

APR 12 1917

# LAWS

OF

## NORTH-CAROLINA.

STATE HOUSE, BOSTON

515

At a General Assembly, begun and held at Raleigh, on the Nineteenth Day of November, in the Year of our Lord One Thousand Eight Hundred and Four, and in the Twenty-ninth Year of the Independence of the said State.

JAMES TURNER, ESQ. GOVERNOR.

### CHAP. I.

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

**W**HEREAS 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connect the acts passed since Judge Iredell's, by notes and remarks adverting to such as appear to have been virtually repealed, and retaining such as are not expressly so, and cause his said Revival to be printed."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.*

1804.

Preamble

Revival approved.

Read three times and ratified in General Assembly, Dec. 12th, A. D. 1804.

JO: RIDDICK, S. S.  
S. CABARRUS, S. H. C.

### CHAP. II.

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.*

The tax on land, town lots, & polls.

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.*

Tax on Stud Horses and Jackasses.

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.*

Who are subject to 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*

Pedlars licence.

## CHAP. CXVIII.

An Act to establish a separate election in the county of Washington.

*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 sheriff of Washington county shall, by himself or lawful deputy, open and hold an election at the house of Asa Hardison, in the town of Plymouth, on the day preceding the days of annual election in each and every year; which election shall be opened at ten o'clock, and closed at sun-set, unless sooner concluded on by the candidates present, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice President of the United States; and the votes so taken shall be counted out in the presence of the inspectors, and conveyed by the sheriff and added to those taken on the days of the annual election: which election hereby established, shall be conducted under the same rules and regulations as other elections in said county; any law to the contrary notwithstanding.

## CHAP. CXIX.

An Act to establish a separate election at the house of William McSwine, on First Broad River, in the county of Rutherford.

*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 sheriff of Rutherford county shall, by himself or deputy, open and hold an election at the house of William McSwine's, on First Broad-River, on the second Thursday in August in each and every year, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States; and the polls of which election shall be opened at ten o'clock, and closed at four o'clock; and when the polls shall be counted out, they shall be transmitted and added to those taken at the court-house: which election shall be conducted under the same rules, regulations and restrictions, as all other elections in this State; any law to the contrary notwithstanding.

## CHAP. CXX.

An Act directing where the upper separate election in the county of Ashe shall be holden in future.

*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 the sheriff of Ashe county, by himself or deputy, shall open and hold an election on the second Thursday in August in each and every year hereafter, in the following manner, that is to say, on the second Thursday in August, one thousand eight hundred and five, at the dwelling house of William Whittington, senior, on the Brushy Fork of Cove Creek; and in the year one thousand eight hundred and six, at the dwelling house of Jordan Council, in the Three Forks Settlement: and so on alternately at the said places, where all persons in said county entitled to vote for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States, may attend and give their suffrages.

*II. And be it further enacted,* That the said election shall be conducted under the same rules, regulations and restrictions, as separate elections have heretofore been holden in the county aforesaid; any law to the contrary notwithstanding.

## CHAP. CXXI.

An Act directing the duty of the Sheriff of Tyrrell county in holding the separate elections in that county.

*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 sheriff of Tyrrell county, or his deputy, shall open the polls at the separate elections of said county, between the hours of nine and ten in the forenoon, and close the same at four o'clock in the afternoon; and immediately after closing the same, shall count the tickets and make a fair statement thereof, which shall be subscribed by him and the inspectors, and conveyed to the court-house of said county by said sheriff, on the day of the annual election, and there to be added to the votes taken at said court-house, any law to the contrary notwithstanding.

## CHAP. CXXII.

An Act to divorce Samuel Easton, (mariner) of the county of Carteret, from his wife Zilphia.

*WHEREAS* Samuel Easton has presented to this General Assembly a petition, praying to be divorced from his wife Zilphia, and hath shewn such proofs and reasons for the same, as reconcile the measure with justice and policy.

*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, the said Samuel Easton and Zilphia shall be fully and absolutely divorced from the bonds of matrimony, in the same manner to all intents and purposes as if the said Samuel and Zilphia had never married, and they are hereby divorced accordingly.

## CHAP. CXXIII.

An Act to divorce Benjamin Singletary, of the county of Bladen, from his wife Sarah.

*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 Benjamin Singletary, of the county of Bladen, be and he is hereby fully and absolutely divorced and freed from the bonds of matrimony from his wife Sarah, in as full and ample a manner to all intents and purposes as if he the said Benjamin Singletary had never been married to the said Sarah, and they are hereby divorced accordingly.

## CHAP. CXXIV.

An Act to secure to the persons therein named such property as they may hereafter acquire.

*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 Leah McDermid, of Hertford county, wife of James McDermid; Jane Hogan, of Burke county, wife of James Hogan; Temperance Badger, of Wake county, wife of Nathaniel Badger; Anne Raphael, of Duplin county, wife of Southy Raphael; Elizabeth Flemming, of Caswell county, wife of Pleasant Flemming; Nancy Timmons, wife of John Timmons; Ruth Brady, of Montgomery county, wife of James Brady, and Delilah Long, wife of James Long; Betsey Sally Dillingham, of Lincoln county, wife of Rachel Dillingham; Elizabeth Lee, of Sampson county, wife of Jesse Lee; Lenny Barker, of Rockingham county, wife of John Barker; Mourning Ball, of Edgecomb county, wife of Spencer Ball; Elizabeth Brenson, of Brunswick county, wife of John Brenson; Anne Carrock, of Rutherford county, wife of John Carrock; Elizabeth Beeson, of Randolph county, wife of Azael Beeson, and Dorcas Wingate, of Bladen county, wife of Archus Wingate, shall be entitled to and possess in their sole right, all such estate, either real or personal, as they hereafter may acquire by purchase, devise, industry, or otherwise, in as full and ample a manner as if they had never been married to their husbands therein named: and shall have full power to sue for and recover, in any court of record having cognizance thereof, from their said husbands, or any other person whatever, any property they may be entitled to in as full and ample a manner as if they had never been married, any law to the contrary notwithstanding. And whereas Daniel Vervell, and Mary Vervell, of Rowan county, have separated by mutual consent, and have divided their property in an amicable and equitable manner, as appears by their petition exhibited to this General Assembly: by which it further appears that they are desirous that neither of them be bound for the debts or contracts of each other.

*Be it therefore enacted,* That from and after the passing of this act, Daniel Vervell and Mary Vervell, of Rowan county, shall be and they are hereby secured in the property they now have, or which they may hereafter acquire, so far as respects the demand of either of them on the other, and that neither of them shall from henceforth be answerable for the debts, dues or demands of the other, but in this respect they are and shall be declared able and capable to possess and enjoy any estate real or personal, in their own names and to their own uses respectively: any law, usage or custom to the contrary notwithstanding.

## CHAP. CXXV.

An Act to legitimate Sally Hopkins Tison, natural daughter of Thomas Tison, of Pitt county.

*WHEREAS* Thomas Tison, of Pitt county, hath petitioned this General Assembly to have his natural daughter, Sally Hopkins Tison, legitimated.

*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 Sally Hopkins Tison, natural daughter of Thomas Tison, of Pitt county, be and she is hereby legitimated, and made as capable of inheriting from the said Thomas in as full and ample manner, to all intents and purposes, as if the said Sally Hopkins Tison had been born in lawful wedlock: any law to the contrary notwithstanding.