



AND

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Laws of North-Carolina,

Passed at the Session of Assembly ending on the 21st December, 1805.

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 six.

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 six, a tax of eight-pence on every hundred acres of land within the 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 have heretofore been levied, collected and accounted for.

II. And be it further enacted, That a tax on all stud horses and jack-asses within the 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 this 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 thirty 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 the 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 to the amount of two hundred dollars in any one year: 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 are 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 said goods or merchandize, shall pay ten pounds, 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 hereinafter 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 six.

IX. And be it further enacted, That a valuation of town lots shall be made once in each and every year, by commissioners to be appointed by the Court of the county wherein such town or towns are situated; and in the appointment of the commissioners aforesaid, the Court may, if they deem it advisable, appoint three discreet persons, being freeholders within their respective counties, although such persons may not be an inhabitant of such town; any law to the contrary notwithstanding.

An act appointing the Governor for the time being President of the Board of Trustees of the University of North-Carolina.

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 Governor of the State for the time being, shall be and he is hereby declared to be President of the Board of Trustees of the University of North-Carolina, and as such shall preside at all meetings of said Board: Provided always, that if by reason of indisposition or other good cause, the Governor shall be unable to attend any of the meetings of the said Board, he may, by some instrument of writing signed with his proper hand, appoint some other person, being a Trustee, to act as President for the time being, who shall accordingly preside as such in the absence of the Governor.

II. And be it further enacted, That in case any Member of the Board of Trustees of the said University shall fail to give his personal attendance at any of the meetings of said Board for the term of two years, the said Board of Trustees shall be, and are hereby declared to be vested with power and authority, if they deem the same expedient, to consider the seat of such member as vacated, and cause the same to be reported to the General Assembly; whereupon the vacancy or vacancies so occasioned, shall be filled up by joint ballot of both houses.

An Act to amend an Act, entitled "An Act to prevent actions from abating in certain cases."

WHEREAS doubts are entertained whether, by the above recited act, actions which are, or shall be instituted for the recovery of injury done to real or per-

sonal property, can be revived in the name of, or against the representatives of any deceased plaintiff or defendant, where the property itself shall not be in dispute: 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 from and after the passing of this act, no action of trespass *vi et armis*, or trespass on the case, instituted, or which shall hereafter be instituted in any of the courts of this State, to recover damages done to property, either real or personal, shall abate by the death of either plaintiff or defendant; but the same may be revived in behalf of, or against the representatives of any deceased plaintiff or defendant, under the rules and regulations prescribed for the revival and continuance of other actions; any law, usage or custom to the contrary notwithstanding.

An Act to alter and amend a part of the fifth section of an Act, entitled "An Act directing in what manner any person who heretofore has, or who hereafter may enter lands in any county in this State, shall be entitled to have his or her certificates returned."

WHEREAS, agreeable to the before recited act, it frequently becomes very difficult for the honest claimant to obtain the benefit intended to be given by the said act: 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 so much of the before recited act as requires the deposition of surveyors to be taken in open court, and certified by the clerk of said court, that respects those entries and surveys, when the purchase-money has not been paid into the office, shall be void and of no effect.

II. And be it further enacted, That in future, the oath prescribed in the before recited act, for the surveyors to make in open court in cases of deficiency where no money has been paid, it shall and may be lawful to be taken before any two Justices out of court, which deposition, when so taken and certified under the hand and seal of such Justice, shall be a sufficient voucher to the Treasurer in the settlement of his accounts with the Comptroller for such deficiency; any law, usage or custom to the contrary notwithstanding.

An Act to prevent Inspectors from being concerned in trade, or the exportation of commodities liable to inspection.

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, no merchant who shall be concerned in trade, and in the purchase of produce for exportation which the laws require to be inspected, shall be considered qualified to be appointed as Inspector of any of the articles of produce which by law are, or shall be required to be inspected. And if any person receiving an appointment as aforesaid, shall be concerned as a merchant in the exportation of produce, he shall forfeit the sum of thirty pounds, to be recovered by action of debt, in the name of the Governor, in any court of record having jurisdiction thereof; one half to the use of the State, and the other half to the use of the informer: And the person so offending shall moreover, be removed from office by the county court of the county in which he resides, on motion made by the Solicitor of the county, and on producing the record of the recovery of the penalty above mentioned.

II. And be it further enacted, That if any Inspector already appointed shall, after the first day of March next, inspect, or be concerned in the inspection, of any produce bought or sold on his own account for exportation, he shall forfeit and pay the like sum of thirty pounds, to be recovered and applied in like manner; and shall also be subject to be removed from office in manner herein before directed: Provided nevertheless, that nothing herein contained shall be considered as applying to shopkeepers, or others, who do not buy or sell produce for exportation.

III. And be it further enacted, That it shall not be lawful for any of the county courts in this State, to appoint in any of the towns, more than six Inspectors; except for the purpose of inspecting lumber, in which case, the courts respectively may appoint such number as they may consider necessary and proper.

An Act to amend the second section of an Act of the Assembly of one thousand seven hundred and ninety-five, entitled "An act directing the manner in which the clerks of the several Superior and County Courts shall hereafter make their returns to the Comptroller."

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, all expresses sent by the Comptroller, in pursuance of the before recited act, shall be entitled to receive for their services, in addition to the sum already allowed by law, the sum of twenty-five shillings for the day they shall arrive at the clerk's house or office, and the like sum for every day the clerk shall detain them in making out his returns; which shall be paid in the same manner as the mileage allowed to expresses under the before recited act, now is.

An Act to compel the attendance of Witnesses in certain cases therein mentioned.

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 all cases where witnesses are required to attend any commissioners, referees, or order of survey, a summons shall be issued by the clerk of the court, at the request of either party, or their agent, expressing the day and place where they are to appear, the names of the parties to the suit, and in whose behalf summoned.

II. And be it further enacted, That all witnesses summoned in pursuance of this act, shall be entitled to the same privileges, and receive the same pay for their attendance, and be subject to the same pains and penalties for non-attendance as witnesses summoned to attend the county courts.