

Laws of North Carolina

PASSED AT THE LAST SESSION OF THE GENERAL ASSEMBLY.

An Act more effectually to compel Collectors of Taxes to account for Monies by them received in that capacity.

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 Deputy-Sheriffs and all other persons that shall hereafter be employed by the Sheriff of any county in this State to collect the public, county and parish Taxes, shall, before they enter on the collection of either of the aforesaid Taxes, take an oath in open Court, or before any Justice of the Peace of the county where such Deputy-Sheriff or Collector may reside, faithfully and honestly to account for all monies that shall or may be received by them in the capacity of Collectors.

II. And be it further enacted by the authority aforesaid, That all hawkers and peddlers of goods, retailers of goods from on board any vessel, and retailers of spirituous liquors (who shall not have obtained licences from the Court) shall, severally when they have paid the tax by law on them respectively imposed, be bound to file or cause to be filed with the Clerk of the County Court of the county in which the tax shall be paid, within thirty days after such payment shall be made, the Sheriff's, Deputy-Sheriff's or other Collector's receipt therefor; and it shall be the duty of the Clerk of the County Court, upon receiving such receipt, to give the person filing the same, an acknowledgment or certificate under his hand and the seal of the Court, that he has received from the person who has paid such tax, or his agent, the Sheriff's, Deputy-Sheriff's, or other Collector's receipt therefor, and thereon state particularly for what purpose the said tax shall appear from the receipt so filed to have been paid, and the time when it was paid: And it shall further be the duty of the Clerks of the several counties, to make due return to the Comptroller's office of the amount appearing from the receipts so to be filed with him to have been received by the Sheriff, his Deputies and Collectors, at the same time and under the same regulations and restrictions, as he makes return of the list of taxables within his county.

III. And be it further enacted, That if any person who shall have paid any of the above-mentioned fines, shall fail or neglect to file or cause to be filed the Sheriff's, Deputy-Sheriff's or other Collector's receipt therefor, as above prescribed, for more than thirty days after he has paid the said tax, he shall be liable to have the same tax again collected from him, and be further liable to such penalties as are or may be prescribed by law for refusing or neglecting to pay in the first instance.

An Act making further provisions for perfecting titles to Land within the State of Tennessee.

WHEREAS by the Act of this Legislature, passed in the year one thousand eight hundred and three, entitled "An act to authorize the State of Tennessee to perfect titles to land reserved to this State by the cession act," authority was given by this state, upon condition Congress would assent thereto, to the state of Tennessee to perfect titles to the land lying in that state and reserved to North Carolina by the said act of cession, under certain limitations: And whereas Congress in giving their assent to the said act, by an act passed on the eighteenth of April, in the year one thousand eight hundred and six, entitled "An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to vacant and unappropriated lands within the same," restrained the exercise of the authority yielded by North Carolina to Tennessee, to the territory lying on the North and East side of the following line, that is to say: Beginning at the place where the Eastern or main branch of Elk river shall intersect the southern boundary line of the state of Tennessee, from thence running due North until the said line shall intersect the northern or main branch of Duck river, thence down the waters of Duck river to the military boundary line, as established by the seventh section of an act of the state of North Carolina, entitled "An act for the relief of the officers and soldiers of the continental line, and for other purposes," (passed in the year one thousand seven hundred and eighty three); thence with the military boundary line West to the place where it intersects the river Tennessee, thence down the waters of the river Tennessee to the place where the same intersects the northern boundary line of the state of Tennessee;—and it has thereby become the duty of North Carolina in order that justice may be done to the fair claimants under her, to appoint a Surveyor of the lands lying South and West of the said line:

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 the proper officers of this State shall proceed to perfect titles to all or any part of the land lying South and West of the above described line, for which surveys shall be returned by General Thomas Love, who has been appointed Surveyor of the said land, or by any other Surveyor to be hereafter appointed by this State for the purpose of surveying the said land.

And be it further enacted, That no assent that may hereafter be given by Congress to the provisions of the act of this General Assembly above recited, passed in the year one thousand eight hundred and three, shall be considered as interfering with this act, or the titles to be perfected under the same.

An Act directing to whom the Secretary of State shall issue Military Land Warrants, and for other purposes.

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 hereafter be lawful for the Secretary of State to issue any Military Land Warrant except under the following restrictions: 1st. Any person claiming a Military Land Warrant in his own right, shall produce at least one deposition shewing that he is the person entitled to such warrant, together with the certificate of two Justices of the Peace that the deponent is a person of credit; and also the certificate of the Clerk of the court of pleas and quarter-sessions of the county where such Justices reside, certifying that they are acting Justices, with the seal of the Court annexed. 2d. When application is made on behalf of any person claiming to be entitled to a Military Land Warrant, the person so applying, shall, in addition to the evidence above mentioned, also produce a power of attorney from the claimant or claimants, acknowledged by him or them in some Court of Record, or proven by two witnesses at least, with the seal of the Court annexed; a copy of which shall be filed in the Clerk's office, for which the said Clerk shall receive the sum of ten shillings.

II. And be it further enacted, That whenever a guardian shall apply for a Military Land Warrant, to which his ward may be entitled, he shall produce from the proper records, a certified copy of his appointment as guardian, signed by the Clerk of the Court wherein he was appointed, with the seal of the Court annexed.

III. And be it further enacted, That this act shall be in force from and after the passing thereof.

An Act to revive and continue in force an Act passed in the year one thousand eight hundred and eight, entitled "An Act to amend an Act, passed in the year one thousand eight hundred and four, entitled "An Act to revive and continue in force the Acts and clauses of Acts heretofore passed, declaring certain entries lapsed, notwithstanding the purchase-money may have been paid, in case they are not surveyed and returned into the Secretary's office within a limited time."

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 bona fide entries of Land in this State, which have been paid for as by law directed, shall have until the first day of December, one thousand eight hundred and thirteen, for surveys to be made and returned into the Secretary's office.

II. And be it further enacted, That this act shall be in force from the ratification hereof.

The first sum will certainly amount to \$2,135,000 dollars, and may be greater if the stock should sink below par.

The second sum cannot yet be stated, since the extent of the expenses which may be authorized is not yet ascertained, and as the estimates for the additional army, already authorized, have not yet been received by the treasury department.

The deficit of 1,200,000 dollars (on the peace establishment) is not included as absolutely necessary although its payment will, as stated in the annual report, leave in the treasury a smaller balance than, under existing circumstances, is eligible.

It may be proper to repeat that so long as the public credit is preserved and a sufficient revenue is provided, no doubts are entertained of the possibility of procuring, on loan, the sums wanted to defray the extraordinary expenses of a war; and that the apprehensions expressed relate solely to the terms of the loans to the rate of interest at which they can be obtained.

The reimbursement of the new debt which may be created, must ultimately depend on the respective revenue and expenditure of the United States after the restoration of peace. No artificial provisions, no appropriations or investments of particular funds in certain persons, no nominal sinking fund however constructed, will ever reduce a public debt, unless the net annual revenue shall exceed the aggregate of the annual expenses, including the interest on the debt. Those who create the debt can only estimate what the peace revenue and expenditure will be, and presume that the supposed surplus will be faithfully and perseveringly applied to the payment of the principal.

The current or peace expenses have been estimated at nine millions of dollars. Supposing the debt contracted during the war not to exceed fifty millions, and its annual interest to amount to three millions, the aggregate of the peace expenditure would be no more than twelve millions. And as the peace revenue of the United States may at the existing rate of duties be fairly estimated at fifteen millions, there would remain from the first outset a surplus of three millions of dollars applicable to the redemption of the debt. So far therefore as can be now foreseen, there is the strongest reason to believe that the debt thus contracted will be discharged with facility and as speedily as the terms of the loans will permit. Nor does any other plan in that respect appear necessary to extend the application of the annual appropriation of eight millions, and which is amply sufficient for that purpose, to the payment of interest and reimbursement of the principal of the new debt. No doubt can be entertained of that mode being sufficiently efficacious since by that plan alone forty six millions of the public debt have been reimbursed during the last eleven years. If the national revenue exceeds the national expense, a simple appropriation for the payment of the principal of the debt, and co-extensive with the object, in sufficient, and will infallibly extinguish the debt. If the expense exceeds the revenue, the appropriation of any specific sum, and the investment of the interest extinguished, or of any other fund, will prove altogether unavailing; and the national debt will notwithstanding that appropriation be annually increased by an amount equal to the deficit in the revenue.

The annual interest on the existing debt amounts to \$2,220,000 And estimating the interest on the new debt at 3,000,000

The sum which, on the annual appropriation of eight millions, would, at the restoration of peace, be applicable to the payment of principal, is 2,780,000 8,000,000

A sum somewhat less than the presumed surplus of three millions, as above stated, and which will be nearly sufficient to reimburse before the year 1833 the whole existing debt of the United States, with the exception of the three per cent stock. The loans contracted during the war being made irredeemable for at least ten years, the first reimbursement would fall on that year; and the whole of the appropriations of eight millions, after deducting 485,000 dollars for the interest of the three per cent stock would thenceforth be applicable to the payment of the interest and principal of the new debt. The precise period of final extinguishment and the precise amount of annual payment will depend on the terms of the loans and on the number of years for which it may be necessary to make each loan irredeemable. But this sketch is sufficient to show, 1st. That no inconvenience will arise in making the loans irredeemable for ten years since there is not much probability that they could be sooner discharged. 2dly, That the appropriation of eight millions will be sufficient for their final reimbursement. 3dly, That that reimbursement, and that of the debt of the U. States, (the three per cent stock excepted) will probably be effected within fifteen years after the restoration of peace. It must always be remembered that those estimates are predicated on the supposition that an additional revenue to the amount already stated will be provided, and that the increase of debt, during the war, will not exceed fifty millions.

In answering the enquiries of the committee, on subjects so intimately connected with the most important questions of national concern, it became an imperative duty to represent every circumstance precisely as it was or appeared to be, and without exaggerating or disguising any of the difficulties which must be encountered. To understand these to their full extent will afford the best means of overcoming them; and there is none which appears insurmountable or even discouraging. What appears to be of vital importance is, that the crisis should at once be met by the adoption of efficient measures, which will with certainty provide means commensurate with the expense, and by preserving unimpaired instead of abusing that public credit on which the public resources so eminently depend, will enable the U. States to persevere in the contest until an honorable peace shall have been obtained.

I have the honor to be, &c. ALBERT GALLATIN, Hon. Ezekiel Bacon, Chairman Committee of Ways & Means.

Most of the indirect taxes have been estimated at \$1,200,000 dollars, and may be greater if the stock should sink below par.

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