

The Raleigh Morning Sentinel.

VOL. 1.

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NO. 95.

THE SENTINEL.

WM. E. PELL, PROPRIETOR.

STATE REVENUE MATTERS.

The following circular from the Public Treasurer will be read with interest. We publish it to-day, to the exclusion of other matter, as the season for list-taking has commenced, and it is of the highest importance that the public should be thoroughly informed in the premises.

STATE OF NORTH CAROLINA, TREASURY DEPARTMENT, Raleigh, April 24th, 1867.

To List Taxpayers and Other Debtors.

Various questions as to the construction of the Revenue law have been addressed to this Department. It is in substance, my answer, in the hope that they may be of service to officers administering the law.

The following extract from a late order of Maj. Gen. Sickles, will show that the collection of the State taxes must be made, notwithstanding the recent Act of Congress placing the State under military rule.

"XVI. Nothing in this order shall be construed to strain or prevent the collection of any tax, impost, excise, or charge levied by authority of the United States or of the Provisional Governments of North and South Carolina, but no imprisonment for over due taxes shall be allowed."

I will be pleased to learn the views of any one, who conceives that his business or property is unduly taxed, will give those views careful consideration, and, in my opinion, the objections are just, will report them to the General Assembly for their action.

If in any county blanks for taking tax lists have not been received, they can be had on application to the Comptroller, whose province it is to furnish them, and who long since forwarded copies by mail.

Very respectfully,
KEMP P. BATTLE,
Public Treasurer.

VALUATION OF REAL ESTATE.

A dies in 1860, leaving a tract of land to B and D, valued at \$1,000. It sells his tract for mining purposes for \$3,000. How must the list taker proceed?

Answer. Under Sec. 28, Act for collecting Revenue, he must estimate what would have been the value of it in 1860, supposing no mine had been discovered. Under Sec. 29, he will then estimate what additional value has been imparted to it by finding the mine. The value thus ascertained is that to be returned.

In the above case B does not list any part of this increase of value as "income."

VALUATION OF PERSONAL PROPERTY.

Personal property liable to taxation *ad valorem* must be valued at the market price at the time of listing, at the place where the property is located. See Rev. Act, page 3.

POLLS—WHO ARE LABORERS?

Landowner employs hands liable to poll tax, giving as wages part of crop, he must list them.

Landowner lets his land to negroes, under contract to receive part of the crop as rent, he is not bound to list them. It would be the same if the owner furnishes team, &c., provided he parts with the control of the land, and cannot direct the labor of the hands.

The question is, who has control of the land? If the owner he must list the workmen. If he has no control until crop time, they are not laborers.

The Sheriff, when the owner of the land is not bound for poll tax of the cropper, should enforce the payment of the tax by distraint of the growing crop. He has no right to return as insolvent one who has an interest in a growing crop.

HOUSEHOLD FURNITURE.

Books worth \$25 to be listed. Books worth \$500. Only \$100 to be listed.

COTTON AND TOBACCO, &c.

On hand 1st of April, 1867, produced in 1865, must be listed. The owner may retain family supplies for one year.

SHARES OF STOCK.

In Railroad Companies (except Raleigh & Gaston and Wilmington & Weldon R. R. Stocks, which are exempt, the former until dividends exceed 15 per cent per annum, the latter absolutely,) must be listed at their market value, along the line of the roads.

MONEY.

\$100 can be deducted from cash, on hand 1st. April. If a man has an income over \$500, and has the income in the shape of money on hand 1st. April, it must be taxed as "money," as well as "income."

NATIONAL BANKS.

Should list the shares of stock, owned therein, by residents and non-residents, at the place where the Bank is located, under Sec. 11, Class 1, Sched. A.

CLASS 2—SCHED. A.

Watches, Gold and Silver and plated Ware; also, pleasure carriages and harness, are taxable whether used or not. It is different with jewelry and musical instruments. Carriage and harness used by Physicians, exclusively in practice, are exempt.

SALARIES.

A clerk in a store, receiving compensation of \$50 per month, must pay the salary tax if he receives from April 1, 1866, to April 1, 1867 over \$500. The sum of \$500 cannot be deducted from the total.

CLASS 3—SCHEDULE A.

Net income under \$500 not taxable. If over \$500, that amount cannot be deducted.

The expense of keeping carriages and horses, used exclusively by physicians in their practice, can be deducted from gross income.

Also the necessary expenses of lawyers in attending Courts.

Also "good" & "evil," bought by a farmer for his hands or stock, but if the farmer produces his subsistence, his income from this product and his expense in feeding it, except a balance, and nothing is to be deducted.

If a farmer give food as part wages to his

laborers, he may deduct the value, but on most plantations that value is trifling, as it is to the interest of the owner to have the land cleared for cultivation. House rent given as wages, should not be deducted.

School teachers, who receive tuition money for the pupils taught by them, are not taxed as having a salary, but are taxed on their net income, under this section.

Gain on purchase and resale of lands, stock, &c., within the year preceding 1st April 1867, must be estimated as "income."

LIQUOR PURCHASES.

If A buys liquor in New York and sells to B for resale, A is liable to the ten per cent tax, but B is not.

So if A buys of the maker in this State and sells to B for resale, A is liable for the five per cent tax, and B is not.

The same rules, if B claims exemption, must be proved as prescribed in 2d clause of Sec. 3, Class 3, Schedule A, that A listed the liquor in this State.

If A has liquor consigned to him by a N. Y. House for sale on commission, and he sells to B for resale, by the express language of Sec. 2, A is liable for the ten per cent tax, while A is only liable for one fifth of one per cent on his sales, under Sec. 2.

If A, in the above case, retails the liquors, selling them to persons buying for their own use, he is not liable to pay the Sheriff ten per cent on his sales, under Sec. 22, Schedule B.

The same rules hold *mutatis mutandis* in the case of consignments by the maker of liquors and sales by the consignee.

The U. S. tax on liquors is not to be deducted from the amount of purchase. If the dealer gave \$3 per gallon for whiskey, he must list \$3. If he gave \$1, and also paid the \$2 tax, he must list the whole, \$3 per gallon.

MERCHANTS AND OTHER TRADERS.

I last year gave the opinion that if A purchases raw material, bestows on it his labor, and then sells the product of his labor, he is not a "trader" within the meaning of the Revenue law, although he has been deemed to be a "trader" under the bankrupt laws of England. The General Assembly will know the construction to be put on the words of the law.

Hence I give the following opinions with confidence.

1st. That steam saw miller, is not taxed under Sec. 5, Class 3, Sched. A, on his purchases of logs, although after sawing them into lumber he sells the lumber.

2d. As a saw miller, who does not pay on his purchases of paper, &c.

3d. A shoe manufacturer does not pay on purchases of leather.

4th. Nor a supplier of tomb-stones on his purchases of marble.

5th. Nor a manufacturer of yarns or cloth on his purchases of wool.

6th. Nor a planter on his purchase of guano, afterwards converted into cotton or wheat, &c., &c.

In these cases the articles sold is totally different from the raw material bought. The business conducted is that of manufacturing or producing, not of trading.

But the business is to "trade" or to buy articles and resell them substantially in the same form, the person conducting it must pay on his purchases, although he may be subsidiary to his main business, to some extent in manufacturing.

Jewelry and Druggists may be mentioned as such cases. They will pay on articles named in Sec. 5.

Merchants and other traders, who list their purchases under Sec. 5, page 9, do not list their capital for *ad valorem* taxation under Sec. 10, p. 6, but they are bound for tax on their "net income," if over \$500.

As a new Merchant, who either manufactures or trades, must pay on his purchases of raw material, must list their capital under Sec. 10, p. 6, and are likewise bound for the income tax, if the net amount exceeds \$500.

Commission merchants in this State frequently buy and sell goods as other merchants. In such cases they will pay on merchants under Sec. 5. Where they sell the goods of others as consignees only, they must pay on their sales. If a Commission merchant buys for a regular merchant as agent, the regular merchant must pay the tax on purchases. So if a produce broker negotiates a sale for a Commission merchant, the latter must pay the tax on the sale. But the broker is liable if he sells for the owner of the goods.

PLAYING CARDS.

On each purchase of playing cards the tax accrues, no matter how often the same may be sold.

The tax on pistols, &c., is not affected by the order of Gen. Sickles, prohibiting the wearing of deadly weapons. The tax is on the weapon, used or worn about the person, at any time during the year, i. e. from April 1st, 1866 to April 1st, 1867. As it is deductible to full list after having worn the weapons, it is the duty of the grand jurors to enquire into the fact of listing by examination of the returns, and to present any offender against the law.

If a person uses or wears about his person weapons not his own, he is notwithstanding liable to the tax.

Employers are not bound to list the pistols, &c., of their employees, unless such employees are their minor children or wards.

EXEMPTIONS.

A house and lot, leased by the owner, as an investment to be used for a boarding school, is not exempt from taxation.

Planks exclusively used for instruction in a school are exempt.

The income of a school teacher, if exceeding \$500, is not exempt.

RETIREMENTS.

In England they are transferring the ritualistic excitement from the chancel and altar to the court room. The Bishop of London has signed "letters of request" to Dr. Lushington, the Dean of the Court of Arches, charging Rev. A. H. Mackonochie, incumbent of St. Albans, Holborn, London, with four offences. The declaration and citations of the holy elements. 2. The placing of lights on the communion table. 3. The use of incense. 4. The use of the unblest chalice. Dr. Stephens and Mr. Coleridge, Q. C., are retained to conduct the prosecution, and Sir R. Phillimore, Q. C., Advocate, with Dr. Deane, are to manage the defence.

Among the railroads whose pay for carrying the mail is to be applied to the payment of their indebtedness to the Government, the *Six* names the Virginia and Tennessee, Wilmington and Weldon, Atlantic and North Carolina, Western North Carolina, Petersburg, Virginia Central, Orange and Alexandria, Alexandria, London, and Hampshy, and Manassas Gap Railroad Companies.

FOR THE SENTINEL.

THE MARRIAGE LICENSE LAW.

MESSRS. EDITORS.—The law of the last Legislature, prescribing the duties of Clerks in issuing marriage licenses, contains several amendments to our present law that subject in the Revised Code, but they are important, and attention should be properly called to them.

By the amended law, no bonds for license are required, as they were inefficient for protection and redressed no wrong, and formed a very considerable item of expense in Revenue stamps, which was carried out of the State.

The other amendments were to ascertain and secure the proper identity of persons and their families. The habit of writing the initial letter of the name for the name itself, where there are so many names commencing with the same letter, causes error, sometimes a serious one. Hence, it is now required to write the names in full.

And the multiplication of the same names in a family or neighborhood is an other growing source of error, which has been greatly increased since the emancipation of our slaves, who almost universally take the surname of their former owners, and the latter sees his own name and that of his son and daughter borne by so many that a name actually loses its principal object of adoption, being intended as a description of the person, but now requiring some other prefix or nickname to distinguish them. To effect that purpose, the amended law requires the names of parties in the marriage license to be further designated by the distinction of color, and also the names of their parents added, as far as can be known, which is readily done in the case of whites; but it will require some years before marriage and legitimate offspring can answer the enquiry among the colored population.

The main object of this amendment was to identify and describe the parties, but it properly observed, the registration of marriages will add very materially to the history and tracing of families, which is so much needed in this country, but which is very desirable to families themselves, and often necessary to ascertain the titles of the property. With this view, it is to be regretted that the law did not require the age and residence of the parties, and also would seem to be an oversight, as the Clerk cannot issue a license except to a woman who is a resident of North Carolina, or to a male under sixteen or to a female under fourteen. So, to this extent, it is made the duty of the Clerk to inquire into the residence and age of the female, and the age of the male, and this should properly be stated in the license, to show that the duty had been performed.

The Clerk of the County Court, in the County in which the woman resides, is the only Clerk who can issue the license for her marriage, and that establishes her residence. This was to prevent secret and clandestine marriages, and carrying off girls into other counties to elude the care and vigilance of parents and guardians. This feature of the marriage license law has been frequently violated by the oversight or ignorance of Clerks, and when run away matches come into the border counties from the adjoining States, the law requires a written permit from the guardian or parent before the Clerk can issue a license. This feature of the law, and its observance should be enforced on our Clerks.

The amended law further requires the certificate of marriage to be returned and filed in the Clerk's Office, after he has copied into a register, in parallel columns, the names of the parties, the date of their marriage, and by whom married, and that a separate book be kept for the registration of white and colored persons.

A CANINO AND EAR CROPPING.

Some excitement was produced in Portsmouth last evening, in the neighborhood of the Court St. Baptist Church, by a caning affair that came off as the denouement of a correspondence that had been conducted by a married lady, and a gentleman who had presumed to admire her.

It appears that the victim of the can had written a note to the married lady which she indignantly and promptly showed to her husband; the husband was also indignant and instructed his wife to reply to the note, and make an appointment to meet him at the point above named. At the appointed time the expected "lover" appeared, but instead of meeting the lady he was confronted by the enraged husband, who proceeded to seek satisfaction by the vigorous application of a big stick, and ended his attack by cropping one of the ears of the admirer of his wife. The husband being satisfied, reported the affair to the authorities, and gave bonds for his appearance, and in a few days trial and child should be reunited. Day after day the patient, a fortunate old man has awaited the arrival of the trains at the Danville depot, but each day has been disappointed. At last it occurred to him to ask for his mail, when, to his surprise, he found in it a letter, which, when read, he learned that his wife had been united to her former lover, and that she was desirous to return to her family, but had not the means. The simple-hearted old man, overjoyed at the prospect of seeing again the daughter whom he had expected never more to meet on earth, gave the fellow the amount of the fine, which he said was necessary to defray her expenses, and with it the rascal departed, promising that in a few days trial and child should be reunited. Day after day the patient, a fortunate old man has awaited the arrival of the trains at the Danville depot, but each day has been disappointed. At last it occurred to him to ask for his mail, when, to his surprise, he found in it a letter, which, when read, he learned that his wife had been united to her former lover, and that she was desirous to return to her family, but had not the means. 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