



AND

North-Carolina State Gazette.

"Ours are the Plans of a delightful Peace,
"Unwar'd by Party Rage, to live like Brothers."

MONDAY, JANUARY 2, 1804.

No. 250.

Laws of the State

Passed at the late Session of the General Assembly.

AN ACT

To extend the Jurisdiction of a single Justice, and to amend the several Laws now in force in this State relative to the recovery of Debts before a Justice of the Peace.

WHEREAS it hath been found by experience that the extension of the jurisdiction of a single justice of the peace has contributed greatly to the advantages of the good citizens of this State; it being reasonable therefore to presume that a further extension to the amount of thirty pounds, (equal to what is usually called the Book Debt Law) would add to the advantages already felt,

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 from and after the first day of March next, all debts and demands of thirty pounds and under, for a balance due on any specialty, contract, note or agreement; or for goods, wares and merchandize sold and delivered, or for work and labour done, or for specific articles, whether due by obligation, note or assumption, or for any judgment which may have been granted over twelve months by a single justice of the peace and no execution have issued thereon; or for any forfeiture or penalty incurred by virtue of any act of the General Assembly, are hereby declared to be cognizable and determinable by any one justice of the peace out of court; subject nevertheless to the right of appeal, as in similar cases, who may give judgment thereupon, and award process of execution for the amount of judgment, interest and costs, in the same manner as in similar cases is already or may hereafter be provided for: *Provided always,* that the stay of execution on all sums over twenty, and not exceeding thirty pounds, except as herein excepted, shall be had in the same manner and for the same time as is provided already by law for all sums over ten, and not exceeding twenty pounds.

II. And be it further enacted, That in all cases where the evidence of the debt on which a judgment may be founded, shall be that of a former judgment of twelve months standing, no stay of execution whatever shall be allowed.

And whereas doubts have arisen whether any investigation or decision can be legally had on a warrant in any case after thirty days from the date thereof, although the same may have been executed and returned in due time, and for sufficient cause shewn postponed by the justice before whom it was so returned; for remedy whereof,

III. Be it enacted by the authority aforesaid, That in future it shall be in the power of any justice of the peace within this State, on sufficient cause shewn on oath, by either plaintiff or defendant, their agent or attorney, to postpone from time to time; or continue for trial, any civil matter or case that may come before him. *Provided* such postponement or continuance shall in no case exceed thirty days; and it shall be lawful for any justice of the peace to act on said postponement or continuance, the original date of the warrant exceeding thirty days notwithstanding.

IV. And be it further enacted, That all judgments given by a justice of the peace shall bear six per cent interest on the original sum until the same shall be actually paid or otherwise settled, any law to the contrary notwithstanding.

V. And be it further enacted, That whenever a judgment shall be given in the absence of either plaintiff or defendant, by any Justice of the Peace, whether execution hath been issued or not; that on application of such absent party, his or her agent or attorney, within ten days after the date of said judgment, to the justice who awarded the same, on sufficient cause shewn on oath or affirmation, why he, she or they could not attend the day of trial, it shall be the duty of said justice, to issue his order to the plaintiff, defendant, or officer, as the case may require, in possession of the papers, relative to the suit, to forbear any further proceedings thereon, and immediately to bring the same before him or some other justice for reconsideration, provided that the applicant shall give sufficient security for his appearance: It shall also be the duty of the justice aforesaid to issue his summons directed to some proper officer to cause the parties, with their witnesses, to appear before him, or some other justice, at such time and place, not exceeding thirty days, as he may think proper, where the case shall undergo a fair investigation, and be subject to the same proceedings as if it had never been acted on; and the officer to whom the summons may be directed, shall receive for his trouble in executing the same, the same fees he is entitled to for summoning witnesses, to be taxed on the party at whose instance it issued.

VI. And be it further enacted by the authority aforesaid, That from and after the aforesaid first day of March next, all executions issued by a justice of the peace shall be made returnable in three months from the date of said execution; and when any execution shall be returned, not fully satisfied and discharged, it shall and may be lawful for any justice of the peace for said county, to issue another execution for the sum so remaining due on the former execution.

VII. And be it further enacted, That the deposition of any person who is an inhabitant of another county or state, other than that in which any suit may be depending on a warrant before a justice of the peace, shall be ad-

mitted on trial of such warrant to be read as evidence; *provided always,* that either plaintiff or defendant shall in all cases respecting depositions be governed by the same rules, regulations and restrictions, as are used in taking depositions in other cases in the courts of law within this State, so far as respects time and notice: *and provided also,* that such depositions may be taken by one justice of the peace, when the adverse party may cross examine.

VIII. And be it further enacted, That all acts and clauses of acts which come within the meaning and purview of this act, are hereby repealed, and made void.

An act to authorize the State of Tennessee to perfect Titles to Lands reserved to this State by the Cession Act.

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 upon this act being agreed to, and ratified by the State of Tennessee, as an agreement between this State and the said State of Tennessee, and upon the assent of Congress being obtained there to; the said State of Tennessee shall have full power and authority; and is hereby vested with full power and authority to issue grants, and perfect titles, to all claims of land lying in the said State, which under, and agreeably to an act, entitled "An act for the purpose of ceding to the United States of America, certain Western Lands therein described," passed by the Legislature of this State, in the year one thousand seven hundred and eighty-nine, remained and were reserved by the said act, to be issued and perfected by this State, in as full and ample a manner as the State of North-Carolina possessed the same, under the following conditions and restrictions, to wit:

First. That no grant shall be issued by the said State for any lands which, by the aforesaid act, and the laws of this State then in force, or made in pursuance thereof, since the passing of said act, might not have been issued by this State. Nor shall any grant be valid, but those issued on bona fide claims, and within the provisions and reservations of the before recited act, and such as would have been valid, if the same had been issued by this State under the act aforesaid, and the laws then in force, and such as have been since made in pursuance of said act of cession.

Secondly. That in entering and obtaining titles to lands, no preference shall be given to the citizens of Tennessee over citizens of any other State, claiming under this State; nor shall any occupancy or possession give preference in entering or obtaining titles, so as to injure or take away the right of any person now claiming by entry, grant, or otherwise under this State.

Thirdly. That no grant shall issue to Martin Armstrong, or his deputies, or any person or persons claiming under him or them, for any services as Surveyor, until a final settlement between the State of North-Carolina and the said Armstrong shall be made; after which grants shall issue for such lands as he may be entitled to.

Fourthly. That this State reserves exclusively the right of issuing military warrants.

Fifthly. In issuing grants on military warrants, entries made in Martin Armstrong's Office, until he was suspended by this State, shall be preferred, and next to those, the entries which have been made in the Office of William Christmats, who is hereby continued and confirmed as the Surveyor of the lands on all entries in the Entry-taker's books in his possession, not heretofore surveyed, during his good behaviour. Also, that John Brown be continued and confirmed as the Surveyor of the lands in the Eastern district, in room of Stokely Donelson, during his good behaviour. That the said William Christmats and John Brown enter into bond in the sum of five thousand pounds each, with sufficient security, payable to the State of Tennessee; for the faithful discharge of the duties reposed in them.

Sixthly. That the Secretary of this State shall continue to issue grants upon all Surveys returned, or that shall be returned to his office, before the ratification of this agreement or compact between the two States; by the State of Tennessee.

Seventhly. And in order that the State of Tennessee may possess the information necessary to the detection of fraud in obtaining claims and grants to lands lying in that State; and for the purpose of facilitating the execution of good titles, all warrants and plats upon which grants shall not have issued, at the time of the ratification of this compact by the State of Tennessee, shall be delivered to any agent or agents of that State, duly authorized for that purpose; and that the agent or agents of the said State be permitted to take copies of all grants, or any other paper or papers which concern the land claims within the State of Tennessee, in the Secretary's Office of this State: And notwithstanding such copies may be received as legal evidence in the State of Tennessee, it is always to be understood as a provision, that any transcript from the said Office of this State, shall, at all times hereafter, be received as evidence in the said State of Tennessee.

Eighthly. That so much of this act as relates to the taking of copies by the Agent or Agents of Tennessee; from the Secretary's Office, shall take effect from the passage hereof. *Provided,* that none of the said copies shall be removed or taken out of the office of the Secretary, until the Governor of this State shall be notified by the Governor of the State of Tennessee, of the ratification of this act on the part of the State of Tennessee; and until the Governor shall also receive a notification of the assent of the Congress of the United States being obtained thereto.

Ninthly. That in taking transcripts by the Agent or Agents of Tennessee from the said office, the books and papers so to be transcribed, shall always be under the care of the Secretary of this State; and that as a compensation for such care and trouble, the State of Tennessee shall pay the said Secretary six hundred dollars, in two instalments: The first instalment of three hundred dollars to be payable within six months after the ratification of this act on the part of the State of Tennessee; and the second instalment whenever the said State of Tennessee shall procure by its agent or agents transcripts of the grants issued by the State of North-Carolina, for lands lying in the State of Tennessee, as aforesaid, and such other papers as may deem necessary relative to the landed property of said State.