



AND

North-Carolina State Gazette.

Ours are the plans of fair & delightful Peace,
Unwarped by party rage, to live like Brothers.

THURSDAY, DECEMBER 28, 1809.

No. 566

Laws of North-Carolina.

PASSED AT THE SESSION OF THE GENERAL ASSEMBLY, JUST CLOSED.

AN ACT Providing for the further Relief of Debtors.

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 all cases where any judgment shall have been obtained for any debt or damages, in any court of common pleas and quarter-sessions of this State, against any debtor or other person whomsoever, at any time before the thirty-first day of December, one thousand eight hundred and nine, it shall be the duty of such court to stay execution, and all further proceedings thereon, until the first term or regular session of such court which may happen next after the first day of April, one thousand eight hundred and ten; such debtor or person first giving two freeholders, such as shall be approved by the said court as securities for the said stay of execution, the acknowledgment of such securities, and the entry of their names in open court, being considered as part thereof. And should the said judgment, with interest and costs, not have been discharged on or before the said first term or regular session of such court which may happen next after the said first day of April, one thousand eight hundred and ten, it shall be the duty of such court, on application made, to issue execution against the principal and his securities, for the full amount, or so much thereof as shall remain unpaid.

II. And be it further enacted, That in all cases where any judgment shall have been obtained against any debtor or other person whomsoever, before any justice of the peace out of court having cognizance thereof, at any time before the thirty-first day of December, one thousand eight hundred and nine, it shall be the duty of such justice, or in case of his death, resignation or removal, the duty of any other justice of the same county wherein such judgment shall have been obtained, to stay execution and all further proceedings thereon, until the first day of April, one thousand eight hundred and ten; such debtor or person first giving two freeholders, such as shall be approved by the said justice, as securities for the said stay of execution; the acknowledgment of such securities, and the entry of their names on the said judgment, being considered as part thereof. And should the said judgment, with interest and costs, not have been paid on or before the said first day of April, one thousand eight hundred and ten, it shall be the duty of such justice of peace, or in case of his death, resignation or removal, the duty of any other justice of the same county, to award execution against the principal and his securities for the full amount, or so much thereof as shall remain undischarged.

III. And be it further enacted, That in all cases where any judgment shall hereafter be obtained for any debt or damages in any court of common pleas and quarter-sessions of this State, against any debtor or other person whomsoever, and at the first term or regular session of such court which may happen next after the thirty first day of December, one thousand eight hundred and nine, it shall be the duty of such court to stay execution and all further proceedings thereon, until the first term or regular session thereof which may happen next after the first day of April, one thousand eight hundred and ten; such debtor or person first giving two freeholders, such as shall be approved by the said court, as securities for the said stay of execution, the acknowledgment of such securities and the entry of their names in open court, being considered as part thereof. And should the said judgment, with interest and costs, not have been discharged on or before the said first term or regular session of such court which may happen next after the said first day of April, one thousand eight hundred and ten, it shall be the duty of such court, on application made, to award execution against the principal and his securities for the full amount, or so much thereof as shall remain unpaid.

IV. And be it further enacted, That nothing herein contained shall be so construed as to interfere with the right of any person or persons to demand and obtain a stay of execution, as recognized by the provisions of an act passed in the year 1794, entitled "An act directing the mode of recovering debts of twenty pounds and under; which act is hereby declared to be in full force and virtue, so far as regards the stay of executions: nor be deemed in any manner to apply to judgments or executions which heretofore have been, or hereafter may be obtained or issued at the instance of the Treasurer, or any other officer in the name and for the benefit of the State, or to exonerate clerks, sheriffs, constables, county treasurers or treasurers of public buildings, from paying over, or otherwise accounting for, all such sums of money as they heretofore may have received or collected, or may hereafter receive or collect by virtue of their office; or to prevent such clerks, sheriffs, constables, county treasurers or treasurers of public buildings, from collecting such monies as may be due them for the use of the Public.

V. 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 regulate the Banks of Newbern and Cape-Fear in certain cases.

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 hereafter a tax of one per centum per annum shall be levied on all the Stock held in each of the Banks of Newbern and Cape-Fear, either by this State or any individual or corporation whatever, which shall be paid to the Treasurer of this State by the President and Cashier of said Banks, on or before the first day of October next, and on or before the first day of October in each and every year thereafter; and upon the failure of the President and Cashier of either of the said Banks to pay to the Treasurer, on or before the first day of October in each year, the tax hereby imposed, judgment shall and may be had therefor, against the said President and Cashier, on motion in the Superior Court of Wake county, in the same manner as judgments are by law had against delinquent Sheriffs.

II. And be it further enacted, That it shall not be lawful for the President and Directors of the before recited Banks, at any time hereafter, to issue any Note or Notes, under the sum of one dollar.

III. And be it further enacted, That the Directors hereafter to be appointed on the part of the State, shall be appointed by the Governor for the time being, and it shall be their duty to make a correct statement to the General Assembly, at their session in each and every year, whether a greater amount of Notes have been issued by the President and Directors of their respective Bank, at any time within the last year, than is authorized by its Charter, under the penalty of five hundred pounds, to be levied on their goods, chattels, lands and tenements; and should it appear by the statement aforesaid,

that the President and Directors of either Bank have at any time issued Notes to a greater amount than is authorized by their Charter, then, and in that case, they shall absolutely forfeit their Charter heretofore granted them: *Provided always*, That nothing in the act of Assembly of 1804, which constituted the Banks of Newbern and Cape-Fear, or in this act, shall be construed so as to authorize the said Banks, on any pretence whatever, to emit or issue Notes on any temporary deposit which may be made by merchants or others, which are, or may be liable to be drawn out of said Banks—that is to say, they shall not emit Notes on the faith of deposits to an amount exceeding the smallest amount of deposits which have been holden by said Banks at any time within one year next immediately preceding.

IV. And be it further enacted, That a correct list of the names of the President, Directors and Stockholders of said Banks, shall be given to the Treasurer of this State by the Directors appointed on behalf of the State, on or before the first day of May next, and on or before the first day of May in each and every year thereafter, which shall be by him preserved. And that the persons whose names are returned as aforesaid, shall, on the expiration, forfeiture, or other dissolution of their charter, be, and they are hereby made liable in their individual capacities, in proportion to their several interests in each of said Banks, for the payment of the full amount of all their notes then in circulation, and which shall not be redeemed by the corporations aforesaid.

V. And be it further enacted, That this act shall take effect on and from the first day of January, one thousand eight hundred and ten; and all acts and clauses of acts which come within the meaning and purview of this act, be and they are hereby repealed and made void, any thing to the contrary notwithstanding.

CAPTIONS

OF THE ACTS PASSED IN 1809.

Acts of a public nature.

1. An act to amend the 3d section of an act passed in 1808, entitled An act to amend an act passed at the last General Assembly, entitled An act to allow interest on Judgments recovered in actions brought on contract, and to mitigate the severity of Executions.
2. To continue in force the acts heretofore passed ceding to the U. States of America certain lands in Smithville.
3. To authorize and empower the Judges of the Superior Courts of Law and Equity to appoint Solicitors in the recess of the Legislature.
4. To annex part of Bladen to the county of Columbus.
5. To prevent frauds committed against the State, and to make subsequent entries on lands valid in certain cases.
6. To amend and explain an act passed last session to give concurrent jurisdiction to the Superior & County courts.
7. To protect the decency of Divine Worship.
8. In aid of the University of North-Carolina.
9. To amend an act passed in 1796, entitled An act to secure property to Religious Societies or Congregations of every denomination.
10. To alter so much of the 29th section of an act passed in 1741, as requires the publishing of runaway Negroes, in certain places.
11. To amend the first section of an act passed in 1790, to restrain all married persons from marrying again while their former wives or husbands are alive.
12. To annex a part of the county of Burke to the county of Rutherford.
13. To provide for the further relief of debtors.
14. To raise a revenue for the payment of the civil list and contingent charges of Government for 1810.
15. To regulate the Banks of Newbern and Cape-Fear, in certain cases.
16. To prevent the circulation of small promissory notes, commonly called due-bills.
17. To regulate the ridings of the Judges of the Superior Courts of Law and Equity within this State.
18. Granting to the several counties in this State all fines, forfeitures, amercements and tax fees, for the purpose of paying the expence of State prosecutions and contingent charges of the counties.
19. Requiring the Attorney-general of the State to attend the Supreme Courts.
20. To prevent speculations in obtaining lands which may hereafter accrue to the State by purchase from the Indians.
21. To amend the 3d clause of the 16th chapter of the acts of 1790.
22. To amend an act passed last session to restrain Justices of the Peace from holding appointments inconsistent with the nature and duty of their office.
23. To recognize the currency of the United States.
24. To amend an act passed in 1777 to encourage the building of public mills and directing the duty of millers.

Acts of a private nature.

1. An act to establish an Academy on the land of Dr. Landreth, in the county of Guilford.
2. To establish one other separate election in Duplin county.
3. To alter the time of holding the county courts of Robeson and Cumberland.
4. To provide for the building of a new gaol in Bladen county.
5. To authorize the Court of Pleas and Quarter-Sessions for the county of Randolph, to lay a tax to defray the expence of building a Gaol in said county.
6. To establish two additional separate elections in Craven county.
7. To appoint commissioners for the town of Kinston, in Lenoir county, and for other purposes therein mentioned.
8. To authorize the trustees of Franklin Academy to raise by way of lottery a sum of money for the purpose of purchasing books for the use of said Academy.
9. To establish a separate election in the county of Stokes.
10. To empower the county court of Bertie to transcribe such part of the Register Books of said county as may appear necessary.
11. To prevent any person or persons from working seines or skimming with nets in Neuse river on Sundays and Sunday nights, from the 15th of January to the 25th of April in each and every year.

12. To facilitate the navigation of Lumber river, from McFarland's Turnpike to the South Carolina line.

13. To confirm the claims to freedom of Kitty the wife of John Carruthers Stanly, and of Eunice Carruthers Stanly, Kitty Green Stanly and Alexander Stewart Stanly.

14. To amend the 2d, 3d and 4th sections of an act passed last session for altering the times of holding the county courts of Carteret, & for other purposes.

15. To emancipate and set free certain negroes, formerly the property of Alexr. Worke, late of Iredell county.

16. To revive and continue in force an act passed in 1807, authorising the county court of Pasquotank to lay a tax for the purpose of building a prison and stocks, and completing the courthouse of said county.

17. To establish the mode of elections in Currituck.

18. For the promotion of learning and scientific knowledge in the county of Stokes.

19. To erect a town at the confluence of Little and Big Yadkin rivers, in the county of Surry, by the name of Hallsborough.

20. To amend an act to establish separate elections in the county of Iredell; so far as respects the places of holding two separate elections in said county, and to appoint commissioners for the town of Stateville.

21. To repeal an act of the last session to alter the time of the sitting of the county court of Pasquotank.

22. To exempt the citizens of Tyrrel county, residing on the east side of Alligator river, from working on the road on the west side of said river.

23. Requiring a majority of the acting Justices of Wayne and Montgomery counties to be present in certain cases.

24. To empower the county court of Ashe to appoint commissioners of public buildings.

25. To establish a separate election at Walter Hanrahan's mill on Blount's creek, in Beaufort county, and for other purposes.

26. To authorize the North-Carolina Catawba Company to raise by way of lottery not exceeding \$5000, to clear out the navigation of the Catawba river.

27. To incorporate Hiram Lodge; No. 40, at Raleigh.

28. To prevent stops, dams & other obstructions to the running of fish in Grant's creek, in Rowan county.

29. To alter the time of holding the county court of Pleas and Quarter Sessions in the county of Caswell.

30. To provide for the payment of Jurors for the county of Northampton.

31. To authorize the wardens of the poor of the county of Washington to lay an additional tax for the support of the poor of said county.

32. To repeal an act passed at the last session, entitled An act to repeal an act passed in 1715, entitled An act for appointing a town in the county of Bath (now the county of Beaufort) and for securing the public library belonging to St. Thomas's Parish in Pamlico.

33. Granting one other separate election to the inhabitants of Wilkes county.

34. To amend the several laws heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers in this State, so far as respects the Peedee and Yadkin rivers.