

5/18/1799

B

L A W S

OF

NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on the Sixteenth Day of November, in the year of our Lord one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of said State. 1812.

WILLIAM HAWKINS, ESQUIRE, GOVERNOR.

CHAPTER I.

An Act to amend the Militia Laws of 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 it shall not be lawful for the Captain or Commanding Officer of any company of Militia to enroll any free Negro or Mulatto in his company: *Provided always,* That it shall and may be lawful at all times to enroll a sufficient number of such in any Militia Company as Musicians. Free Negroes and Mulattoes excluded from mustering, except musicians

II. Be it further enacted by the authority of the same, That no Captain, Lieutenant, or Ensign of any Militia Company in this State appointed and commissioned by his own consent, shall resign his appointment unless in case of sickness, bodily infirmity or removal out of the bounds of the Company for which he was appointed, until he shall have fulfilled the duties of his said appointment for the space of three years: And if any Commissioned Officer in the Militia of this State now appointed, or who may hereafter be appointed, shall fail to equip himself according to law within twelve months from the passing of this Act, or within the like space from the time of his appointment, such Officer so failing shall forfeit his appointment and commission on a conviction for the same before a Court Martial, and be rendered incapable of holding or exercising any Military Office under the authority of this State for the term of five years thereafter: And if any Commissioned Officer hereafter appointed shall resign within twelve months after his appointment, without having equipped himself according to law—he shall, if a General Officer, forfeit and pay the sum of fifty pounds, to be applied to the use of the division or brigade, as the case may be, to which such officer belongs; if a Colonel Commandant, the sum of twenty-five pounds; if a Major, the sum of fifteen pounds; if a Captain, the sum of ten pounds; if a Lieutenant, the sum of five pounds; if an Ensign, the sum of fifty shillings, to be sued for and recovered by the Adjutant of each Regiment in the name of the Governor, to the use of the Regiment; and the forfeitures incurred by the General Officers for breach of this Act, shall be sued for in the name of the Governor by the Adjutant General. Officers compelled to hold their appointments 3 years. Commissioned Officers required to be equipped in one year, Penalty.

III. Be it further enacted, That it shall be the duty of the Commandant of each Regiment of Militia within this State, to Muster or cause to be Mustered and Trained the Commissioned Officers of their respective Regiments at such times and places as may be directed by the Brigadier General of each Brigade. Officers to be mustered.

IV. Be it further enacted, That it shall be the duty of each and every Major-General of the Militia, to review the several Regiments of Militia and Cavalry within the limits of their respective commands once in every two years, so that they do not both review the same Regiments at the same time, under the same penalties as are now prescribed by law for omissions of that duty. Reviews.

V. Be it further enacted, That Regimental Courts Martial shall consist of Field Officers, Captains and Lieutenants only; Battalion Courts Martial of the Field Officers commanding such Battalion, Captains, Lieutenants and Ensigns; and Company Courts Martial shall be constituted as heretofore. Courts Martial.

VI. Be it further enacted, That if any person shall wickedly, wilfully and corruptly swear falsely before any Court Martial touching and concerning any matter or thing cognizable before such Court Martial, he shall on conviction thereof be liable to Perjury punishable

CHAP. XXXVII.

An Act to divorce Michael Shoffner, junior, of the county of Orange, from his wife Sarah.

WHEREAS Michael Shoffner, junior, of the county of Orange, hath presented a petition to this General Assembly praying to be divorced from his wife Sarah, and hath shewn such proofs and reasons for the same as reconcile the measure with justice and policy :

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 said Michael and Sarah shall be fully and absolutely divorced from the bonds of Matrimony, in the same manner to all intents and purposes, as if the marriage of the said Michael and Sarah had never been solemnized, and the said Michael and Sarah are divorced accordingly.

CHAP. XXXVIII.

An Act to divorce Levina Massey of Tyrrel County, from her husband Adkins Massey.

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, Lavina Massey of the county of Tyrrel, be and she is hereby divorced from her husband Adkins Massey, in as full and ample a manner, to all intents and purposes, as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly.

CHAP. XXXIX.

An Act to divorce Samuel Murray, junior, of the County of Buncombe, from his wife Sarah.

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, Samuel Murray, junior, of the county of Buncombe, be, and he is hereby fully and absolutely divorced and freed from the bonds of matrimony with his wife Elizabeth, in as full and ample a manner, to all intents and purposes, as if the said Samuel Murray, jun. had never been married to the said Elizabeth, and he is hereby divorced from her accordingly.

CHAP. XL.

An Act to divorce Eliza Fulwood of Onslow County, from her husband Andrew Fulwood.

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 Eliza Fulwood of the County of Onslow, and her husband Andrew Fulwood, be fully and absolutely divorced from the bonds of matrimony, in the same manner, to all intents and purposes, as if the marriage of the said Eliza and Andrew had never been solemnized ; and the said Eliza and Andrew are divorced accordingly.

CHAP. XLI.

An Act to divorce Willis Philips of the County of Randolph, from his wife Susannah.

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, Willis Philips of the County of Randolph, and his wife Susannah, be fully and absolutely divorced from the bonds of matrimony in the same manner, to all intents and purposes as if the marriage of the said Willis and Susannah had never been solemnized ; and the said Willis and Susannah are divorced accordingly.

CHAP. XLII.

An Act granting one other separate Election to the Inhabitants of Duplin County.

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 in future, Elections shall be held in the County of Duplin for the election of Members to the General Assembly of this State, for Representatives to the Congress of the United States, or Electors to vote for President and Vice-President of the United States, a Separate Election at the same times, and subject to the same regulations, shall be held at the present dwelling house of Bryant Glisson, in said County.

CHAP. XLIII.

An Act to establish a Separate Election at the House of Mark Christian in the County of Cumberland, and to repeal an act establishing a Separate Election at the House of James Atkins, in the same county.

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 future, a Separate Election shall be held at the house of Mark Christian in the County of Cumberland, on the second Thursday in August in each and every year, for the purpose of electing Members of Assembly and Members of Congress, by the Sheriff of said County or his lawful Deputy ; to be opened, closed and conducted in the same manner and under the same rules as were by law prescribed for conducting the Separate Election at James Atkins's.

II. And be it further enacted, That an Election shall be held at the same place for electing Electors to vote for a President and Vice-President of the United States, at such time as may by law be prescribed for holding such Elections.

III. And be it further enacted, That the act of Assembly establishing a Separate Election at the house of James Atkins in the County of Cumberland, be, and the same is hereby repealed and made void.

CHAP. XLIV.

An Act to establish a Separate Election in the County of Brunswick, and to provide for the payment of Jurors attending the County Courts of said County.

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 there shall be held at the house of William Basford in the said County, on the day of the annual Election for Members of the General Assembly, Members of Congress, and Electors to vote for President and Vice-President of the United States, a Separate Election under the same regulations, rules and restrictions as the other Elections held in said County.

II. Be it further enacted by the authority of the same, That the Jurors attending the County Courts of said County, shall be entitled to the same pay for daily attendance and mileage, as is allowed to Jurors attending the Superior Courts of said County.

III. And be it further enacted, That all fines and forfeitures arising from the non-attendance of persons summoned upon a venire, shall be applied to paying those who shall serve as Talesmen at any Court of the County.

CHAP. XLV.

An Act to establish one other Separate Election in the County of New-Hanover.

WHEREAS some of the good citizens of the County of New-Hanover labour under great inconveniences by attending Elections for the purpose of electing Members of the General Assembly, in consequence of an intervening river which is subject to inundation, and some smaller streams which frequently obstruct their passage, by which means they have at diverse times been deprived of the opportunity of exercising the right of suffrage : For remedy whereof,

conveyances that were registered or recorded within the county of Martin anterior to the first day of January, in the year one thousand eight hundred and twelve, may be given in evidence in any court within this state, where the copies of wills, deeds or mesne conveyances would be evidence, although there should be no certificate of the probate on the same.

Read three times and ratified in General Assembly,
the 24th day of December, A. D. 1812.

GEO. OUTLAW, Speaker of the Senate.
W. MILLER, Speaker of the House of Commons.

A TRUE COPY—WM. HILL, Secretary.

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