



AND

North-Carolina State Gazette.

"Ours are the Plans of (say) delightful Peace,
"Unwar'd by Party Rage, to live like others."

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No. 221.

Laws of the State

Passed at the late Session of the General Assembly.

An Act directing the manner of appointing Electors, to vote for a President and Vice-President of the United States.

WHEREAS by the late Census taken of the People of the United States, this State is entitled to elect fourteen Electors, to vote for a President and Vice President of the United States, and, whereas the laws now in force, only provide for the election of twelve Electors:

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 this State shall be divided into fourteen Districts, for the purpose of choosing Electors, to vote for a President and Vice-President of the United States, in the following manner, to wit: the Counties of Rutherford, Burke, and Buncombe shall compose one District; the Counties of Mecklenburg, Iredell, and Lincoln shall compose one District; the Counties of Surry, Stokes, Wilkes, and Ash shall compose one District; the Counties of Rowan, Randolph, and Cabarrus shall compose one District; the Counties of Rockingham, Guilford, Caswell, and Person shall compose one District; the Counties of Wake, Granville and Johnston shall compose one District; the Counties of Chatham, Orange, and Moore shall compose one District; the Counties of Richmond, Cumberland, Montgomery, Anson, and Robeson shall compose one District; the Counties of Perquimans, Pasquotank, Camden, Currituck, Chowan and Gates shall compose one District; the Counties of Bertie, Hertford, Northampton, and Martin shall compose one District; the Counties of Beaufort, Tyrrell, Washington, Hyde, Pitt, and Edgcomb shall compose one District; the Counties of Lenoir, Carteret, Craven, Jones, Wayne, and Greene shall compose one District; the Counties of New-Hanover, Onslow, Duplin, Brunswick, Bladen, and Sampson shall compose one District; the Counties of Nash, Halifax, Franklin, and Warren shall compose one District: That the persons qualified to vote for Members of the House of Commons of the General Assembly of this State, in the said Counties respectively, shall meet on the second Friday in November next, and in Counties wherein separate elections are directed to be held, on such days preceding the said second Friday in November next, as are by law prescribed, for holding separate elections in said Counties respectively, except in the County of Wilkes, in which County the election, as by law directed, may be closed, on the Saturday following the said second Friday, at the place or places by law established in their several Counties for the election of Members of the General Assembly; and there give their votes for some discreet person being a freeholder, and actually resident within the District, in which said votes are given, as an Elector to vote for a President and Vice-President of the United States. That the poll shall be held in the same manner as for the election of Members of the General Assembly, and the Sheriffs of the Counties within the several Districts herein established, shall, on the Tuesday after the second Friday in November next; and on the Tuesday following the said second Friday in November, in every four years thereafter, meet at the Court-House of the County, first named in such District, and then and there compare the polls, taken at the elections in their several Counties, and having ascertained, by faithful addition and comparison of the number of votes, the person having the greatest number of votes, giving their own votes in case the two foremost on the poll have an equal number of votes; but in case no one shall then have a majority, it shall be determined by drawing lots, shall proceed to certify such election, under their hands in manner and form following, to wit: We A. B. Sheriff of County (or Deputy Sheriff, as the case may be) C. D. Sheriff of County (and so on, reciting the names of the Sheriffs or returning Officers of the several Counties within the District, composing one entire District entitled by law to appoint an Elector to vote for a President and Vice President of the United States) do hereby certify, that at an election, held on the days and at the places appointed by law within our respective Counties, the Voters qualified to vote for this purpose, have chosen as an Elector, to vote for a President and Vice President of the United States. Given under our hands this day of in the year And two fair duplicates of such certificate, and return shall be made by the said Sheriffs, or their Deputies (as the case may be) under their hands, one of which shall be delivered to the person elected to represent such District, and the other shall be transmitted to the Governor within twelve days, under the penalty of fifty pounds upon each and every Sheriff holding such election, in case of his or their failure in so doing, to be recovered by the Attorney or Solicitor General, to the use of the State, by action of debt in any Court of Record within the State, in the name of the Governor: and the Governor shall, upon receipt of such certificates, proceed to make out and certify three lists of the names of the persons so chosen, which lists he shall cause to be delivered to the said Electors on or before the first Wednesday of December then next ensuing, as directed by the Act of Congress.

II. And be it further enacted, That four years after the election herein above described, (and every four years thereafter) there shall be, in the several Districts herein made and prescribed, another election of Electors, to vote for a President and Vice President of the United States, to be held on such days and at such places as are herein before prescribed: And all such acts, matters, and things, as are herein directed to be done and observed at and after the election herein directed by the Governor of the State, and by the Sheriffs of the Counties, composing the aforesaid Districts, shall be done and observed at every subsequent election, by the Governor for the time being, and by the then Sheriffs of the several Counties in the respective Districts: aforesaid, under the rules, regulations, and penalties herein prescribed and directed.

III. And be it further enacted, That the Electors chosen under this act, shall assemble at the City of Raleigh on the first Wednesday of December, in the year one thousand eight hundred and four, and on the first Wednesday of December next after their appointment in every year, that they shall be appointed and give their votes for a President and Vice-President of the United States.

IV. And be it further enacted, That whenever the offices of President and Vice-President shall both become vacant, it is hereby declared to be the duty of the Governor of this State, upon receiving a notification of such vacancy from the Secretary of State of the United States, forthwith to issue his proclamation, directing the

Sheriffs of the several Counties of this State, to hold elections within their respective Counties, for the appointment of Electors of President and Vice-President of the United States, on the days of the year in which such vacancy may happen, as are herein prescribed for holding the regular and stated elections, Provided there shall be the space of two months between the date of such notification and the said first Wednesday in December next following the date of the said notification; but if there should not be the space of two months between the date of the said notification, and the said first Wednesday in December, then the Governor shall specify in his proclamation, that the Electors shall be appointed or chosen in the year next ensuing the date of such notification on the days herein before stated; and it is also hereby declared, that the Electors appointed in the manner directed by this section, shall meet at Raleigh on the first Wednesday in December after their appointment, and give their votes for a President and Vice-President of the United States.

V. And be it further enacted, That each Elector, chosen pursuant to this act, with his own consent previously signified, failing to attend and vote for a President and Vice-President of the United States, at the time and place herein directed, shall (except in case of sickness, or other unavoidable accident) forfeit and pay two hundred pounds to be recovered by the Attorney or Solicitor General, to the use of the State, by action of debt in any Court of Record; and any Sheriff, or returning Officer, refusing to take the poll, when he shall be required, by a person qualified to vote, or making or signing a false certificate, or return of an election, as herein directed, or making any erasure or alteration in the poll books, or refusing to suffer any candidate, or person qualified to vote, at his own expence, to take a copy of the poll books, shall forfeit and pay one hundred pounds, which may be recovered with costs in any Court of Record, by any person who will sue for the same, in an action of debt. One half to his own use, and the other half to the use of the State.

VI. And be it further enacted, That the Electors appointed in pursuance of this act, shall be allowed for their travelling to the City of Raleigh, and their attendance, the same compensation as by law is allowed Members of the General Assembly, and shall be entitled to the same privileges as Members of the General Assembly; and the same allowances shall be made to the Sheriffs for their travelling expences and attendance, to compare the polls, with an additional allowance for the expences they may incur for conveying the duplicate of their certificate to the Governor.

VII. And be it further enacted, That, in case any of the Electors chosen, as by this act directed, to vote for a President and Vice-President of the United States, should, by reason of sickness, or any other cause, be unable to attend and give their votes, as herein prescribed, the General Assembly shall and may appoint, by joint ballot of both Houses, some other person or persons belonging to the District, for which the person or persons, so failing to attend, shall have been chosen, to supply the place or places of the person or persons not attending as aforesaid; and the person or persons so appointed by the General Assembly, shall be deemed and considered, to all intents and purposes, as the Elector or Electors of the District, out of which he shall be chosen as aforesaid, and as such shall give his vote in the same manner as the other Electors chosen for the several Districts herein established.

VIII. And be it further enacted by the authority aforesaid, That an act, entitled, "An Act relative to the appointment of a President and Vice-President of the United States," and all other acts, and parts of acts, coming within the purview of this act be, and the same are hereby declared to be repealed and made void.

An Act to ratify an Amendment of the Constitution of the United States.

WHEREAS the Senate and House of Representatives of the United States of America, in Congress assembled, having, at the Session which commenced at the City of Washington, in the territory of Columbia, on the seventeenth Day of October, one thousand eight hundred and three, being the first Session of the eighth Congress, Resolved, two thirds of both houses concurring, that the following paragraph, as a substitute and in lieu of the third paragraph of the first section of the second article, be proposed to the Legislatures of the several States as an Amendment to the Constitution of the United States, which, when ratified by three-fourths of the State Legislatures, to be valid to all intents and purposes as part of the said Constitution: Which amendment is in the following words, to wit: "The Electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the Seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President. The House of Representatives shall choose, immediately, by ballot, the President; but in choosing the President, the votes shall be taken by States, the representation from each State having one vote, a quorum for this purpose shall consist of a member or members, from two-thirds of the States, and a majority of all the States shall be necessary to a choice; and if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President. A quorum for the purpose, shall consist of two thirds of the number of Senators, and a majority of the whole number shall be necessary to a choice; but no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States."

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 said amendment agreeable to the fifth article of the original constitution be held and ratified on the part of this State in lieu of the aforesaid third paragraph of the first section of the second article as an amendment of the Constitution of the United States of America.