residence of the Governor of this State.

*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 from and after the passing of this act, the Governor for the time being, shall reside permanently at the city of Raleigh, during his continuance in office.

II. *And be it further enacted,* That all acts and clauses of acts, coming within the purview of this act, be and the same are hereby repealed and made void.

An Act to repeal the third section of an act, passed at the last session of Assembly, entitled "An act to continue in force and to amend an act passed in the year 1799, entitled "An act directing the Judges of the Superior Courts to meet together to settle questions of law or equity arising on the circuit, and to provide for the trial of all persons concerned in certain frauds."

*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 third section of the above recited act be, and the same is hereby repealed and made void.