



AND

North-Carolina State Gazette.

Our are the plans of fair & delightful peace,
Unwarp'd by party rage, solve like brothers.

Vol. VI.

MONDAY, JANUARY 7, 1805.

No. 276.

LAWS of NORTH-CAROLINA,

Passed at the Session of the General Assembly just closed.

An Act to confirm a revision of certain Acts of Assembly.

WHEREAS the General Assembly of this State, at their last Session, passed a resolution in the following words: "Resolved, that Francis Xavier Martin collect and revise the public acts passed since the publication of Judge Iredell's Revival, to the end of the present session, inclusive; which said Revival shall connect the acts passed since Judge Iredell's, by notes and remarks adverting to such as appear to have been virtually repealed, and retaining such as are not expressly so, and cause his said Revival to be printed." And whereas in pursuance of said resolution, the said Francis Xavier Martin has collected and revised the said acts, caused them to be printed, and his Revival has been submitted to, and examined by, a committee of this General Assembly, and found correct,

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 the said Revival be, and is hereby approved.

An Act to raise a Revenue for the payment of the Civil List, and contingent Charges of Government, for the Year One Thousand Eight Hundred and Five.

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 for the year one thousand eight hundred and five, a tax of eight-pence on every hundred acres of land within this State, and a tax of two shillings on every hundred pounds value of town lots with their improvements, and a tax of two shillings on every poll, shall be levied, collected and accounted for in the same manner as such taxes hath heretofore been levied, collected and accounted for.

II. And be it further enacted, That a tax on all stud-horses and jack-asses within this State, of the full sum which the owner or keeper of such stud-horse or jack-ass shall ask, demand or receive for the season of one mare, shall be levied and collected as above.

III. And be it further enacted, That all free males, between the ages of twenty-one years and fifty, and all slaves between the ages of twelve and fifty years, shall be subject to a poll tax.

IV. And be it further enacted, That each and every person who shall hereafter peddle or hawk goods in any of the counties of this State, shall first obtain a licence from the clerk of some county in this State, under his seal of office; and the person so peddling and hawking, shall pay to the clerk before obtaining said licence, the sum of ten pounds, to the use of the State, to be accounted for by the clerk in the same manner as tax fees are accounted for; and any licence so obtained, shall authorize said pedlar to peddle and hawk goods in any and every county in the State, for the term of one year; and if any person shall peddle or hawk goods in any county of this State, without licence, he shall forfeit and pay the sum of twenty pounds, to be recovered by the sheriff or any other person of the county in which he shall so peddle, before any justice of the peace, in the name of the Governor, one half to the use of said sheriff or other person, and the other half to the use of the State.

V. And be it further enacted, That all merchants, either wholesale or retail, shall pay a tax of fifty shillings on each and every store in this State, at which they shall sell any goods, wares or merchandize; and all merchants or owners of stores, as aforesaid, shall give in his, her or their store or stores, as the case may be, with the list of their taxable property, under the same rules and regulations that other taxable property is given in; which said tax shall be levied, collected and accounted for in the same manner as other taxes.

VI. And be it further enacted, That every person who shall come into this State on board any vessel with goods and merchandize on board thereof, which shall not be subject to the payment of duties imposed by the laws of the United States, and break bulk or retail the said goods or merchandize, shall pay fifty shillings, to be collected by the sheriff of the county wherein such vessel may be anchored, and by him accounted for in the same manner as other taxes are by this act directed.

VII. And be it further enacted, That the sheriffs of the several counties of the State shall be, and are hereby authorized and directed to collect the taxes herein imposed on vessels arriving in any of the ports of this State, as soon as the said vessel shall break bulk for the purpose of vending goods thereout; and the said sheriff shall also immediately proceed to collect the tax on all stores by this act directed, from all persons who shall or may be considered as transient merchants.

VIII. And be it further enacted, That no sinking fund tax shall be collected for the year one thousand eight hundred and five.

An Act to amend an act, entitled "An act directing the manner of appointing Electors to vote for a President and Vice-President of the United States," passed at the last session of the General Assembly.

WHEREAS no provision is made in said act for receiving the votes given in any particular county of the election districts therein established, in case the Sheriff of such county, by reason of sickness or other unavoidable accident, should be unable to attend on the day and at the place appointed for comparing the polls of his election district, and whereas the penalty imposed on the Sheriffs of the several counties failing to attend at the several places appointed, is not sufficient to insure their faithful and punctual attendance: For remedy whereof,

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 be the duty of the sheriffs of the counties composing the several election districts, by said above recited act established, to meet at ten o'clock of the day at the places appointed for their meeting in their respective districts; and in case all of the sheriffs shall not appear, it shall be the duty of those who do attend, at the hour appointed, to send an express or expresses for the sheriff or sheriffs who shall fail to attend as aforesaid, for the purpose of procuring his or their attendance with a list of the poll or polls, in order that the same may be added to and compared with the other polls of the

district. And the expence of such express or expresses shall be paid by the sheriffs who shall fail to appear, unless he or they shall declare on oath, that he was prevented from attending by reason of sickness occurring on the road, or immediately at the time of leaving home; in which case, the expenses and charges of such express or expresses shall be paid by the Public Treasurer. That if the sheriffs failing to attend at the hour of ten o'clock as herein directed, shall not appear by sun-set of the same day, the sheriffs attending shall proceed to compare, by comparison and addition, the polls of their several counties, and each of them shall take a list of the number of votes given for the several candidates for whom votes shall appear to have been given in any of their respective counties; after which, they shall adjourn from day to day for the purpose of receiving the polls of the absent sheriffs, until sun-set of the Thursday following the day appointed for their meeting; at which time, or at any time previous, if all the sheriffs shall attend, they shall proceed to make out the certificate for the person appearing to have the greatest number of votes, as directed by the act herein before recited, adding the polls returned by any sheriff who shall not have been present at the first addition and comparison, and pursuing in all other respects the directions of said act.

II. And be it further enacted, that in case any sheriff shall fail to attend at the hour of ten o'clock of the day at the place appointed for his attendance in his election district, he shall forfeit and pay the sum of five hundred pounds, to be sued for and recovered by the Attorney or Solicitor-General, in the name of the Governor, in an action of debt in the superior court of the district in which such delinquent sheriff shall reside; and the same, when received, shall be applied to and for the use of the State.

An Act to appoint and empower Commissioners to contract with any person or persons for the purpose of opening and establishing a Turnpike Road to pass through part of the territory belonging to the Cherokee Indians.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, John Forgas, John Welch, James M'Kee, John M'Farland, Hugh Davidson, John Stevenson and Thomas Love, be, and they are hereby appointed commissioners, or a majority of them, to mark and lay off a road from the line that divides this State from the State of Tennessee, by an estimation about fourteen miles, to where the same shall intersect with a road laid off by order of the county court of Buncombe, leading to Scott's Creek.

II. And be it further enacted, That the said commissioners, or a majority of them, shall have full power and authority to contract with any person or persons for the purpose of opening and keeping the said road in repair, by the way of a turnpike, not exceeding fifteen years.

III. And be it further enacted, That whenever the undertaker or undertakers of said road shall have completed their contract, to the satisfaction of the aforesaid commissioners, or a majority of them, that the first court which shall thereafter happen in the county of Buncombe, that a majority of the acting justices of the county court aforesaid, or any seven of them, shall proceed to rate the different tolls of said turnpike, and such toll, then rated, shall be permanent during the said term of fifteen years, entered into by the said undertaker or undertakers with the commissioners aforesaid, or a majority thereof.

IV. And be it further enacted, That the aforesaid undertaker or undertakers shall be under the directions of the county court aforesaid, as in case of overseers of public roads.

V. And be it further enacted, That if in case any person or persons at any time should forcibly break through or round the said turnpike, to avoid payment of such toll or tolls, they shall forfeit the sum of forty shillings, recoverable before any justice of the peace in and for the county aforesaid, to the use of said owner or owners.

VI. And be it further enacted, That if any person or persons falling of timber, or putting in other obstructions in the said road, or cutting paths or ways round the turnpike aforesaid, leading the same into the said road, as might tend to the damage of said undertaker or undertakers, shall forfeit and pay the sum of five pounds, recoverable before any justice of the peace of the county aforesaid, and applied as the above mentioned fines.

An act to amend and repeal in part, an act passed in the year one thousand seven hundred and eighty nine, entitled "An act to establish an University in this State."

WHEREAS by the sixth section of the before recited act, the board of Trustees of the University are vested with the power of filling up any vacancy or vacancies which may happen in that body by the death, refusal to act, resignation or removal out of the State, of any of the Trustees for the time being, or to appoint new Trustees when a majority or any fifteen members of the board, may think proper. And whereas it would tend to render the institution more conformable to the wishes of the people, if the power of filling up such vacancy or vacancies and making such new appointment or appointments should be vested in the Legislature.

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 sixth section of the before recited act be, and the same is hereby repealed and made void.

II. And be it further enacted, That whenever any vacancy or vacancies as aforesaid shall happen, that the General Assembly shall proceed to elect a proper and suitable person or persons to fill the same by joint ballot of both Houses, and it shall be the duty of the secretary of the board of Trustees, to make known to the General Assembly at each annual session such vacancies as may happen during their recess.

III. Be it further enacted, That the General Assembly shall, whenever they deem it expedient for the interest of the said institution, appoint as aforesaid, any additional Trustees which they shall think proper: Provided always, that the number of Trustees shall at no time exceed eight in each superior court district, any law to the contrary notwithstanding.

IV. Be it further enacted, That this law shall take effect from and after the ratification thereof.