



AND
NORTH-CAROLINA STATE GAZETTE.

Our sure the Plans of fair & delightful Peace,
Unwieldy by Party Rage to live like us, there.

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No. 172.

ACTS OF LAST SESSION OF ASSEMBLY.

An Act making further provision for the Redemption of the Certificate Debt of this State.

FORASMUCH as justice and sound policy require that the certificate debt of this State should be redeemed whenever the finances of the State are adequate thereto, and it appearing that there is now in the public chest, monies unappropriated commensurate to its redemption, therefore,

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 it shall and may be lawful for the Public Treasurer for the time being, and he is hereby authorized and directed, to purchase in for the use and benefit of the people of this State, after the first day of January next, the principal and interest of all the certificates heretofore issued, agreeably to the acts and under the authority of the Legislature of this State, which shall be presented to him before the first day of December next; those issued at Warrenton in the year one thousand seven hundred and eighty-six; those issued by Patrick Travis, Commissioner of Cumberland county; those issued for services in the Western country, commonly called "Chickamauga Certificates," and all those not at present receivable at the Treasury Office, excepted, paying and giving for each pound of the principal and interest which shall be presented to him and purchased as aforesaid, the sum of fifteen shillings, reckoning and allowing interest on any of said certificates bearing interest, to the day of purchase: *Provided always*, That no certificate shall bear interest after the first day of December next.

II. And be it further enacted, That the Treasurer shall cause this act to be published at least three weeks in one or more of the newspapers published in this State.

An Act to amend an act directing the manner in which Confiscated Lands shall in future be disposed of, passed in the year one thousand eight hundred and one.

WHEREAS by the above recited act, it is not mentioned what credit shall be given by the Commissioner appointed under the above act, for the lands by him sold, nor how long the same shall be advertised before sale; and for making said act more perfect,

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, when any Commissioner of confiscated property, shall have information of any confiscated land within his district, it shall be his duty to seize said lands for the use of the State, and shall cause the same to be sold at public sale, on a credit of one year for one moiety, and two years thereafter for the other moiety, for the most that may be gotten for the same, first giving two months notice by advertisement in the Raleigh Register, or in any Gazette published in the district where the land lieth, and by advertisement to be set at the court-house of said district, and at each of the other court-houses within the same; and if any person should lay claim to said lands, previous to the sale thereof, he shall notify the same to the Commissioner, who shall at the next succeeding court of the district, cause an issue to be made up between the State and the person so claiming the land aforesaid, and a Jury shall be impanelled to try the same, subject to the same rules and regulations as are practised in the trials of other suits at law.

II. And be it further enacted by the authority aforesaid, That it shall be the duty of the Commissioner of each district, to sell the confiscated lands within his district at public sale at the court-house in the county where the land lieth, first giving forty days notice by advertisement, to be set up at the court-house and four other public places in said county where said lands may lie; and for all sales made under this act, he shall give the credit aforesaid, and take from the purchasers bond and sufficient security for the purchase money, payable to himself for the use of the State; and immediately after the expiration of the time for which credit was given, he shall proceed to collect the same; and the same being collected, shall transmit the amount thereof to the Treasury of this State, first deducting ten per cent. for his commissions on the same.

III. And be it further enacted by the authority aforesaid, That it shall be the duty of each Commissioner, previous to his selling any of the confiscated lands under this act directed, to issue his order to the surveyor of the county where the land lieth, directing him to proceed to run out the lines of said land, and make two just and fair plans thereof, and return the same to him within forty days after the receipt of such order; for which service, together with the hire of chain-carriers, the said surveyor shall be allowed forty shillings for each tract of land by him so surveyed and returned, to be paid by the said Commissioner, out of the first money which may come into his hands, which shall be allowed him in the settlement of his accounts with the Public Treasurer.

IV. And be it further enacted by the authority aforesaid, That when any tract of land shall be sold, by and under the direction of this act, the Commissioners shall endorse on each of the plats of survey of said land, the following certificate: "I A. B, Commissioner of confiscated property, for the district of _____ do hereby certify that _____ did on the _____ day of _____ in the year _____ at the court-house in the county of _____ bid off the land mentioned in the within plat, for the sum of _____ and hath given bond and security for the purchase-money of the same agreeably to law;" which plats being thus certified and presented to the Secretary of State, he shall file the same in his office, and thereupon make out a grant to the purchaser, with one of the plats annexed thereto; which grant shall be executed by the Governor for the time being, and shall convey to the said purchaser, his heirs and assigns, all the estate, right and title which this State may have in and to said land.

An Act for the relief of persons who have obtained grants for lands which are covered in whole or in part by grants of older date.

WHEREAS it is represented to this General Assembly, that in many instances, grants have been issued upon warrants, located upon lands previously located and granted by the State of North-Carolina, by which the persons claiming under the second grants, are deprived of the benefit of their warrants; 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 where one or more grants have issued for the same land or part thereof, for lands granted by this State, it shall and may be lawful, on the agreement of the parties made in writing,

filed with the surveyor of military land warrants appointed by this State, for said surveyor, by himself or deputy duly appointed, and sworn chain-carriers, to survey such lands and certify the quantity that may be deficient, or be lost by the grantees or either of them, and return the surveys to the office of the Secretary of this State; whereupon the Secretary shall issue a warrant or warrants to the grantee or grantees, for so many acres of land as may be deficient or lost as aforesaid, upon which the same proceedings shall be had, as in the case of original warrants; and in case the parties grantees cannot agree, then claims for deficiencies shall be allowed upon the party claiming under the second or younger grant, producing to, and filing with the Secretary of State, a copy of the record, shewing, that in a trial at law before competent jurisdiction; that he hath lost the whole or part of the land contained in his grant.

II. And be it further enacted by the authority aforesaid, That no person shall have relief more than once under this act, for every tract of land he may have obtained a grant for, neither shall this act be held to any other lands than granted on warrants issued from the office of John Armstrong, or military warrants.

An Act to ascertain in what manner disputed claims to land warrants for lands entered in the office of John Armstrong, and for military lands, shall be tried and determined.

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 whenever the Secretary of State shall advertise a claim for a warrant for lands entered in the office of John Armstrong, or for a military land warrant, and an adverse claim shall be set up by any person or persons, it shall be the duty of the Secretary of State to certify such claim and adverse claim to the superior court of law for the district in which the first claimant resides; or if the first claimant resides out of the State, then to the superior court of the district in which the second claimant resides; and if both reside out of the State, then to the superior court of law for Hillsborough district; and when the Secretary's certificate shall be filed in any court, an issue shall be made up to try the right of the contending parties, which shall be tried under the same rules and regulations as suits at common law are tried; and upon the finding of the jury, and the judgment of the court before whom such issue shall be tried, it shall be the duty of the clerk of said court, to certify under his hand and the seal of his office, such verdict and judgment, and the Secretary shall then issue a grant to the party prevailing.

II. And be it further enacted by the authority aforesaid, That this act shall extend to all cases where claims have been already made for land warrants, and adverse claims set up thereto, and which are not decided, and shall be in force from and after the passing thereof.

An Act giving further compensation to Witnesses and Jurors attending the Superior Courts 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, each and every witness attending the superior courts of this State, shall receive for each and every day's attendance as a witness as aforesaid, the sum of ten shillings, and ten shillings for every thirty miles travelling to and from the said courts.

II. And be it further enacted by the authority aforesaid, That the jurors attending the several superior courts of law within this State (where a greater allowance is not already made) shall be allowed each the sum of ten shillings for every day he shall attend such court, and the sum of ten shillings for every thirty miles in going to and returning from such court, any law, custom or usage to the contrary notwithstanding.

An Act to empower the several County Courts within this State to appoint Patroles.

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 several county courts within this State, shall have full power and lawful authority, to direct, in such manner and in such numbers, and under such rules, regulations and restrictions, the patroles in their respective counties shall be appointed and governed, and the said patroles when appointed, shall be subject to such rules, regulations and restrictions as their respective county court shall ordain and establish, and under such fines and penalties as the said court shall fix and direct.

II. And be it further enacted, That the patroles appointed in pursuance of this act, shall have all the powers and authorities vested in the patroles, as by an act passed in the year one thousand seven hundred and ninety-four.

III. And be it further enacted by the authority aforesaid, That the several county courts within the State, if they shall deem it necessary, shall have full power and authority, from time to time, to lay a tax not exceeding one shilling one very taxable black poll within their respective counties, for the purpose of paying the patroles by them appointed in pursuance of this act: *Provided always* That there shall be a majority of the acting Justices present where such tax is laid as aforesaid.

IV. And be it further enacted, That so much of the several acts as shall come within the purview and meaning of this act shall be repealed and made void.

An Act for the better regulation of the Sheriffs' fees.

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 first day of February next, the Sheriffs of the different counties within this State, shall be entitled, for the following services, to the fees respectively annexed thereto: for every arrest the sum of seven shillings and sixpence, for every bail bond, the sum of two shillings and sixpence, for every subpoena he shall serve, the sum of three shillings, for every attachment levied, the sum of seven shillings and sixpence, for taking replevy bond upon such attachment, the sum of two shillings and sixpence, for putting in stocks six shillings, for every commitment three shillings, for every release three shillings, for executing every writ of possession the sum of ten shillings, for calling every suit in court the sum of sixpence.

II. And be it further enacted by the authority aforesaid, That the fees heretofore by law prescribed for the services abovementioned, and all laws and parts of laws coming within the meaning and purview of this act, are hereby repealed and declared void.