



AND

NORTH-CAROLINA STATE GAZETTE.

Ourare the Plans of fair delightful Peace,  
Unwary'd by Party Rage to live like us, they.

Vol. IV.

TUESDAY, FEBRUARY 8, 1803.

No. 173

ACTS OF LAST SESSION OF ASSEMBLY.

An Act to prevent conspiracies and insurrections among the Slaves.

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 if any number of negroes or other slaves, shall, at any time hereafter, consult, advise or conspire to rebel or make insurrection, or shall plot or conspire the murder of any person or persons whatsoever, every such consulting, plotting or conspiring, shall be adjudged and deemed felony, and the slave or slaves convicted thereof in the manner prescribed by law, shall suffer death, or be transported, as hereinafter provided.

II. Be it further enacted, That if any negro or other slave shall be found in a state of rebellion or insurrection, or shall agree to join any conspiracy or insurrection, or shall procure or persuade others to join or enlist for that purpose, or shall knowingly and wilfully aid or assist any slave or slave in a state of rebellion, or engaged in a conspiracy to make insurrection, as by furnishing, or agreeing, or promising to furnish, such persons with arms, ammunition, or any other article for their aid and support, every slave so offending, and being thereof legally convicted, shall be adjudged guilty of felony, and shall suffer death, or be transported, as hereinafter provided.

III. And be it further enacted, That if any free person shall join in any conspiracy, rebellion or insurrection of the slaves, or shall agree to join in any such conspiracy, rebellion or insurrection, or shall procure or persuade others to join or enlist for that purpose, or shall knowingly and wilfully aid or assist any slave or slaves in a state of rebellion, or engaged in a conspiracy to make insurrection, as by furnishing, or agreeing or promising to furnish such slaves with arms, ammunition; or any other articles for their aid and support, every free person so offending, and being thereof legally convicted, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

IV. And be it further enacted, That in all cases wherein a slave shall hereafter be prosecuted for the offences described in this act, the court may take for evidence, the oath of one or more creditable witnesses, the confession of the offender, freely given without any undue influence, either by terror or persuasion, or the testimony of a negro or other person of colour, bond or free; but in all cases where the testimony of one negro or person of colour shall be admitted, the same shall not be deemed conclusive and sufficient to convict the person charged, unless the same shall be supported by such pregnant circumstances as to the jury on said trial shall appear convincing proof, when taken together with the testimony of such negro or person of colour.

Whereas it may not be necessary for the purpose of salutary example that all the slaves concerned in an insurrection, shall suffer death, while it might be impolitic and improper that they should remain in the State:

V. Be it enacted by the authority aforesaid, That in all cases of conspiracy, rebellion or insurrection by the slaves, when a sufficient example has been made; by the conviction and execution of any number concerned in such rebellion or insurrection, the court before whom the slave or slaves shall be convicted, shall have full power to commute the punishment of death for transportation out of the State, and beyond the limits of the United States, under such restrictions and upon such conditions as good policy and the public safety at the time shall require.

VI. Be it further enacted, That whenever a slave shall be transported in consequence of the provisions of this act, either by the owner or the State, and such slave shall ever thereafter, voluntarily return to, and be found in the State, such slave shall suffer death in pursuance of the original sentence passed against him, on proof of his identity in the usual form of law; and if such slave shall be brought into any county in this State by his or her master or mistress, or by any other person, such slave shall be forfeited (on proof thereof) to the county into which the same may be brought, which slave shall be again transported by order of the county court, and sold for the use of the county.

And whereas the civil authority may be found insufficient for the suppression and detection of a conspiracy or insurrection among the slaves in this State:

VII. Be it therefore enacted by the authority aforesaid, That it shall be the duty of any commissioned officer of the militia of this State, on application or order of any two or more Justices of his county, to order out the militia under his command, or such part thereof as may be necessary to detect and suppress such conspiracy, rebellion or insurrection of the negroes or other slaves; and the militia so raised, shall perform such duty and services as they shall be required to do by their commanding officer, and shall appear furnished with arms, ammunition and accoutrements, and shall receive the same pay and rations as is directed by the laws now in force.

VIII. And be it further enacted, That the Governor be, and he is hereby authorized and required, in all cases of conspiracy or insurrection, to take such measures for the detection or suppression of the same as the public safety at the time may require.

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 herebefore 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 passed in the year 1800, directing the manner of proceeding against the several officers therein mentioned.

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 Sheriff, Clerk or Constable, within the several counties in this State, shall or may have received any money by virtue of their office or appointment, and shall fail to pay the same to the person or persons entitled to receive it, then and in that case, it shall and may be lawful for a Justice of the Peace to issue a warrant against them and their securities, and to give judgment for any sum not exceeding the jurisdiction of a Justice of the Peace, together with costs, and to award execution thereon, subject nevertheless to the right of appeal; and when it shall so happen, that any person's appointment as Sheriff, Clerk or Constable shall expire, or they be removed from office before such warrant issues, the same remedy and proceeding may be had against them as if they actually were in office, any law to the contrary notwithstanding.

An Act to authorize an additional allowance to the person or persons who shall hereafter be necessarily employed as Collector of arrears, and to repeal so much of the fourth clause of the second chapter of the act of 1792, as requires that all sales on executions issuing in behalf of the State, shall be made at the Court-Houses of the respective counties; and in term time.

WHEREAS the beneficial operation of the act of 1793, chapter the 7th, providing among other things for the appointment of collectors of arrears, has so far exhausted the outstanding debts of this State, as to render the commissions allowed by the said act to the Collectors of arrears no longer worth the attention and time of any person capable of performing the duties of that appointment and worthy of trust; and whereas for the want of the care and attention of such officers, the public executions are now again neglected and rarely returned satisfied, while the debtors move off, and the revenue of the State is thereby diminished:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand eight hundred and three, and thenceforward, the Public Treasurer, jointly with the Comptroller, be, and they are hereby authorized and empowered to make to the person or persons who shall be necessarily employed to take charge of the public executions; such additional allowance over and above the commissions at present allowed them by law, as in their judgment they may be justly entitled to, due regard being had to the labour, expences, industry and success of the person or persons so employed as aforesaid.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, so much of the fourth clause of the second chapter of the act of one thousand seven hundred and ninety-two, as requires that all sales to be made on executions issuing in behalf, and for the use of the State, shall be had at the court-houses of the respective counties to which such executions issue, and in term time, be and the same is hereby repealed and made void, and that for the future, sales shall be made on such executions at the respective court-houses of the counties to which they may issue; but it shall be immaterial whether they be made in or out of term time, the direction of the above recited clause to the contrary notwithstanding.

An Act giving further time for registering grants, proving deeds, mesne conveyances and powers of attorney, which have not been proven and registered within the time heretofore limited by law.

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 all grants for lands which have not been registered within the time heretofore appointed by law, shall and may, within two years after the passing of this act, be admitted to registration, and shall be as good and valid as if they had been registered within the time heretofore allowed by law.

II. And be it further enacted by the authority aforesaid, that all deeds, mesne conveyances of lands, tenements, and hereditaments, and all powers of attorney not already proved, acknowledged and registered, shall and may within two years after the passing of this act, be acknowledged by the grantor or grantors, his or their agents or attorneys, or be proven agreeable to law; and all deeds, mesne conveyances and powers of attorney, which shall be acknowledged or proven, and registered according to the directions and provisions of this act, shall good and valid, and take effect as fully to the use and benefit of the grantees, their heirs or assigns respectively, as if such deeds, mesne conveyances and powers of attorney, had been acknowledged, proven and registered, agreeable to the directions of any law heretofore made and in force.

An Act to prescribe the mode in which wills or deeds registered in other States, shall be admitted as evidence in 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 in cases where inhabitants of other States, by will or deed, devise or convey property situated in this State, and the original will or deed cannot be obtained to register in the county where the land lies, or where the property shall be, in dispute, that a copy of the said will or deed (after the same has been proved and registered or disposed agreeably to the laws of the State where the persons died or made the same) being properly certified, either according to the act of Congress passed in May, one thousand seven hundred and ninety, or by the proper officer of the said State, and the further testimonial of the Governor or Commander in Chief of said State, that the person testifying is the proper officer or duly authorized by law; that then and in such case, the said copy shall be read as evidence in the Courts of this State, and shall be admitted in the same manner as a copy from any other State.