



AND NORTH-CAROLINA STATE GAZETTE.

"Ours are the Plans of fair & delightful Peace, Unwarp'd by Party Rage to lives like theirs"

MONDAY MAY 2, 1863.

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By Authority.

SEVENTH CONGRESS, of the UNITED STATES.

At the Second Session,

Began and held at the City of Washington in the Territory of Columbia, on Monday the sixth of December, one thousand eight hundred and two.

AN ACT

For the relief of Insolvent Debtors within the District of Columbia.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any debtor who now is, or may hereafter be, in actual confinement in jail, in the district of Columbia, at the suit of any creditor, may apply by petition in writing, to any one of the judges of the circuit court of the district of Columbia, and offer to deliver up, for the use of his creditors, all his property, real, personal and mixed, to which he is in any manner entitled, a schedule whereof, on oath or affirmation, together with a list of his creditors, as far as he can ascertain them, shall be annexed to and exhibited with his petition; and thereupon the said judge shall direct notice of such application to be published in some of the public newspapers, for such time as he may think proper, which notice shall like wise require the attendance of the creditors at the court-house of the county, in which the petitioning debtor is confined, and at such time as the said judge may appoint; and it shall be the duty of the said judge, and of the clerk of the court, to attend at the time and place appointed, and on the appearance of the creditors, either in person or by attorney, agreeable to the notification, or on their neglect to appear, the said judge shall administer to the debtor the following oath: "I, A. B. do swear (or solemnly, sincerely and truly declare and affirm) that I will deliver up, convey and transfer, for the use of my creditors, all my property that I have any title or claim any interest in, whether in possession, remainder or reversion, and all claims, rights and credits that I have, or am in any manner entitled to; and that I have not at any time given, sold, conveyed, lessened or disposed of for the use or benefit of myself, or any other person or persons, any part of my money or other property, claims, rights or credits, thereby to defraud my creditors, or any of them, or to secure the same with a view or expectation to receive any profit, benefit or advantage therefrom." And the said judge shall thereupon appoint such person as a majority of the creditors in value, their agents or attorneys then present, shall recommend to the trustees for the benefit of the creditors of the petitioning debtor; or in case of non-attendance of the creditors, or of their not making a recommendation, the said judge shall name such person as he shall think proper, to be a trustee as aforesaid.

Sec. 1. And be it further enacted, That before the said trustee shall proceed to act, he shall give bond to the United States in such penalty and with such security as the said judge shall approve, conditioned for the faithful performance of his trust, which shall be recorded in the clerk's office of the county in which the proceedings are had; and a certified copy thereof shall be received as evidence in any court of law in the U. States; and the said bond may be sued in the name of the U. States, for the use of any person or persons who may conceive him or themselves aggrieved by the negligence or misconduct of the trustee. And in case of the death or refusal to act of any trustee, the said judge may appoint another in his place, who shall give bond in manner as aforesaid.

Sec. 2. And be it further enacted, That upon the petitioning debtor's executing a deed or deeds to the said trustee, conveying all his property, real, personal and mixed, and all his claims, rights and credits, agreeable to the oath or affirmation of the said debtor, and on delivering all his said property which he shall have in his possession, together with his books, papers and evidences of debts of every kind, to the said trustee, and the said trustee's certifying the same

to the said judge in writing, it shall be lawful for the said judge to make an order to the marshal, jailor, or keeper of the prison, in which the said debtor is then confined, commanding that the said debtor shall be henceforth discharged from his imprisonment; and he shall be immediately discharged, and the said order shall be a sufficient warrant therefor: Provided, That no person who has been guilty of a breach of the laws, & who has been imprisoned for or on account of the same, shall be discharged from imprisonment: And provided likewise, That any property which the debtor, may afterwards acquire, (except the necessary wearing apparel and bedding for his family, and his tools if a mechanic or manufacturer) shall be liable to the payment of his debts, any thing herein to the contrary notwithstanding.

Sec. 4. And be it further enacted, That the said judge may allow such petitioning debtor and his family, to retain their necessary wearing apparel and bedding, and if the said debtor be a mechanic or manufacturer, he may likewise retain the tools of his trade.

Sec. 5. And be it further enacted, That the said judge may direct the trustee to sell and convey the property of the petitioning debtor, at such time, and on such terms and conditions as he shall deem most to the advantage of the creditors, and the proceeds thereof, after satisfying all encumbrances and liens, shall be divided among the creditors in proportion to their respective claims; and no process against the real or personal property of the debtor shall have any effect or operation, except process of execution, and attachments in the nature of executions which shall have been put in the hands of the marshal antecedent to the application.

Sec. 6. And be it further enacted, That every trustee may sue for, in his own name, any property of those in action assigned to him by virtue of this act.

Sec. 7. And be it further enacted, That if any creditor, at any time within two years after the application of such debtor, shall allege in writing to the circuit court of the district of Columbia, or at any other court of the United States, within whose jurisdiction such debtor may be found, that such debtor has at the time of his application as aforesaid, directly or indirectly conveyed, lessened or disposed of any part of his property, rights or credits, with intent to defraud his creditors, or had at any one time within twelve months next preceding said application, lost by gaming, more than three hundred dollars, or had assigned or conveyed any part of his property, rights or credits, with intent to give a preference to any creditor or creditors, or any surety, the said court shall thereupon order notice of such allegation to be given in writing to the debtor, and upon his appearance before them, or on his neglect to appear after proof that notice has been served, the said court shall, within a reasonable time, examine the debtor or any other person, upon interrogatories on oath, touching the substance of the said allegations, or may direct an issue or issues to be tried in a summary way, without the form of an action, to determine the truth of the same; and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall be found guilty of any fraud or deceit towards his creditors, or of having lost by gaming as aforesaid, or of having given any preference as aforesaid, he shall be precluded from any benefit under this act; and in case such debtor or any other, testifying either for or against him, shall at any time thereafter be convicted of falsely, wilfully and corruptly swearing or affirming to any matter or thing in virtue of this act, he shall suffer as in the case of wilful perjury, and upon such conviction of the debtor, or any other person testifying for him, he shall be forever precluded from any benefit under this act.

Sec. 8. And be it further enacted, That every judge charged with the execution of this act, may, in the respective cases which may be brought before him, allow the trustee a commission not exceeding eight per centum for his trouble, on the amount of debts paid by him; and if any complaint shall be made to the said judge of the misconduct of any trustee by any creditor, or by the debtor, the said judge may call such trustee before them, and inquire into the cause of complaint, and may make such rules and order as he may think proper for the accomplishment of the object of the trust, and may, in his discretion remove such trustee and appoint another in his place.

Sec. 9. And be it further enacted, That the acting judge may, by order, limit and appoint a time for creditors, to bring in and exhibit their claims to the trustee; and if the said trustee should think proper to contest any claim exhibited against the debtor it shall be his duty to report the same to the judge having cognizance of the case, who may examine the creditor and debtor upon oath respecting the same, and may submit to a jury, such issues as shall be proper to settle the points in contest, or may appoint two disinterested persons to act as arbitrators between the parties, with a power, if they differ, to chuse, umpire, and a decision thus made shall be final between the parties; and the said judge may order any part of the debtor's estate to be set apart, and retained for the eventual satisfaction of any contested claim, or to be brought again into distribution; and if any creditor to whom a debt is due, shall collude with a debtor to gain an undue preference, or for the concealment of any part of the debtor's estate or effects, or shall contrive or concert any acknowledgment of the debtor by parol, or in writing, to give false color to his claim, such creditor shall lose the whole of his debt.

Sec. 10. And be it further enacted, That if any debtor who shall have been relieved under this act, shall be arrested or imprisoned on any process sued out on any judgment or decree obtained against him for any debt, damages and costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned, or returnable, or any judge thereof, shall discharge such debtor; & if any such debtor shall be arrested or imprisoned on any process for the recovery of any debt, damages or costs contracted, owing or growing due before his discharge as aforesaid, the court before whom such process shall be returned, or returnable, or any judge thereof, shall discharge such debtor out of custody, on his common appearance being entered, without special bail: Provided, and it is the true intent and meaning of this act, that no discharge whatever under this act shall be construed or taken as a discharge of any other person from any debt, contract or engagement of any kind or nature forever.

Sec. 11. And be it further enacted, That when the acting judge shall, as above described, give to the marshal an order for the discharge of a debtor, it shall be the duty of said judge to lodge with the clerk of the county in which the discharge shall take place, a certificate in the following words, viz: "I do hereby certify, that I have this day ordered the marshal of the district of Columbia, to discharge from imprisonment A. B. an insolvent debtor, agreeably to the act of the Congress of the United States, entitled 'An act for the relief of the insolvent debtors of the United States, entitled 'An act for the relief of insolvent debtors within the district of Columbia,' which said certificate shall be recorded by the said clerk, and a copy thereof, under seal, shall be received in evidence in any court of law in the United States.

Sec. 12. And be it further enacted, That if any judge before whom the operation of this act in any particular case shall have been commenced, shall die, resign his office or become disqualified, the proceedings may be completed by any other judge of the said court, in the same manner as if they had been originally commenced before him.

Sec. 13. And be it further enacted, That the application of the debtor, the appointment of a trustee, the

trustee, the several claims exhibited to the trustee, and the amount of sales of the debtor's property, shall be transmitted to and recorded by the clerk of the county in which the debtor was confined at the time of his application; copies of which, under seal, shall be received as evidence in any court of law in the United States, and the clerk shall receive the same fees as are fixed by law for like services in other cases, to be paid by the trustee out of the first proceeds of the debtor's estate that may come into his hands.

Sec. 14. And be it further enacted, That no discharge of an insolvent debtor under this act shall have a greater effect in any particular state, than if such debtor had been discharged under the insolvent debtor's law of any other state.

Sec. 15. And be it further enacted, That the circuit court of the district of Columbia shall, by a general order to be entered on the records of the said court, fix the daily allowance for the support and maintenance of prisoners in execution for debt or damages in civil suits, which allowance the said court may, by a like general order, increase or diminish from time to time, as circumstances may require. And no person taken in execution for debt or damages in a civil suit, shall be detained in prison therefor, unless the creditor, his agent or attorney, shall, after demand thereof by the marshal, pay or give such security as he may equitably pay such daily allowance, and the prison fees: Provided, that a release from prison for want of such payment or security, shall not discharge the debt; but the body of the debtor shall never be again taken in execution therefor.

Sec. 16. And be it further enacted, That the said court may cause to be marked and laid out reasonable bounds of the prisons in the said district, to be recorded in the said court; and from time to time, may renew, enlarge, or diminish the same. And every prisoner not committed for treason or felony, giving such security to keep within the said bounds, as any judge of the said court shall approve, shall have liberty to walk therein, out of the prison, for the preservation of his health; and keeping continually within the said bounds, shall be adjudged in law a true prisoner.

Sec. 17. And be it further enacted, That the provisions of this act shall not be construed to extend to any debtor who is or shall be imprisoned at the suit of the United States, nor to alien, lessen, or impair the right of the United States, to the first assets out of the estates of persons indebted to them; nor to any debtor who has not resided in the district of Columbia one year next preceding his said application.

NATHL. MACON, Speaker of the House Representatives, STEPHEN R. BRADLEY, President of the Senate pro tempore. Approved March 31 1863.

TH: JEFFERSON. RAN AWAY, ABOUT the 20th of last January from the subscriber, living in Wake County, 7 Miles east of the Falls of Neuse, a Mulatto Man named Isham, 19 Years old very well grown, whose Parents live with Philip Alston, of Warren, where it is likely he is lurking. A generous Reward will be given for said Mulatto Man, if delivered to me, or secured in Jail, so that I get him again. THOMAS ALSTON. Wake County, April 1, 1863.

WILL BE SOLD, AT the Court-house in Fayetteville, on Monday the ninth Day of May next, the following Lands, or so much thereof, as will satisfy the Taxes due thereon for the Year 1861: 325 Acres given in by Daniel M'Crancy. 100 Acres lying on the Rocky Branch, the property of Ica Atkins. One Acre Lot on the North Side of the town of Fayetteville, the property of Nancy Twigg, to satisfy her tax for said year. One House and Lot in Fayetteville, given in by John Campbell for Margaret Gilispie. One do. given in by John Griffin. One do. given in by Catharine Henry. 60 Acres of Land given in by John Jarret. 100 do. given in by John M'Donald. One House and Lot in Fayetteville given in by said M'Donald. One House and Lot given in by Cabral for Joseph Cooper. One do. given in by Edward Barret. One do. given in by James Stewart. STEPHEN JILMORE, Sheriff. March 9, 1863.

NOTICE. Whereas I administered the Estate of NATHANIEL TINER, deceased, at Edgemont County Court, February 25th, 1861, since which Time I have received a considerable Property belonging to the deceased, by Suit; and as it is my Intention to settle the Estate, and deliver each Legatee his or her proportionable Part of the Estate the first of January next; all Persons having Claims against the deceased, are requested to bring them forward, legally authenticated, within the Time limited by Law, or they will not be paid: Those indebted to the Estate, are requested to make immediate Payment, as those who do not avail themselves of this Notice will be visited by an Officer. ELIAS BOWLEN, Adm. Franklin County, April 8.

FOR SALE, TWO valuable Tracts of Land in the County of Orange, lying in the Forks of Eno, containing Five Hundred and Sixty Acres of the best Quality of Upland, and for Timber and Springs equal to any Land in the State. There is a good running Stream through one Tract, and the River Eno is the Line on the West Side of the other Tract. As the two Tracts join each other, the Property may answer for one or two Purchasers. The Tracts lie within seven or eight Mile of Hillsborough. Further Particulars may be known by applying to the Owners on 124 Lands. WILLIAM CUY. Young Negroes will be taken in Payment.

TO BE SOLD, ONE Thousand Acres of Land, lying and being on the north-east Side of the Great Marsh in Robeson County, with a Grist and Saw Mill, and a good two-story House nearly finished, with other buildings. There are two other Mill Seats on the Land. A liberal Credit will be given to the Purchaser; and Particulars may be had by applying to Archibald M'Neil, living on the Land. April 5.

Books and Medicines. THE Printer hereof has just received from Philadelphia, a fresh Parcel of Medicines and Drugs of the most useful Kinds, which are on Sale at his Store. He has also received, A considerable supply of Books, which renders his Assortment very complete. He is also advised of his annual Importation from England, of Books, Maps, Prints, &c. being just arrived at Charleston. When they come to hand, J. Gales will, as usual, publish a Catalogue in the Register. April 9.

WARRENTON SPRING RACES. Will commence on the second Thursday in May next.

THE first Day will be Mile Heats for three Year old Colts and fillies, carrying 86 lbs. each, Entrance ten Guineas. Second Day, a race of two hundred and fifty Dollars, free for any Nag, Weight for Age, Entrance twenty-five Dollars, three Mile Heats. Third day, a Purse of two hundred Dollars, free for any Nag, Entrance twenty Dollars, two Mile Heats. The Money for the second and third Days will be collected on those Days at the Gates as usual. Nags to be entered with Susan Johnson, before sunset the Day preceding that on which they are to run. Stabling and Litter furnished to Race Horses Gratis. On the Evenings of the Days of Racing, BALLS will be provided for, by M. DUKE JOHNSON, Proprietor of the Course. Warrenton, March 7.

The Caswell Spring Races WILL commence on Tuesday the 19th Day of April, at Simpson's Tract, and will continue three Days, running first day three Mile, second Day two Mile, and third Day one Mile Heats. Free for any Horse, Mare or Gelding. Such Persons as desire to start a Horse either day, must take care to enter him with the Subscriber, the day before he is to run, before the setting of the Sun, otherwise he will not be permitted to start at all. RICHARD SIMPSON, Manager for the Club. March 16th, 1863.

TO THE FREEMEN of Fayetteville District. Friends and Fellow Citizens, From the Solicitations of a Number of the respectable Citizens of this District I have been induced to come forward at this late period, and offer you my Services to represent you the ensuing two years in the Congress of the United States. Should it be your pleasure to confer that appointment on me, who possess the Politics of a free and well-qualified Republican Government, you may be assured that Nothing shall be omitted on my Part to advance you and the rest of my Countrymen in as far as my Abilities and Influence will extend. I remain, Sir, &c., very respectfully, Your obedient servant, ISAAC LANIER. Newbern, Dec 23, 1862.

As is usualy received for sale, A PARCEL OF Packwood's jam, in 200 tins, each. Possing wh ch, in 1863. Razor need no longer be discarded.