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L A W S

OF THE

State of North Carolina,

PASSED BY THE GENERAL ASSEMBLY,

AT THE

SESSION OF 1844-45.



Published agreeably to the ninety-fifth chapter of the
Revised Statutes.



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1845.

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LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE GENERAL ASSEMBLY,

AT THEIR SESSION WHICH COMMENCED ON MONDAY, THE EIGHTEENTH OF
NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-
FOUR, AND ENDED ON THE TENTH OF JANUARY, ONE-
THOUSAND EIGHT HUNDRED AND FORTY FIVE.

CHEROKEE BONDS.

CHAPTER I.

An Act concerning the Agents for collecting the Cherokee
Land Bonds.

*Be it enacted by the General Assembly of the State of
North Carolina, and it is hereby enacted by the authori-
ty of the same, That it shall be the duty of the Agent or
Agents employed to collect monies arising from the sale of
Cherokee lands, to transmit or deliver to the Comptroller a
duplicate statement or statements of all said monies which
may hereafter be paid into the Treasury by such Agent or
Agents.*

[Ratified the 9th day of January, 1845.]

CHAPTER II.

An Act more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

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 shall appoint some discreet person, a commissioner, who, with the agent appointed under the act passed at the session of the General Assembly held on the third Monday of November, A. D. 1840, entitled "An act authorising the Governor to appoint an agent in the County of Macon or Cherokee," shall constitute a board charged with the following duties, that is to say, the board shall, as soon as conveniently may be, carefully examine all the bonds given by purchasers of Cherokee lands, and ascertain in which of said bonds the principles are solvent, and in which the principals are insolvent; and when this examination shall have been completed, they shall make out duplicate lists of each class of bonds, setting out therein the names of the principals and their sureties; the amount of the said bonds; the payments, if any made, thereon; and the residue due upon the same, respectively; and shall certify, under their hands, that the said lists contain a true and faithful account of the matters stated therein; and shall transmit, without delay, one list of each class of bonds to the Governor, and the said agent shall retain the other of said lists.

SEC. II. *Be it further enacted,* That the Governor be, and he is hereby authorised, to cancel or surrender up to be cancelled all the bonds in which the principals shall be certified to be insolvent when their securities are purchasers as aforesaid, upon the following conditions, that is to say, that the purchasers respectively, their heirs, devisees or assigns, shall, within three months after such lists shall have been made, surrender to the said agent, for the use of the

Commissioner to be appointed by the Governor.

Duties of commissioner and agent.

Insolvents shall surrender the lands purchased and be released from their obligations.

State, possession of the lands purchased, with all houses and other improvements which have now been made or shall be made thereon at the time of such surrender; and that the purchasers, their heirs, devisees or assigns respectively shall deliver to the Governor a written surrender or release of all right under such purchases, and of all claim to any money which may have been paid on account thereof; and if the said purchasers, their heirs, devisees, or assigns, shall fail, refuse, or neglect to surrender possession of the said lands, with all the improvements thereon, and deliver to the Governor a written surrender or release of all right under such purchases, and of all claim to any money which may have been paid on account thereof, within the time prescribed in this section, then it shall be the duty of the Governor to direct the collection of the bonds given by such purchasers, by causing suit to be brought thereon.

If lands &c
are not sur-
rendered,
Gov shall
bring suit.

SEC. III. *Be it further enacted*, That in order to ascertain to the Governor the performance by the parties respectively of the said precedent conditions, the said written release shall be proved or acknowledged before one of the Judges or in one of the Courts of Pleas and Quarter Sessions of this State; or, where the parties or witnesses reside beyond the State, shall be proved or acknowledged in the mode prescribed either by the 5th, 6th, or 16th section of the Revised Statutes, entitled "Deeds and Conveyances;" and the said agent shall certify to the Governor that possession of the lands, with the improvements, has been surrendered to him as required by the second section of this act: after which, and not before, the Governor may cancel or deliver up to be cancelled the said bonds respectively.

Release
How proved.

Agent to
certify.

SEC. IV. *Be it further enacted*, That on the bonds in which the principals shall be ascertained in manner aforesaid to be solvent, payment shall and may be received in the manner and at the times following, that is to say, one twentieth part of the principal and interest shall be paid on the first day of December, 1845; and one twentieth of the principal and interest due on said first day of December,

How solvent
bonds
shall be
paid.

Provisos.

1845, together with all accruing interest thereon, shall be paid on the twenty-fifth December in each and every year thereafter, until the payment of the whole shall be made: *provided*, that if the parties to any of said bonds shall fail to make the said payments, or any of them, at the time when the same shall respectively become due, the Governor may direct the immediate collection by suit of the whole amount which may be due on such bonds at the time of such failure: *and provided also*, that when by any report of said agent to the Treasurer, which may be made under the first section of the before recited act, it shall appear that the debtors bound by such bonds, or any of them, are in doubtful circumstances, it shall be the duty of the Governor to direct the immediate collection by suit of the full amount due on such bond or bonds; and the Treasurer shall, immediately after receiving any report shewing any such matters, communicate the same to the Governor for his action thereupon.

Commissioner and agent to take an oath.

SEC. V. *Be it further enacted*, That before entering upon the duties prescribed by this Act, the said agent and commissioner shall, before the Governor, or one of the Judges of the Supreme or Superior Courts, take and subscribe an oath faithfully and diligently, without favor, partiality or prejudice, to discharge all the said duties; and if the said oath shall be taken before a judge, the same shall be transmitted to the Governor and kept by him.

Their pay.

SEC. VI. *Be it further enacted*, That as a full compensation for the performance by them of the duties mentioned in the first section of this act, the said agent and commissioner shall each be entitled to receive two dollars for each day he shall be necessarily employed therein, to be allowed by the Governor, upon the affidavits of the said agent and commissioner, verifying the number of days so employed, and, when allowed, to be paid out of the public treasury: *provided*, that neither the said agent nor commissioner shall receive, on account of such services, more in the whole than two hundred dollars.

[Ratified the 7th day, of January, 1845.]

CLERKS.

CHAPTER III.

An Act providing for the appointment of Engrossing Clerks.

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 hereafter one Engrossing Clerk shall be appointed by the General Assembly, at the commencement of its session; and all other Engrossing Clerks which may be needed, not exceeding two, shall be appointed as the business may require it, by the Principal Clerks of the two Houses; and the pay of such clerks shall commence from the day of appointment: *provided*, that no one of the said clerks shall receive more than three dollars per day as compensation for his services.

One by Legislature; others by Clerks.

[Ratified the 8th day of January, 1845.]

CHAPTER IV.

An Act to amend the 5th section of the 19th chapter of the Revised Statutes.

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 whenever any Clerk of the County Court of any County within this State, shall die after the adjournment of the Court and before the sitting of the Court next succeeding, not having a lawful deputy, it shall be the duty of the Sheriff of such County to summon the Magistrates of the County, to meet at the Court House of the County within fifteen days after the demise of such deceased Clerk; a majority of

Vacancies in clerkships how filled.

whom shall proceed to elect a Clerk, who shall hold the office until the next regular election by the people, he giving bonds and taking the prescribed oaths as in other elections under the act to which this is an amendment.

SEC. II. *And it is further enacted,* That the above act shall be in force from and after the ratification thereof.

[Ratified this 1st day January, 1845.]

CLERKS AND REGISTERS.

CHAPTER V.

An Act to amend the sections of the Revised Statutes concerning Clerks and Registers.

SEC. I. *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 County Solicitor, at, or shortly before, the session of each and every County Court, to examine the offices of the Registers and of the Clerks of the County and Superior Courts, for the purpose of ascertaining whether inventories, accounts of sale, accounts current, wills, deeds and bills of sale, reports, official bonds, and all other papers required to be recorded and registered, have been duly recorded and registered according to law; and also whether the several dockets of the Courts have been written out and kept up in due and proper manner: *Provided,* that the County Courts of the respective counties, a majority of the Justices being present, may make an order dispensing with such examination and

Offices to
be examin-
ed by soli-
citor.

Proviso.

report; *and provided further*, that the County Attorneys, shall not make the examination until after thirty days from the rise of the court.

SEC. II. Such examinations shall take place in the presence of the respective officers. Examination in presence of officers

SEC. III. A faithful report in writing shall be made by the Solicitor aforesaid, of the several matters hereby directed to be examined, specially stating in what respect, if any, there has been omission of their duty by the officers aforesaid, in the matters aforesaid; which reports shall be made to the County Courts at every session thereof, except those which concern the Superior Court; and these shall be made to the Attorney General or Solicitor of said Court, at each and every term of said Court. Solicitor to report.

SEC. IV. When it shall appear, by such report, that there has been any omission of duty in any of the officers aforesaid, the County Court, or the prosecuting officer in the Superior Court, if in their or his opinion the public interest require it, may cause an indictment to be instituted for such reported breach or breaches of duty; and on conviction, the defendant shall be fined, or fined and removed from his office, at the discretion of the Court. Duty of the court in case of omission.

SEC. V. The several County Courts shall allow the Solicitor adequate compensation for the duties hereby required of him, to be determined by the Court, a majority of the Justices being present, or by any number of trustees which by special law may be authorised to allow claims against the County. Pay of the solicitor.

SEC. VI. Whenever, upon death or resignation, removal from office, or at the expiration of his term of office, it may appear that any of the officers aforesaid shall have failed to discharge any of the duties aforesaid of his office, the Court shall cause the same to be performed by another person, who shall receive for such services the fees allowed by law; and such portion thereof as may be paid by the County may be recovered back by the County by suit on the official Upon the vacation of any of the offices referred to, court shall cause omitted duties to be executed.

bond of said officer, to be brought in the name of the County suing.

Officers
still liable
to indictment

SEC. VII. This act shall not be so construed as to prevent any of said officers from being indicted for breach of duty as now prescribed by law.

[Ratified December 31st, 1844.]

COURTS.

CHAPTER VI.

An Act supplemental to an act, passed at the General Assembly of 1842-43, entitled "an act to lay off and establish a County by the name of McDowell," and to fix the time at which the Superior Courts of Law and Courts of Equity and two terms of the nonjury-Courts of Pleas and Quarter Sessions shall be held in the Counties comprising the seventh Judicial Circuit.

Sup'r court
to be held
for Mc-
Dowell.

SEC. I. *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 there shall be a Superior Court of Law and a Court of Equity opened and held at the Court House in Marion, in the County of McDowell, on the sixth Monday after the fourth Monday in September, A. D. 1845, and regularly thereafter on the sixth Monday after the fourth Monday in March and September, in each and every year; which courts shall have and exercise the same jurisdiction that the present Superior Courts of Law and Courts of Equity in the several Counties in this State now have and exercise.

SEC. II. *Be it further enacted*, That it shall be the duty of the Sheriff of the said County of McDowell, on the first Thursday in August, A. D. 1845, and regularly on the first Thursday in August every fourth year thereafter, to open and hold an election at all the various election precincts in said County, for a Clerk of the Superior Court of Law; which said election shall be conducted under the same rules, regulations and restrictions that elections for similar officers in the several Counties of this State are now conducted. And the clerk elect, before entering upon the duties of said office, shall give bond and security as required by law, and shall take the oath prescribed for the qualification of such officer. Clerk, how elected.

SEC. III. *Be it further enacted*, That a Clerk and Master in Equity, a man of skill and probity and a resident of said County of McDowell, shall be appointed for said County, by the Judge attending the first term of said Court; which said clerk so appointed shall give bond and security as directed by law, and shall take the necessary oaths prescribed for his qualification, before he enters upon the duties of said office. Cl'k and master, how appointed

SEC. IV. *Be it further enacted*, That the County Courts of McDowell shall appoint thirty jurors to attend the first term of said Superior Court, in the same manner as jurors are appointed to attend other Superior Courts in this State. Jurors how appointed,

SEC. V. *Be it further enacted*, That all civil causes depending in the Superior Court of Law and Equity for Burke and Rutherford Counties, the plaintiffs in which causes reside in McDowell County, and also all actions of ejectment and trespass *quare clausum fregit*, for or concerning lands in McDowell County, and State prosecutions, where all the defendants reside in said county, shall be transferred, together with all process and proceedings therein, to the Superior Courts of Law hereby established for the county of McDowell; and the provisions of the act, passed in the year eighteen hundred and six, entitled an act for the more convenient administration of justice, and all other acts supple- Causes &c to be transferred,

mental thereto, for the appointment, summoning and attendance of jurors; for the transmission and receipt of the records, proceedings and papers; for docketing and bringing the causes forward for trial; for summoning witnesses; for issuing original and mesne process, prior to the first term of McDowell Superior Court, and generally for all other purposes relative to the preparation for trial and determination of the business of said Court, be, and the same are hereby extended to the Superior Court of McDowell County. The neglect and failure of the several officers of the Superior Courts of Burke and Rutherford and of the county Courts of McDowell County, shall be subject to the same penalties and forfeitures as are prescribed for similar neglects and failures by said act; and the said officers shall be entitled to the same fees for their services as are established by the said act for like services.

Penalties &
fees of offi-
cers.

McDowell
attached to
7th circuit.

SEC. VI. *Be it further enacted*, That the county of McDowell shall hereafter constitute a part of the seventh Judicial Circuit; and the Judges and Solicitors shall attend said Courts, under the same provisions and liabilities, and shall receive the same pay as is received for attending the Superior Courts of other Counties in this State.

Sup. courts
of 7th cir-
cuit, when
held.

SEC. VII. *Be it further enacted*, That the Superior Courts of Law and Courts of Equity in the Counties comprising the seventh Judicial Circuit shall be opened and held at the following times, to wit: Cherokee, on the second Monday in March and September; Macon, on the third Monday in March and September; Haywood, on the fourth Monday in March and September; Henderson, on the first Monday after the fourth Monday in March and September; Buncumbe, on the second Monday after the fourth Monday in March and September; Yancy, on the third Monday after the fourth Monday in March and September; Burke, on the fourth Monday after the fourth Monday in March and September; Caldwell, on the fifth Monday after the fourth Monday in March and September; McDowell, on the sixth Monday after the fourth Monday in March and September

Rutherford, on the seventh Monday after the fourth Monday in March and September; and Cleaveland, on the eighth Monday after the fourth Monday in March and September, in each and every year after the first day of July next.

SEC. VIII. *Be it further enacted*, That the Spring and Fall terms of the non-Jury Courts of Pleas and Quarter Sessions shall be opened and held, in the several counties composing the seventh Judicial Circuit, at the same time of holding the Superior Courts of Law and Courts of Equity in the same as is prescribed by this act. Nonjury
co'ts wh'n
held.

[Ratified this 6th day of January, A. D. 1845.]

CHAPTER VII.

An Act to alter the times of holding the Superior Courts of Law and Equity for the counties of Rockingham and Guilford.

I. *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 Superior Courts of Law and Equity for the county of Rockingham shall be held, in the town of Wentworth, on the fourth Monday after the fourth Monday of March and September, and that the term of said Court for the County of Rockingham shall continue for two weeks successively at the Spring and Fall terms of one thousand eight hundred and forty five; and that for the county of Guilford shall be held, in the town of Greensborough, on the third Monday after the fourth Monday in March and September, in one thousand eight hundred and forty five, and shall continue for one week only at each term in said year. Rocking-
ham.

Guilford.

SEC. II. *Be it further enacted*, That all process which has been, or shall hereafter be, issued from the Superior Of process.

Courts of Law and Equity aforesaid, shall be returnable at the times of holding said Courts respectively as herein prescribed.

When and how long t' be in force. SEC. III. *Be it further enacted*, That this act shall be in force from and after its passage, and shall continue in force only for the Spring and Fall terms of one thousand eight hundred and forty five, so far as the county of Rockingham is concerned; after which time the said Court of the aforesaid county of Rockingham shall commence and be holden as now by law the same is required to be held.

Jurors to be drawn. SEC. IV. *And be it further enacted*, That in addition to the jurors now required by law to be drawn to attend the Superior Courts of Law and Equity for said county, it shall be the duty of the county Courts to draw eighteen jurors to attend the second week of the Courts hereby authorised, who shall receive the same pay, and be subject to the same rules and regulations as is now prescribed by law, and it is hereby made the duty of the Sheriff to summon.

Courts of Orange. SEC. V. *Be it further enacted*, that the Superior Courts for the county of Orange, for the year one thousand eight hundred and forty six, shall be held, in the town of Hillsborough, the second Mondays in March and September, and the fourth Mondays after the fourth Mondays of March and September; and that the said Courts, to be holden as aforesaid, shall be deemed and taken to be one term in law; and that all process shall issue from and be returnable to said Court of Orange, as heretofore, except *subpœnas instantes*.

SEC. VI. *Be it further enacted*, that this act shall continue in force two years from and after its passage.

[Ratified this 5th of January, 1845.]

CHAPTER VIII.

An Act concerning the Superior Courts of Currituck and Person Counties.

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 not be lawful for the Clerks of the Superior Courts for the counties of Currituck and Person to issue to the Judge who may preside at any of the Superior Courts for said counties, a certificate until four o'clock on Thursday evening in each week when the said Courts shall be held: *Provided*, that this act shall not be so construed as to prevent the Judge from holding said Courts, as it is now his duty, the whole week, if the state of the dockets shall require it; *and provided further*, that this act shall not be so construed as to prevent the Clerks from issuing the certificate, should any unavoidable circumstance happen to prevent the Courts from being held for the prescribed time.

When certificate to Judge shall issue.

[Ratified the 6th day of January, 1845.]

CHAPTER IX.

An Act to amend the tenth section of the forty fifth chapter of the Revised Statutes.

I. *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 hereafter the several Courts of Equity in this State shall have full power and authority, in any decree of sale made by said Courts, to appoint the time and place of sale; and without such appointment, the sales shall be as heretofore required by law.

Courts of Eq. may appoint time and place of sale.

When and
where sale
may be
made.

SEC. II. *Be it further enacted by the authority of the same,* That sales of lands and slaves, made by any Sheriff, Coroner, Constable, or by any Clerk and Master in Equity, under any execution or decree, may be made at the Court House of their respective counties, on the first day of the term of the Superior Courts of Law.

[Ratified the 9th day of January, 1845.]

CHAPTER X.

An Act for the more speedy administration of Justice.

Authorises
special
terms of
the supe'r
courts.

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 when it shall so happen that the business upon the civil docket in any of the Superior Courts, cannot be done at the regular term thereof, the Judge holding said court may, and he is hereby empowered and required, to appoint a special term of said Court, which shall be held at the time by such Judge appointed; and all the causes in the civil docket tried under the same rules and regulations, as are now prescribed for holding the regular terms of said courts.

Time of
holding.
Judge to
appoint.

SEC. II. *Be it further enacted,* That when any Judge shall, under the provisions of this act, believe a special term necessary, he shall make an order at the regular term at which he shall see the necessity for such extra term, appointing the time for holding the special term of said court, which time shall be before the beginning of the next Superior Court Circuit; and it shall be the duty of the witnesses summoned in all civil causes upon such docket, the clerks, sheriffs and all officers and persons bound to attend the regular term of said court on the civil docket, to attend in the same manner, and be subject to the same penalties

for non attendance, as they would be for non attendance at a regular term.

SEC. III. *Be it further enacted*, That eighteen jurors shall be drawn, as jurors are required by law to attend the regular terms of the Superior Court of Law, and shall be summoned by the Sheriff to attend said extra terms as other jurors are required to be summoned; and the jurors so drawn and summoned shall attend the extra term of such court under the same penalties as jurors are under to attend the regular terms of the Superior Court. And in case no County Court should intervene in such counties, between the time of appointing the extra term and the time of holding thereof, it shall be the duty of the sheriff to notify three Justices of the Peace for said county, to attend at the office of the clerk of the County Court for said county, whose duty it shall be, with the clerk of said County Court and sheriff, to draw eighteen jurors, who shall be summoned and attend said extra court as jurors herein required to be drawn by the County Court.

Jurors how drawn.

SEC. IV. *Be it further enacted*, That no process, except *subpœnas*, or other process to require the attendance of witnesses, shall be made returnable to such special term; and that all other process shall be returnable to the next regular term.

Process returnable.

SEC. V. *Be it further enacted*, That when any Judge shall appoint a special term of the Superior Court to be held for any county in this State, he shall notify the Governor thereof; and it shall be the duty of the Governor to appoint some one of the Judges, other than the one appointing such special term, to attend and hold said special term of the court for one week, unless the business of the civil docket should be sooner disposed of; and the Judge so appointed shall have all the power and authority to hear and determine all civil causes in such special court, that he would by law have at the regular term of such court; and the judgments by him rendered shall have the same force and effect, as if the same had been rendered at the regular terms of such court.

Judge shall notify the Governor, of the special term, who shall appoint a Judge to hold it.

Judge to be
paid by the
county.

SEC. VI. *Be it further enacted*, That each Judge holding a special court, as authorized by this act, shall be entitled to receive ninety dollars from the county in which such special term of the Superior Court is held, and said county shall pay the said sum of ninety dollars to the Judge for holding the same; and it shall be the duty of the Justices of the Peace for said courts to lay a tax for that purpose, unless that sum is on hand in the county treasury.

[Ratified the 9th day January, 1845.]

CHAPTER XI.

An Act to allow the Justices of the Peace of Hyde County to lay a tax for the purpose of purchasing the Matamuskeet and Rosebay Turnpike.

Justices
may lay a
tax.

I. *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 at the next term of the Court of Pleas and Quarter Sessions for the county of Hyde, when the taxes are laid for county purposes, the Justices of the Peace in and for said county, a majority being present, may levy a tax upon the taxable property of said county, sufficient to enable them to purchase the stock of the Matamuskeet Canal and Rosebay Turnpike Company, upon such terms and conditions as may be agreed on by the said Justices and the stockholders of said Company.

Shall keep
up road &
canal.

SEC. II. *Be it further enacted*, That when the Justices of said county shall purchase said stock, it shall be their duty to keep up said road and canal in the same manner as other public highways are directed to be kept up, under the same rules and regulations as are now required by law, and shall be subject to the same penalties that are now imposed

as by reason of their failing or neglecting so to do they may incur.

SEC. III. *And be it further enacted*, That this act shall be in force from and after its ratification; and that all laws or clauses of laws inconsistent with, or repugnant thereto, ^{When to} take effect. be, and the same are hereby repealed.

[Ratified this 7th day of January, 1845.]

CHAPTER XII. ✓

An Act concerning the Superior Courts of Cleaveland 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 it shall not be lawful for the Clerk of the Superior Courts for the County of Cleaveland to issue ^{When certificate to Judge shall issue.} to the Judge, who may preside at any of the Superior Courts of said County, a certificate until four o'clock on Thursday evening in each week, when the said Courts shall be held: *Provided*, that this act shall not be so construed as to prevent the Judge from holding said courts the whole week, if the state of the docket shall require it, nor to prevent the Clerk from issuing the certificate, should any unavoidable circumstance prevent the court from being held for the prescribed time.

[Ratified the 6th day of January, 1845.]

CHAPTER XIII.

An Act concerning Jury trials.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted and declared by

the authority of the same, That in all such trials, the parties or their counsel have a right, and shall be allowed, to argue to the jury, their whole case, as well of law as of fact.

[Ratified this 27th day of December, 1844.]

CHAPTER XIV.

An Act granting to the Superior Courts of the counties of Yancy, Buncombe, Henderson, Haywood, Macon and Cherokee original and exclusive jurisdiction, in all cases where the intervention of a jury may be necessary.

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 first day of March next, it shall not be lawful for the Justices of the Courts of Pleas and Quarter Sessions for the counties of Yancy, Buncombe, Henderson, Haywood, Macon and Cherokee to try any causes, where a jury may be necessary, nor shall they summons any Jury to attend said courts.

County
courts shall
try no jury
cause.

Clerks of
co. courts
to deliver
papers to
sup'r court
clerks.

SEC. II. *Be it further enacted,* That it shall be the duty of the several clerks of the Courts of Pleas and Quarter Sessions of the counties aforesaid to make out a transcript of all suits, which may be pending in said Courts, by the last day of March next, and deliver the same to the Superior Court clerks of the said several counties respectively, together with all such papers as may relate to the said suits, on or before the first day of July next.

Sup. court
clerks to re-
ceive and
enter trans-
cript &c

SEC. III. *Be it further enacted,* That it shall be the duty of the several clerks of said counties respectively, aforesaid, to receive such transcripts and original papers, and immediately enter them on their dockets in regular succession, observing the order of precedence of each suit as indicated by its number, and shall stand in the same order for trial, in the several Superior Courts of the said counties, aforesaid res-

pectively, as they originally stood in the Courts of Pleas and Quarter Sessions, from which they were removed: And it is further declared to be the duties of the said Clerks respectively, of the Superior Courts of the said counties of Yancy, Buncombe, Henderson, Haywood, Macon and Cherokee, upon application of either plaintiff or defendant in any suit which may be transmitted to him or them, in accordance with the directions of this act, to issue subpoenas, for witnesses or other legal process, returnable to the next Superior Court of such county, under the same rules, regulations and penalties as now prescribed.

SEC. IV. *Be it further enacted*, That if all or any of the clerks of the Courts of Pleas and Quarter Sessions of the several counties aforesaid, or any of the Clerks of the Superior Courts of said Counties, shall either fail or neglect to perform the duties enjoined upon him or them by this act, he or they shall forfeit and pay the sum of one hundred dollars for each and every offence, to be recovered by action of debt in the name of the State, and to be applied to the use of the county. ^{Penalty on clerks.}

SEC. V. *Be it further enacted by the authority aforesaid*, That from and after the first day of March next, all suits in said counties, whether civil or criminal, shall originate in the Superior Courts of said counties respectively, and all appeals from the Justices of the Peace in said Counties of Yancy, Buncombe, Henderson, Haywood, Macon and Cherokee, in civil cases, and all recognizances, by them taken, in criminal cases, shall be returnable to the next Superior Courts of the county in which they are taken. ^{Suits shall originate in Superior Courts.}

SEC. VI. *Be it further enacted*, That when any will or paper purporting to be the last will and testament of any person, is brought into the Courts of Pleas and Quarter Sessions, for probate, and the probate of which is contested, the clerk shall immediately enter the same on a docket to be kept by him for that purpose, and shall within ten days after the rise of the court, at which the said will or paper purporting to be a will was presented, make out a transcript from his docket; which transcript, with the original will or paper purporting to be a will, shall be delivered by him to the clerk of ^{Wills contested to be carried to superior courts.}

clerks shall
issue sub-
poenas &c.

the Superior Court of the county in which the same may be presented; and the clerk of the Superior Court aforesaid is hereby authorized to receive and enter the same on his docket, and on application of either plaintiff or defendant, to issue subpoenas for the attendance of witnesses; and the said Superior Courts shall have full power and authority to hear, settle and determine such case; and it is also declared to be the duty of the clerk of the Superior Courts of any or all of the aforesaid counties, whenever a case may be determined in accordance with the above provisions, to issue a certificate thereof to the clerk of the Court of Pleas and Quarter Sessions, from which the same may have originated, with the original will or paper, which shall be recorded by the county court as evidence of the probate or rejection of said will; and also in all cases of caveat for land, where the intervention of a jury may be necessary, the same proceedings shall be had and observed by the said clerks of the county and Superior court as are prescribed in the 6th section of this act in regard to wills.

countyc'rts
to bind ov-
er parties.

SEC. VII. *Be it further enacted,* That the several Courts of Pleas and Quarter Sessions for the counties aforesaid, are hereby required, at their terms next preceding the ensuing fall term of the superior courts for said counties, to take up the State docket in regular order, and bind over the parties and witnesses concerned to the next succeeding Superior Court to be held for said counties respectively.

Repealing
clause.

SEC. VIII. *Be it further enacted,* That all laws and clauses of laws which come within the meaning and purview of this act, be, and the same are hereby repealed: *provided nevertheless,* that a majority of the Justices of Cherokee may at any time summon juries at two of the terms of said county court, if they should deem the state of the business in said county may so require; any thing in this act to the contrary, notwithstanding.

[Ratified the 31st day of December, 1844.]

CHAPTER XV.

An Act to change the place of holding the Superior and County Courts of McDowell county.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* ^{Courts to} That hereafter the Superior and county Courts of McDowell county, shall hold their sessions at the Court House in Marion. ^{be held in} and should the Court House not be in a sufficient state of progress by the next term of said Court, then and until said Court House shall be completed, at such place in the said town of Marion as the Justices of said court may designate.

SEC. II. *Be it further enacted,* That this act shall be in ^{when to} force from the first Monday of March next, and all laws and ^{take effect,} clauses of laws contrary to or repugnant with the provisions of this act, be, and the same are hereby repealed.

[Ratified the 8th day of January, 1845.]

CHAPTER XVI.

An Act to authorise the holding of two additional terms of the Court of Pleas and Quarter Sessions in and for the county of Catawba, at which there shall be no Jury trials.

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 addition to the two terms of the Court of Pleas and Quarter Sessions now authorised to be held in and for the county of Catawba, there shall be two other terms of said court in said county, at which terms there shall be no Jury trials; which said terms shall be held by the Justices of the Peace of said county, at the Court House thereof, on the ^{Times of} ^{holding.}

eighth Monday after the fourth Monday in February and August in each and every year.

[Ratified this 8th of January, 1845.]

COMPTROLLER.

CHAPTER XVII.

An act to amend the 9th section of the Revised Statutes, entitled an act concerning the Comptroller.

Comptrol-
ler's Re-
port, when
there is no
Legislature
how to be
printed.

1. *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, when he causes the report of the Comptroller to be published in the year when the Legislature has not its regular sessions, as directed by the act aforesaid, shall also cause two hundred and fifty copies of the same to be printed in pamphlet form, whereof ten copies shall be placed in the State Library; five in each of the offices of Governor, Secretary of State, Treasurer, and Comptroller; five for the University, and the residue shall be kept for the succeeding Legislature.

To be pub-
lished in
two papers
only.

SEC. II. And that so much of said act as requires the Governor to publish said report in five newspapers of this State, be, and the same is hereby repealed; and that hereafter the Governor shall cause the said report to be published in two newspapers in the city of Raleigh.

[Ratified the 10th day of December, 1844.]

CHAPTER XVIII.

An Act to amend an act, entitled an act to provide for the collection and management of a revenue for this State.

1. *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 sheriffs are by law compelled to settle their public accounts, before an allowance for insolvent taxables has been made them by the county courts, it shall be the duty of the Comptroller to allow them in the next year's settlement, or to draw upon the Treasurer for the same, upon application of the sheriff.

Comptroller to allow for insolvents.

SEC. II. *Be it enacted,* That so much of the acts of the General Assembly as requires the Comptroller to have printed blank licenses, to be signed by him, for merchants, pedlars, retailers of spirituous liquors, stage players, sleight of hand performers, rope dancers, tumblers, wire dancers, circus riders, equestrian performances, and exhibition of natural and artificial curiosities, be, and the same is hereby repealed; and the receipt of the sheriff, stating the amount of tax paid, and for what, shall be as good and valid, to all intents and purposes, as a license signed by the Comptroller, and countersigned by the sheriff: *Provided,* that nothing herein contained shall be construed to release sheriffs from returning and accounting for all taxes as is now required by law.

Repeals the law requiring certain blank licenses.

SEC. III. *Be it further enacted,* that this act shall be in force from and after its ratification.

When to take effect.

[Ratified the 8th day of January, 1845.]

CORONERS.

CHAPTER XIX.

An Act to amend an act, passed at the last Session of the General Assembly, entitled "An Act to amend an act concerning coroners, Revised Statutes, chapter 25, section 4."

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 whenever any death shall happen, in any County in this State, that shall render it necessary for a coroner to act in his official capacity, and there shall be no coroner in such county, it shall be the duty of any three justices of the peace of such county to appoint some fit person to act as Coroner for that special purpose; and such person so appointed is hereby empowered to act, and shall be entitled to the same compensation as is allowed by law to coroners for such services.

When justices may appoint a coroner.

[Ratified the 9th day of January, 1845.]

CESSION OF LAND.

CHAPTER XX.

An Act assenting to the purchase, by the United States, of certain land in the town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain limitations and conditions therein contained.

Whereas the United States, in Congress assembled, have authorized the erection of a Custom House and a Ware-

House in the town of Wilmington, and the Secretary of the Treasury of the United States, through his agent, has purchased or contracted to purchase, as suitable sites for said buildings, the piece or parcel of land herein after described, viz: a certain piece or parcel of land in the town of Wilmington, in the county of New Hanover, lying between Market street and Princess street, beginning at the north western corner of Smith's Alley, running thence eastwardly with the northern line of said Smith's Alley, about one hundred and five feet, to the southwestern intersection of Wright's Alley with said Smith's Alley; thence northwardly with the western line of Wright's Alley, about seventy six feet to the south western intersection of Wright's Alley with Ewing's Alley; thence westwardly with the southern line of Ewing's Alley, about twenty eight feet to the northeastern corner of a lot or parcel of land, belonging to the heirs at law of the late Murdock McKay; thence southwardly with the eastern line of said lot or parcel of land last referred to, about thirty nine feet, to the southeastern corner of said lot or parcel of land, belonging to the heirs of Murdock McKay; thence westwardly with the southern line of said lot or parcel of land referred to, about seventy six feet; thence southwardly in a right line to the beginning: And whereas, by a joint resolution of the Senate and House of Representatives of the Congress of the United States, approved September 11th, 1841, the expenditures of any public money upon any site or land thereafter to be purchased by the United States for the purpose of erecting any public building, is forbidden until the consent of the Legislature of the State, in which the land or site may be, shall be given to the United States to make such purchase: Preamble.

I. *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 United States be, and is hereby authorized and empowered, to purchase, have, hold, occupy and possess the piece or parcel of land described in the preamble hereto; and that exclusive jurisdiction of said piece or parcel of land is hereby ceded to and vested in the United States, upon condition that the United States shall continue and keep up on* Assenting
to purchase
by the U S.

said piece or parcel of land a Custom House and Ware House, or such other buildings as shall be necessary or convenient for the collection of the revenue accruing to the United States within the Port of Wilmington, or necessary and convenient for other public purposes connected with the administration of one or more of the different branches of the Government of the United States.

Not to de-
bar State
Officers
from serv-
ing process

SEC. II. *Be it enacted*, That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from serving any process or levying execution within the limits of the before described piece or parcel of land, in the same manner, and to the same effect as if this act had never been passed.

SEC. III. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

[Ratified the 6th day of January, 1845.]

CHAPTER XXI.

An Act to cede to the United States a certain tract of land lying on the Island of Portsmouth, Carteret County, for the purpose of erecting a Marine Hospital thereon.

Whereas the 27th Congress of the United States, passed an act authorizing the erection of a Marine Hospital on the Island of Portsmouth, Carteret County, and the collector of the Port of Ocracoke, having by authority of the Secretary of the Treasury, selected a site:

Land
ceded.

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by authority of the same, That all that piece or parcel of land described in a deed from Edward E. Graham, clerk and master of the court of equity for the county of Craven, Mary Nelson, trustee of Bryan Gardner, and Caroline W. Gardner, his wife, and of Mary James Nelson, all of the county of Craven and

State of North Carolina, which deed is on record in the Register's office of Carteret County, Book Y, page 439, be ceded to the United States of America; and the said United States shall and may have and exercise exclusive jurisdiction over the said land so long as they shall choose to hold and occupy it for the purposes specified: *Provided*, that nothing herein contained shall be construed to prevent the proper officers of this State from executing any process, civil or criminal, within the limits of said land. Proviso.

[Ratified the 6th day of December, 1844.]

CRIMES AND PUNISHMENTS.

CHAPTER XXII.

An Act to repeal the 8th section of the Revised Statutes, entitled an act concerning crimes and punishments.

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 section be, and the same is hereby repealed.

[Ratified the 8th day of January, 1845.]

COUNTIES.

CHAPTER XXIII.

An Act to cede a portion of Rutherford county to the county of Cleaveland.

Line described.

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 all that portion of Rutherford county, lying east of a line commencing at a point on the South Carolina line, three miles west of where the Rutherford and Cleaveland line intersects said line, and running thence a direct course to the junction of Main and Second Broad Rivers; thence a direct course to a point on the dividing line between Rutherford and Cleaveland, two miles north of where Drury Dobbins now resides, be ceded to and made a part of the county of Cleaveland.

Commissioners c'ts to appoint, &c.

SEC. II. *Be it further enacted,* That it shall be the duty of the County Courts of Rutherford and Cleaveland, each, to appoint one commissioner, who shall jointly employ a surveyor and run said line, and report to the courts of their respective counties.

[Ratified the 7th day of January, 1845.]

CHAPTER XXIV.

An Act to cede a portion of Rutherford County to the County of Henderson.

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 all that portion of the county of Rutherford lying west

of a line beginning at a point on the dividing line between the county of Henderson and Rutherford, on top of the Sugar Loaf Mountain, running thence south 10 degrees east to the South Carolina line; then west with said line to the Henderson county line; then commencing at the beginning point and running another line on the dividing ridge between Fall creek and Reedy Patch creek to Broad River at Paris Gap; then north 5 degrees east to the McDowell county line; then with said line to the Buncombe line; then with said line to the Henderson line, be, and the same is hereby ceded to and made a part of Henderson county.

SEC. II. *Be it further enacted*, That the line described in the foregoing section be hereafter deemed and held to be the dividing line between the counties of Rutherford and Henderson; and that all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

Repealing
clause.

[Ratified the 9th day of December, 1844.]

CHAPTER XXV.

An Act to attach that part of Carteret County known as Ocracocke to Hyde 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 all that part of Carteret county lying north of Ocracocke Inlet, and running thence in a north-easterly direction to the Hyde county line, bounded on the east by the Atlantic Ocean, and on the west by Pamlico Sound, commonly known as Ocracocke, be, and the same is hereby attached to, and made a part of, Hyde county.

Part ceded.

SEC. II. That all laws and clauses of laws coming within the purview of this act, be, and the same are hereby repealed.

[Ratified the 6th day of January, 1845.]

CHAPTER XXVI.

An Act supplemental to an act, passed by the present General Assembly, entitled "an act to attach that part of Carteret County known as Ocracocke to Hyde 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 nothing in the act, entitled "an act to attach that part of Carteret county known as Ocracocke to Hyde county," passed at the present session of the General Assembly, shall be construed so as to prohibit the Sheriff of Carteret county from collecting such monies as are now due, or may become due, on any judgment, before the third Monday of February next, or from collecting the arrears of taxes in the same manner as he could have done previous to the passage of the act aforesaid.

Provides
for collect-
ing certain
monies.

[Ratified the 9th day of January, 1845.]

COUNTY SURVEYOR.

CHAPTER XXVII.

An Act to provide for a vacancy in the office of County Surveyor.

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 lawful for the County Courts, whenever the office of county surveyor is vacant, to appoint a special surveyor to survey any lands that may be entered, who shall be

Court to
appoint a
special sur-
veyor.

governed by the laws now in force regulating the duties of county surveyors; and the plats and certificates of such special surveyor, accompanied by a copy of the order of the County Court appointing him, shall be deemed and held valid, as if done by a county surveyor elected according to the provisions of 42d chapter of the Revised Statutes.

[Ratified this 1st day of January, 1845.]

CANALS.

CHAPTER XXVIII.

An Act to revive and continue in force an act, passed at the Session of the General Assembly of 1831-'32, entitled "an act to re-enact and extend the provisions of an act, passed in the year 1829, chapter 35, entitled an act to incorporate the Lake Drummond and Orapeak Canal Company, and to repeal an act, passed in the year 1830, chapter 109, entitled an act to amend an act, passed at the last Session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeak Canal Company, and for other purposes."

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 above recited act, passed at the Session of the General Assembly of 1831-32, be and the same is hereby revived and continued in full force, in as full and ample manner as if every clause, sentence paragraph and section therein contained, not inconsistent with the provision of this act, were herein set forth at full length; and that all the rights, and privileges, immunities and advantages therein granted shall be held, possessed and enjoyed by the said company, in the same manner as if the limitation of time within which the

Act reviv'd

work was to have been commenced and finished, had not been inserted therein; any law to the contrary notwithstanding: *provided, however*, the said work is commenced and finished within ten years after the ratification of this act.

Persons to open books SEC. II. *Be it further enacted*, That in lieu of the persons heretofore appointed to open books of subscription, Jesse Wiggins, Samuel R. Harrel, J. R. Lassater, Andrew Voight, Isaac T. Harrel, Dr. John Gatling and Burrell Broth-er, be, and they are hereby appointed commissioners to open books in the town of Gatesville, in the county of Gates; and when twenty five thousand dollars or more shall have been subscribed, public notice shall be given thereof by said commissioners, in a newspaper published in the borough of Norfolk, Virginia, calling a general meeting of the stockholders at such convenient time and place as they shall name in said notice.

SEC. III. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 8th day of January, 1845.]

CHAPTER XXIX.

An Act for a Canal from Cape Fear to Lumber River.

Preamble. Whereas the cutting a navigable canal from the waters of the Cape Fear to the waters of Lumber River, in this State, will be of great public utility, and tend to develop many resources of the State, which are now wholly unavailable from the want of sufficient maritime communication; and whereas many of the good citizens of the State are willing to subscribe liberal sums of money to effect a work so highly beneficial, and it is but just that they, their executors, administrators and assigns should be empowered to levy and receive

a reasonable satisfaction in tolls for the money expended in carrying the work into execution : therefore,

I. *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 and may be lawful to open books in the town of Wilmington, under the direction of Alexander McRae, Books, James T. Miller, William C. Bettincourt, Oscar G. Pars- where and ley, P. K. Dickenson, Henry Nutt, William A. Berry, II. by whom R. Savage, Miles Costin, C. D. Ellis, John P. Brown, to be open- ed. Owen Fennel, and Gilbert Potter; in the town of Elizabethtown, under the direction of of Jas. M. White, Thos. J. D. McDowell, Alexr. J. Troy, and James Child; in the town of Whitesville, under the direction of Wm. M. Baldwin, John A. Maultsby, Fernoy George and A. F. Toone; in the town of Lumberton, under the direction of R. W. Fuller, Edmond McQueen, R. C. Rhodes, John A. Rowland, and James Wood; in the town of Salisbury, under the direction of D. A. Davis, John J. Shaver, Archibald Henderson and Alexander Brandon; and in such other places, and under the direction of such other persons, as the commissioners for the town of Wilmington, above named, or a majority of them, shall designate and appoint, for the purpose of receiving and entering subscriptions, for the aforesaid undertaking, to an amount not exceeding three hundred thousand dollars, in shares of one hundred dollars each; which subscription, if it shall be required by the commis- Amount sioners, shall be paid in current gold and silver coin. That capital. the said books shall be opened for receiving subscriptions on the first day of February next, and shall continue open for the space of thirty days; and within ten days after the ex- When piration of the said thirty days, the said books shall be com- books shall pared, in the town of Wilmington, by the commissioners be opened, aforesaid; and if, upon such comparison, it shall be found &c. that the sum of seventy five thousand dollars has not been subscribed, then it shall be lawful for the said commissioners, or a majority of them, to re-open said books and continue them open for such a length of time as they shall direct, not exceeding two years; and if, at the end of two years, the said sum of seventy five thousand dollars shall

not have been subscribed, then the subscriptions taken shall be void and the said books closed. And whenever it shall be found, from comparison of said books, that the said sum of seventy five thousand dollars has been subscribed, then it shall and may be lawful for the commissioners aforesaid, or a majority of them, to call a general meeting of the subscribers, their executors, administrators and assigns, to be held in the town of Wilmington, on such a day as they may designate, fifteen days' notice of such meeting being given in some paper or papers published in the towns of Wilmington and Fayetteville.

Subscribers
to be a
body cor-
porate.

SEC. II. *And be it further enacted*, That when the said sum of seventy five thousand dollars shall be subscribed in manner aforesaid, the subscribers, their executors, administrators and assigns shall be, and they are hereby declared to be, a body corporate, by the name and style of "The Cape Fear and Lumber River Canal Company;" and in that name may sue and be sued, plead and be impleaded; and may have perpetual succession, and a common seal; and may possess and exercise all the rights, powers, privileges and immunities which belong to a body corporate in law; and may make all such rules, regulations and bye laws, not inconsistent with the constitution of the United States and of this State, as may be deemed necessary and expedient for managing the affairs of the company.

Concern-
ing general
meeting &
election of
officers.

SEC. III. *Be it further enacted*, That at the general meeting above mentioned, if a majority of the whole number of shares subscribed for shall not be represented, it shall be lawful for the commissioners for the town of Wilmington aforesaid to adjourn said meeting from day to day, until said majority shall be represented, either in person or by proxy; and when a majority of the whole number of shares subscribed for shall be represented at said meeting, either in person or by proxy, it shall and may be lawful for said subscribers to elect a President and seven Directors, a Treasurer and Secretary, who shall continue in office until the next annual meeting, and until their successors are appointed: and in electing their officers, each share shall be entitled to one vote. The President, and any four of the Directors

shall constitute a board for the transaction of business; and if the office of President should at any time become vacant, the Directors shall appoint a person, who shall hold the office until the next annual meeting of the stockholders, and if there should be a vacancy in the directory, the other directors shall appoint a stockholder to fill the same until the next annual meeting; and if the President should be absent at any meeting, the directors, a majority of them being present, may appoint one of their own number to preside at that meeting.

SEC. IV. *Be it further enacted*, That there shall be annual meetings of the stockholders of the company, at such times and places as the next preceding annual meeting shall have appointed, for the purpose of electing officers and transacting such other business as may be laid before them by the President and Directors; and at every such annual meeting each share shall be entitled to one vote; *provided*, that no such annual meeting shall be competent to transact business unless a majority of the whole number of shares subscribed for shall be represented at such meeting, either in person or by proxy; and if at any annual meeting a majority of the whole number of shares should not be so represented, then it may be lawful for the stockholders who are present, to adjourn said meeting from day to day until the requisite number of shares are so represented: *And provided further*, that it shall not be lawful for the President or any Director or any officer or agent of the company to be the proxy of any stockholder.

SEC. V. *Be it further enacted*, That special meetings of the stockholders may be called from time to time as President and Directors may appoint and direct, public notice being given of the times and places of such meetings; and all such special meetings shall be constituted and regulated in the same manner as is herein prescribed for the regular annual meetings of the company.

SEC. VI. *Be it further enacted*, That no person shall be elected a President or Director, who shall not own five shares in the stock of said company; and if any person elec-

Annual
meetings of
stockhold-
ers.

Provisos.

Of special
meetings.

Who shall
be eligible
as Presi-
dent and
Directors.

ted a President or Director shall at any time cease to own the said number of shares, his office shall thereupon become vacant, and shall be filled as in other cases of vacancy.

Subscrip-
tions, how
paid.

SEC. VII. *Be it further enacted*, That upon every subscription for stock in said company, there shall be paid five dollars in each share at the time of subscribing, to the commissioners receiving subscriptions; and the residue thereof at such times and in such instalments as the President and Directors shall appoint; and the commissioners aforesaid, as soon as a President and Directors shall be elected, shall forthwith pay over to them or to their order all sums of money by them received; and on failure thereof, it shall be lawful for the President and Directors to move for, and obtain judgment in a summary manner against any delinquent commissioner or his personal representatives, in any County or Superior Court of the State, ten days notice in writing of such motion having been previously given to such commissioners.

Route how
located &
laid off.

SEC. VIII. *Be it further enacted*, That the stockholders in general meeting shall locate the route of the said canal, and shall designate and determine at what point it shall begin in what direction it shall be prosecuted, and where it shall end. And the President and Directors and all officers and agents of the company shall have full power and authority to enter upon the lands of any person or persons whatsoever, for the purpose of laying off and surveying the route of said canal, as designated by said meeting, and may mark upon the trees the courses of the same: *provided*, that it shall not be lawful for them to enter the dwelling, yard or garden of any person for that purpose, without their consent.

Salaries of
officers.

SEC. IX. *Be it further enacted*, That the Stockholders, in general meeting, shall regulate the salaries of the officers of the Company, and the times of paying the same, and may alter the same from time to time as to them shall seem fit.

Powers &
rights of
President
and Direc-
tors in con-

SEC. X. *Be it further enacted*, That the President and Directors shall be, and they are hereby invested with all the powers and rights necessary and proper for the construction repair and maintenance of a Canal to be located as aforesaid

and shall and may cause to be built and erected all necessary dams, locks, aqueducts, causeways, toll gates, buildings, and all other works which may be deemed necessary and fit for the proper construction of said canal; and shall or may purchase or cause to be built all necessary boats for the transportation of freight, and may purchase all horses necessary for drawing the same; and shall have full power and authority to make contracts on the part of the company with any person or persons for making said canal and its necessary works; and shall and may do all other acts and things necessary and proper for carrying into effect the aforesaid undertaking.

SEC. XI. *Be it further enacted*, That the President and Directors shall have full power and authority from time to time to direct and declare at what times and in what instalments the sum subscribed shall be paid off and discharged; and shall give at least one month's notice of all such orders, by public advertisement in some newspaper published in the town of Wilmington or Fayetteville; and if any subscriber shall neglect or refuse to pay any instalment so required, for the space of one month after the same shall have been so advertised, then it shall be lawful for the President and Directors, at their discretion, either to sell at public auction, and convey to the purchaser the share or shares of any such delinquent subscriber, or as many thereof as may be necessary to pay off the said instalment, giving at least one month's notice of the time and place of such sale, in some gazette published in the town of Wilmington or Fayetteville, and returning the surplus remaining, after paying said instalment, to the subscribers or their representatives; or to move for and obtain judgment in a summary manner against such subscribers for the amount of such instalment, in any County or Superior Court of the State, ten days' notice, in writing, of such motion having been previously given to such subscriber.

SEC. XII. *Be it further enacted*, That it shall be lawful for the said company to purchase, and by other just means, acquire, hold and transfer, land and other property of every description: *provided*, that the said property and the pro

Further powers as to payment of subscriptions.

Company may own land, &c.

ceeds thereof, when sold, shall be used and applied in good faith for the objects hereby intended to be effected.

In case of
disagree-
ment, c.
two justi-
ces shall
summon a
jury to val-
ue land.

SEC. XIII. *Be it further enacted*, That if the President and Directors shall not be able to agree with the owners of the land over which the said canal shall be laid off, for the purchase of the same, or if any owner of said land shall be an infant, a lunatic or non-composmentis, then it shall be lawful for any two Justices of the Peace for the county where the land lieth, upon the application of the President and Directors, or their agent or attorney, ten days' notice, in writing, of such application having been previously given to the owner of said lands, or if he be an infant, a lunatic or non-composmentis, to his guardian or committee, forthwith to issue their warrant to the sheriff or any constable of said county, commanding him to summon a Jury of twelve freeholders to meet upon the land on a day named in said warrant; and the said Jury having come to the land, and being first sworn to do impartial justice in the premises, shall proceed fairly and justly to value the land, not exceeding one hundred feet on each side of the base of said canal, and to assess the damages which will accrue to the owner of said land by cutting the said canal through the same; and the inquisition so taken shall be reduced to writing and signed by the said jury and returned by the Sheriff or other officer, to the next County Court of said county, and ordered to be recorded; and the valuation and assessment so made by the Jury shall be paid by the President and Directors to the owner of said land; and upon payment thereof, the said land, not exceeding one hundred feet on each side of said canal, shall immediately be transferred to the said company and vested in them in fee simple: *Provided*, that the said Jury, in assessing the said damages, shall take into consideration and make allowance for the benefit resulting to the owner of said land, by cutting said canal, either by improving the value of said land or otherwise; *and provided further*, that if either party should be dissatisfied with the finding of the said Jury, it may be lawful for such party to appeal to the next Superior Court of said County, giving bond as in other cases of appeal; *and provided fur-*

Provisos.

ther, that nothing herein contained shall be so construed as to authorize the President and Directors to invade the dwelling, yard, garden or burial ground of any person, without his consent.

SEC. XIV. *Be it further enacted*, That the written consent of any owner of lands through which said canal shall be laid off, shall be as effectual to vest full power and authority over the said land and one hundred feet thereof on each side of said canal, in the said company, and to transfer to them all title in and to the same, as if such land had been conveyed by deed or condemned in the manner above set forth.

Written consent to give power over land.

SEC. XV. *Be it further enacted*, That the shares in the stock of said Company shall be deemed and held personal property; and that certificates of stock shall be issued and the shares transferred, under such rules and regulations as the bye laws shall direct.

Stock to be personal property & transferable

SEC. XVI. *Be it further enacted*, That it shall and may be lawful for the President and Directors to borrow money for the use of the company, to be applied in effecting the objects herein set forth, and to make and issue bonds, notes and other evidences of said loan and proper assurances for the repayment of the same.

money may be borrowed.

SEC. XVII. *Be it further enacted*, That the said company shall be, and they are hereby fully authorized and empowered to dig and cut through all public and private roads which may intersect the line of said canal, *provided*, that the said company shall build and erect good and substantial bridges over those portions of the canal intersecting such roads, so that passage over the same be not hindered or impeded; and the bridges so erected shall be kept in repair at the expense of the company.

Roads may be crossed.

SEC. XVIII. *Be it further enacted*, That whenever any timber, earth, stone, or gravel shall be wanted for the construction or repair of said canal, and the President and Directors shall not be able to agree with the owners of the adjacent lands for obtaining the same, it shall and may be lawful for the said President and Directors to enter upon any

Materials for constructing work, how obtained.

adjacent lands, not cultivated, and take therefrom the requisite quantity of the materials aforesaid, first tendering a reasonable satisfaction to the owner thereof; and if said owner should not be satisfied with the sum so tendered, it shall be lawful for him to make application to any two Justices of the Peace for the county, wherein the land lieth, ten days previous notice in writing of such application having been previously given to the President and Directors; and the said Justices shall forthwith issue their warrant to the Sheriff or any constable of said county, commanding him to summon a Jury of twelve freeholders to meet on said land on a day named in said warrant; and the said Jury shall assess the damages accruing to the said owner, by the taking of the said materials; and if the amount so assessed shall not be immediately paid by the President and Directors, the said sheriff or other officer shall cause the inquisition so taken to be reduced to writing and signed by the Jurors, and shall return the same to the next County Court of said county; and said Court shall give judgment in a summary manner for the damages so assessed against the President and Directors; and execution thereon shall be issued immediately: *provided*, that the said Jury shall take into consideration benefits resulting to said owner by the cutting of the said canal: *and provided further*, that if the amount assessed by the Jury shall not exceed the sum tendered by the President and Directors, the said owner shall not recover any costs: *and provided further*, that if either party shall be dissatisfied with the finding of said Jury, said party may appeal therefrom to the next Superior Court of said county, giving bond as in other cases of appeal.

Provisos.

Lateral
branches
may be
construct-
ed.

SEC. XIX. *Be it further enacted*, That the said company shall be, and they are hereby authorised and empowered to construct lateral branches to said canal, for the purpose of procuring feeders, at such places in such directions, and to such an extent, as the President and Directors shall determine; and in constructing said branches, they shall be invested with the same rights, powers and privileges, and shall be

held and governed by the same limitations and restrictions, as are herein granted and prescribed for the main branch of said canal.

SEC. XX. *Be it further enacted*, That the said President and Directors shall have full power and authority to levy Toll, and receive a reasonable amount of toll for the transportation of freight and passengers along said canal.

SEC. XXI. *Be it further enacted*, That the President and Directors shall be, and they are hereby authorized and empowered to require and take from the Treasurer and Sec^{Treasurer} retary bond, with good and sufficient security, for their good ^{and Sec. to} behavior in office, and for the due performance of the duties of the same, and for the faithful accounting for and paying over to the proper persons all sums of money by them received by virtue of their office. ^{give bond}

SEC. XXII. *Be it further enacted*, That for all debts contracted by said company, the private property of the several stockholders shall be liable in proportion to the amount of ^{Private pro} stock held by them on the first day of April preceding the ^{perty of} creation of such debt; and that any sale or transfer of stock ^{stockhold-} shall not exempt them from liability. ^{ers liable.}

SEC. XXIII. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 8th day of January, 1845.]

COUNTIES.

CHAPTER XXX.

An Act to annex a part of Rutherford County to the County of McDowell.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,

Line described.

That all that part of the county of Rutherford situate and lying between a line hereafter to be run, beginning on the McDowell and Rutherford corner, on the top of the Blue Ridge, on the Buncombe line, and running with the Buncombe line to the top of Pisgah; thence a direct course, crossing the Broad river, to Cunningham's Camp, on the Bald mountain; thence with the dividing ridge that separates the waters of Broad and Buffalo rivers, to the Stone mountain; thence along the top of said Stone mountain to the McDowell line; and the McDowell line, as it at present runs, be, and the same is hereby annexed to, and shall hereafter form and constitute a part of McDowell County.

Comm'srs to run line.

SEC. II. *And be it further enacted*, That Benjamin Burgin, Sr. of the county of McDowell, and J. W. Harris, of the county of Rutherford, be, and they are hereby appointed commissioners to run and mark the line aforesaid; which line, when so marked, shall be, and is hereby established as the dividing line between the said counties of McDowell and Rutherford; and that all citizens residing between the two lines before mentioned, be considered and deemed citizens of the county of McDowell, who shall enjoy and exercise all the rights, privileges and immunities which are now enjoyed and exercised by the other citizens of McDowell County.

Surveyor to be appointed.

SEC. III. *And be it further enacted*, That the above commissioners have power to appoint one surveyor, one chain carrier, and one marker from each of said counties, to assist in running and marking the said dividing line between the two counties; and each commissioner, surveyor, chain carrier and marker to receive pay for his services from the county in which he resides, which pay shall be allotted to them by the county court of their respective counties, and paid out of the public monies of the same.

SEC. IV. *And be it further enacted*, That the law establishing a boundary line between the counties of Rutherford and Henderson, so far as it comes in conflict with this act, and all other laws and clauses of laws coming in conflict with the same, be, and the same are hereby repealed.

[Ratified the 24th December, 1844.]

DEBTORS.

CHAPTER XXXI.

An Act more effectually to prevent the imprisonment of honest debtors.

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 hereafter no *capias ad satisfaciendum* shall issue, unless No capias shall issue, except upon affidavit of fraud, &c. the plaintiff, his agent or attorney shall make affidavit, in writing, before the clerk of the court in which said judgment may be, or the Justice of the Peace to whom application is made for such process, that he believes the defendant has not property to satisfy such judgment which can be reached by a *fiери facias*, and has property, money or effects, which cannot be reached by *fiери facias*, or has fraudulently concealed his property, money or effects, or is about to remove from the State.

SEC. II. *Be it further enacted,* That no court in this State shall permit an issue of fraud to be made up and tried, under the provisions of the act for the relief of insolvent debtors, Rev. Stat. chap. 58, sec. 10th, unless the creditor, his agent or attorney, shall file a suggestion, in writing, of such fraud or concealment, therein specifying the particulars of such fraud or concealment, and shall annex to the said suggestion his affidavit that he verily believes the matters therein stated are true. No issue of fraud to be tried, unless upon written suggestion & affidavit.

SEC. III. *Be it further enacted,* That whenever the plaintiff in any judgment shall be desirous of subjecting the bail of the defendant in such judgment to the payment thereof, such plaintiff shall be at liberty to proceed, in the first instance, by *scire facias* against such bail, without having previously issued any *capias ad satisfaciendum* against the defendant; but such *scire facias* shall not stand for trial at the appearance term.

[Ratified this second day of January, 1845.]

CHAPTER XXXII.

An act in favour of Poor Debtors.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,

Property exempt from execution. That in addition to the property now by law exempted from execution, there shall hereafter, in favour of every house keeper, be exempted from seizure under execution, on debts contracted after the first day of July next, the necessary farming tools for one labourer; one bed, bedstead and covering, for every two members of the family; two months' provision for the family; four hogs; and all necessary household and kitchen furniture, not to exceed fifty dollars in value.

Portion, how laid off. SEC. II. *Be it enacted,* That whenever any poor debtor shall apply for the benefit of this act, it shall be the duty of the Justice of the Peace to whom such application shall be made, to appoint three respectable freeholders, disinterested and unconnected with the parties, to lay off and assign to such poor debtors the portion to which he is entitled under the provisions of this act, and to make report thereof to the next Court of Pleas and Quarter Sessions for the county in which they reside.

Conveyances void. SEC. III. *Be it further enacted, &c.,* That all and every conveyance by sale, deed of trust, or otherwise, for the payment of any debt or demand whatsoever, of the property hereby exempted from executions, shall be deemed and held and is hereby declared to be null and void and of no effect.

[Ratified this 2nd January, 1845.]

DIVINE WORSHIP.

CHAPTER XXXIII.

An Act to amend the 58th section of the Revised Statutes, entitled Courts, County and Superior.

I. *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 not be lawful for any sheriff, constable or other officer, to execute any civil process returnable before a justice of the peace, on any person attending Divine worship during the time of such worship, nor shall any precept so returnable be tried during Divine worship at the place thereof: Provided, however, that this act shall not be so construed as to prevent the execution of process or the trial thereof in any town, so that the same be not done at the place of worship.

No civil process to be served at places and in time of worship.

II. *Be it further enacted,* That any sheriff, constable or other officer, who may violate the provisions of this act, shall forfeit and pay the sum of five dollars, to be recovered in the name of the State, before any Justice of the Peace in the county, wherever the offence may have been committed; to be applied to the use of the poor of such county.

Penalty.

III. *Be it further enacted,* That this act shall take effect from and after the first day of June next; and from and after that time, all laws and clauses of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Ratified the 8th day of January, 1815.]

EXECUTIONS.

CHAPTER XXXIV.

An Act to prevent frauds in levying executions issued by a single Magistrate, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under execution.

Be it enacted by the General Assembly of the State of North Carolina, That hereafter when any execution shall be levied upon personal chattels, and bond and security taken for their forthcoming on the day of sale, it shall be the duty of the officer making said levy and taking said bond, to specify in said bond the property levied upon, and, moreover, to furnish, under his hand and seal, to the security, a list of the property levied upon, attested by at least one credible witness, and stating therein the day of sale; and all the property so levied upon shall be deemed in the custody of the security to the forthcoming bond, as the bailee of the officer; and all other executions thereafter levied on said property shall create a lien on the same from and after the said respective levies, and shall be satisfied accordingly out of the proceeds of said property; but said officer thereafter so levying shall not take the said property out of the custody of the said security for the forthcoming of the same on the day of sale: *provided*, that all such sales shall take place within thirty days after the said levy: *provided further*, that if such sale shall not be made within the time aforesaid, any other officer who may have levied upon said property may sell the same.

[Ratified this 8th day of January, 1845.]

CHAPTER XXXV.

An Act to prohibit the levying of executions upon growing crops, until said crops are matured.

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 not be lawful for any sheriff, coroner, constable or other officer, to levy an execution on any growing crops.

[Ratified the 7th day of January, 1845.]

EDUCATION.

CHAPTER XXXVI.

An Act to consolidate and amend the acts heretofore passed on the subject of Common Schools.

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 nett annual income of the Literary Fund, (exclusive of monies arising from the sale of Swamp Lands) shall annually be distributed among the several counties of this State, in the ratio of their Federal population, to be ascertained by the census next preceding such distribution. How fund shall be distributed.

II. *Be it further enacted,* That the Courts of Pleas and Quarter Sessions of the counties which have adopted the School system, shall, at the Term next preceding the first Monday of October, in each and every year, a majority of of the Justices of the Peace of said county being present, appoint not less than five nor more than ten, superintendents of Common Schools, who shall hold their appointments for one year, and until others are chosen. Superintendents crts. to appoint.

III. *Be it further enacted,* That the term of said superintendents shall commence on the first Monday of October, and they shall assemble at the office of the Clerk of the county court, on the day thereafter and appoint one of their number chairman. when their term shall commence, and chairman be appointed.

IV. *Be it further enacted,* That the Clerk of the county court shall be *ex officio* clerk of the Board of superintendents, and shall record in a book to be kept for that purpose, the proceedings of the board, and such other papers touching the subject of common schools, as the board may direct; and shall safely keep all papers which may be committed to his custody by said board. Clerk of th' board.

V. *Be it further enacted,* That the share of the Literary

fund when
due & how
paid.

Fund, to which each county may be entitled, under the provisions of this act, shall be due and payable on or before the first Monday of October, in each and every year, and shall be paid to the chairman of the board of superintendents or his lawful attorney, upon the warrant of the Comptroller. *bid 6 11*

Tax may
be levied
by court,
and shall
be collect'd
by sheriff.

VI. *Be it further enacted*, That the Court of Pleas and Quarter Sessions of each and every county, a majority of the Justices being present, may in their discretion levy a tax in the same manner that other county taxes are now levied for other county purposes, which shall not be less than one half of the estimated amount to be received by said county for that year from the Literary Fund; and the sheriff is hereby required to collect and pay over the same to the chairman of the board of superintendents on the day of their first meeting as prescribed in the third section of this act; and his bond given to secure the payment of county taxes, shall contain a condition for the faithful collection and payment of the school taxes to the person authorised to receive the same; and for a breach of said condition by the sheriff, the chairman of the board of superintendents shall have the same remedies against him and his securities, as are given to the county trustee for enforcing the payment of ordinary county taxes: except that his right of action shall arise on the first day of November in each and every year, and the sheriff's penalty shall go to the use of common Schools in his county.

School dis-
tricts, how
laid off.

VII. *Be it further enacted*, That the board of Superintendents shall have power to lay off in their counties school districts, and number the same, of such form and size as they may think most conducive to the convenience of the inhabitants of said county, and also to alter the boundaries of the same, causing said boundaries and such alterations to be recorded by their clerk in the book in which the record of their proceedings is kept.

VIII. *Be it further enacted*, That the free white men of the several School Districts, who are entitled to vote for

members of the House of Commons, on the last Saturday in September in each and every year, shall vote by ballot for three men, to be entitled "The School Committee," whose term shall commence on the first Monday in October and continue for one year, and until others are chosen ; and that said election shall be held at such convenient place in the school district severally, as the said superintendents may designate; and the three persons having the highest number of votes at such election, shall be declared elected as the " school committee" of their respective districts; and the superintendents shall have power to fill any vacancy which may occur in said committee by death, removal, or other cause. The chairman of the board of superintendents, whose term of service is to expire on the first Monday of October, shall give public notice in writing at three or more public places in each district, of the election to be held as provided in this section, at least ten days before the day of such election; and the said board of superintendents shall appoint two freeholders of the district to conduct such election of the " school committee." The said freeholders shall give to the board of superintendents whose term of service commences on the first Monday of October, on the day of their first meeting, as prescribed in the third section of this act, a certificate under their hands, of the number of votes received by each person; and the said board shall declare the three persons receiving the highest number of votes the " school committee," as herein provided: *provided, nevertheless*, that whenever the districts fail to make an election, the board of superintendents shall appoint the school committee, who shall continue in office till others are chosen at the next annual election: And whenever the people, or any number of persons of any district, may consider themselves aggrieved by the committee, or any one of the committeemen of their respective districts, an appeal may be taken or had to the board of superintendents of common schools; and said board shall have power to appear and decide on the merits of all such complaints, and also have power to remove any committee-man, who, in their opinion, has violated his duty,

school com-
mittee
how elect-
ed.

Proviso.

and, in case of such removal, to appoint another in his stead.

Committee
incorporat-
ed.

IX. *Be it further enacted*, That each committee of the several school districts shall be, and is hereby constituted a body corporate, by the name and style of "School Committee of District number — of the County of ———," as the case may be; and in that name shall be capable of purchasing and holding real and personal estate for school purposes; of selling and transferring the same; and prosecuting and defending all suits for and against said corporation.

Suit, how
brought.

X. *Be it further enacted*, That whenever suit is brought against any "school district," the process shall be by summons; a copy of which shall be left with some one of the committee of said district.

School
house how
built.

XI. *Be it further enacted*, That it shall be the duty of the school committee to designate and purchase or lease, or receive by donation a suitable site for a school house, as near the central part of each district as may be convenient; to hire, purchase, build or receive by donation a school house of such form and dimensions as they may deem suitable.

Committee
to report
number of
children.

XII. *Be it further enacted*, That the school committee shall, in one month after their appointment, report in writing to the chairman of the board of superintendents the number and names of the white children in their districts, of five and under twenty-one years of age.

Teachers,
how ap-
pointed,
and their
duties.

XIII. *Be it further enacted*, That it shall be the duty of the school committees to contract with a suitable teacher for their respective districts, for such time as the monies to which said district may be entitled, will permit; and strict regard shall be had to the qualification and moral character of said teacher: it shall be the duty of the teacher, at the end of the time for which he was employed, to give to the committee the number and names of the children who may have gone to his school, specifying the number of days each one went; and upon his rendering this statement, the committee shall pay him by giving an order on the chairman. And no committee-man, whilst acting as such, shall be a teacher in any common school.

XIV. *Be it further enacted*, That any branch of Eng-

lish education may be taught in said schools: and all white persons over the age of four years shall be permitted to attend the school of their district, as scholars, and receive instruction therein: *Provided*, That the children in any one district may, by the consent of two or more superintendents, attend the schools in any adjoining district.

What and who may be taught.

XV. *Be it further enacted*, That it shall be the duty of said school committees to visit the schools from time to time, and generally to perform all such duties as they may deem necessary to the successful operation of said schools; and said committees shall have power to unite with individuals or other districts for the purpose of raising a sum sufficient to carry on their schools for the longest time.

Committee to visit and unite for continuing school.

XVI. *Be it further enacted*, That within one month after the school committee shall have reported to the chairman the number of children in their respective districts, the chairman shall call a meeting of the board, who shall determine how many teachers are necessary for each district of their county; and the monies received from the Literary Fund and from the county taxes, shall be distributed among the school districts of their county in the ratio of the number of teachers required.

Board to meet and determine No. of teachers, and money shall be distributed in that ratio.

XVII. *Be it further enacted*, That it shall be the duty of the chairman of the board of superintendents to give notice, by written publication at the court house door of each county, of the amount due each school district in the county in which publication shall be made, soon after the money is first received.

Chairman to give notice of amt due each district.

XVIII. *Be it further enacted*, That the Board of Superintendents shall have power, and they are hereby authorised, to make such other regulations relating to the schools of their county, not inconsistent with the provisions of this Act, as they may deem necessary to the usefulness of said schools.

regulations board may make.

XIX. *Be it further enacted*, That the school committees shall annually, on or before the first Monday of October of each and every year, make a report to the Board of

Annual report of the committee.

Superintendents, shewing the number and names of children in their respective districts who have received instruction at their schools the preceding year; the length of time the same was kept up; the name of the teacher and the amount paid him; and such other facts in relation to their schools as they may deem expedient.

Superintendents to keep an account, and lay it before committee of finance or clerk, who shall report to Lit. Board

XX. *Be it further enacted*, That it shall be the duty of the Board of Superintendents to keep a true and just account of all monies received and expended by them, during the year for which they shall have been chosen, when and of whom received, and for what and to whom paid, and the balance, if any remaining on hand; and shall lay the same before the Committee of Finance of their respective counties; and if no Committee of Finance, then before the clerk of the county court, together with the vouchers in support of the charges therein made, on or before the second Monday of October, in each year; which account it shall be the duty of the said Committee of Finance, or the clerk of the county court, as the case may be, to carefully examine, and if found correct, to certify the same: and the chairman shall annually, within fifteen days after the first day of November, report in writing to the President and Directors of the Literary Fund, or to such other officer or Board as may be appointed by the General Assembly to manage said fund, a copy of the above account together with the number of children in his county—the number who may have been taught in the schools of his county the preceding year; for what time the schools may have been kept up in the several districts; with such other facts and suggestions as he may deem useful; and he shall make two additional copies of said report—one of which he shall file with the clerk of the board, to be recorded in the Book in which are kept all the proceedings of the board, and the other he shall put up for public inspection in some conspicuous place in the court house of his county.

Two additional copies of report.

XXI. *Be it further enacted*, That if in settling their accounts as required by the foregoing section, any balance

shall be found remaining in the hands of the said board of Board to superintendents, or any of them, the same shall immediately pay balance be paid by them or him, to his or their successors in office: to successors. and if the payment of the same be improperly delayed, it shall be the duty of such successors in office, to bring suit in their name of office, in the Superior or county court of their county, for its recovery with interest.

XXII. *Be it further enacted*, That if the Board of Superintendents, or any member thereof, in this State, shall misapply to purposes unconnected with Common Schools, Misapplication of funds, penalty for. any of the school funds placed in the possession of the said Board, or any member thereof, the person or persons so offending and assenting thereto, if he be a member of said Board, shall be deemed guilty of a misdemeanor in office, and shall be subject to indictment in the County or Superior Court of the County where the offence shall have been committed, and on conviction thereof shall be fined or imprisoned at the discretion of the Court.

XXIII. *Be it further enacted*, That it shall not be lawful for any county court in this State, to tax any free person of colour, for the support and maintenance of any common school or schools. Court shall not tax free persons of color.

XXIV. *Be it further enacted*, That it shall not be lawful for any committee to receive into their hands any of the funds set apart for the support of common schools: How committee shall draw money. but whenever it shall become necessary for any such committee to incur any expense in the purchase of a piece of land on which to erect a school house, or to rent, build, or repair a school house, it shall be lawful for such committee to state an account for such expense, and to draw on the chairman of the Board of Superintendents for the same, which account shall accompany the draft so drawn, and shall be paid by the said chairman, provided the school district they represent shall have in the hands of the chairman a sum sufficient to pay the same.

XXV. *Be it further enacted*, That it shall be the duty of the several County Courts of this State to require the Chairman of the Board of superintendents of common schools, before he enters upon the duties of his office, to Bond and compensation of the chairman.

give bond with good and sufficient security in such sum as they may deem reasonable and adequate, conditioned for the faithful application of the funds that may come to his hands, and the discharge of all his duties; which bond shall be payable to the State of North Carolina, and shall be approved and received by a majority of the superintendents, and shall be filed by them with the clerk of the County Court; and the said chairman shall be allowed to retain not exceeding two and one half per centum of the monies which shall pass through his hands, as a compensation for his services.

Forms for
returns, to
be prepar-
ed by Lit.
Board.

XXVI. *Be it further enacted*, That the president and directors of the literary fund shall prepare proper forms to enable the chairman of the board of Superintendents and the school committee men to make the returns required of them by this act, and shall cause the same to be printed and distributed to the counties which have voted or may hereafter vote, for schools: and shall defray the expense incident to the printing and distribution of said forms, out of the Literary Fund.

Penalty on
superinten-
dents and
others for
neglect of
duty.

XXVII. *Be it further enacted*, That if any superintendent or committee man appointed agreeably to the provisions of this act, such superintendent or committee man having accepted the appointment, or any clerk of the county court, shall refuse or neglect to perform the duties required of him by law, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, in the name of the State, in any court of record in this State; and such penalty, when recovered, shall be paid over to the chairman of the board of superintendents of the county in which said default may occur, to be applied as the other monies which shall come to his hands from the literary fund and the county; and it shall be the duty of the county attorney for the State to prosecute suit in all such cases, for and on behalf of his county.

Penalty on
chairman for
failure to
pay draft.

XXVIII. *Be it further enacted*, That if the chairman shall fail or neglect to pay, on demand, any draft which he may by law be bound to pay, he shall be liable to suit before

any tribunal having cognizance thereof, in the name of the person in whose favour said draft may be drawn; and the plaintiff shall be entitled to recover, over and besides the amount of said draft, twelve per centum damages for its unlawful detention.

XXIX. *Be it further enacted*, That a majority of the Board of superintendents, and a majority of a school committee, shall be competent to do any duty required of the Board and of a Committee in this act. Majority to act.

XXX. *Be it further enacted*, That the superintendents and committee men now in office in the several counties, shall so continue and remain until others are chosen as required by this act. Those in office so to continue till others are elected

XXXI. *Be it further enacted*, That the teachers and pupils of any common schools shall be exempt from performing military duty, working on the road, or serving as Jurors whilst engaged in teaching in said schools, or attending them as scholars. Exemptions.

XXXII. *Be it further enacted*, That the President and Directors of the Literary fund shall cause to be printed copies of this act, and shall distribute the same to the counties which have or may hereafter vote for schools, in the proportion of twenty-five copies for every member in the House of Commons; and shall forward the same to the Chairman in the several counties at the time the Acts of the present General Assembly may be distributed; and the expense incident to the printing and distribution shall be paid out of the Literary Fund. Lit. Board to cause this act to be printed.

XXXIII. *Be it further enacted*, That it shall be the duty of the sheriffs of the counties in this State, which have not adopted the common school system, as established by law, when they advertise the next election for members of the General Assembly, to give notice at the same time, by public advertisement in every election precinct, that an election will be held to ascertain the voice of the people upon the subject of common schools, and all persons who may be entitled to vote for a member of the House of Commons, In counties which have not adopt'd schools the sh'riff shall give notice & hold an election on the subject..

shall be entitled to vote in said election: and every voter in favor of schools, will deposite his vote with the word "school" upon his ticket: and those opposed to it, will vote "No school" upon their tickets: And it shall be the duty of the poll-keepers to count the votes given at each precinct for "School" or "No school," and to return the same to the sheriff who shall count together all the votes and certify the numbers for "school," and "No school," separately, to the President and Directors of the Literary Board, within thirty days after said election and to the County Court of his county next ensuing said election: and any sheriff failing to comply with the requisitions of this Act shall suffer all the pains and penalties imposed by law for failing to discharge his duty in any election for members of Assembly.

XXXIV. Be it further enacted, That should a What any county voting for school sh'll be entitled to. majority of the qualified voters of any of the said counties vote in favor of schools, then such county shall be entitled to draw from the Literary Fund, by warrant from the Comptroller, in favor of the Chairman of the Board of superintendents of such county, the portion to which such county is properly entitled, to place it on a footing of equality with the counties which have already received their portion of the said fund—and shall be entitled to all the benefits, privileges and advantages, and subject to all the duties and responsibilities of the laws passed for the regulation and government of common schools.

XXXV. Be it further enacted, That the President and Directors of the Literary Fund, shall vest so much of said fund as counties not accepting the school system, Fund for counties rejecting the system to be vested, would have been entitled to receive under the ratio prescribed for its distribution, in the stock of any of the Banks of this State, or to loan the same, upon such terms as may, in their opinion, be best calculated to improve the value thereof; and the County Courts of such counties shall take no action on the subject of "common schools" until a majority of the people of such county shall have voted for the system agreeably to the provisions of this Act.

XXXVI. *And be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified the 9th of January, 1845.]

CHAPTER XXXVII.

An Act to provide for the education and maintenance of the poor and destitute deaf mutes and blind persons in this State.

1. *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 there shall be annually appropriated, out of the proceeds of the Literary Fund, five thousand dollars ^{Appropriation, am't of.} for the maintenance and education of such poor and destitute deaf mutes and blind persons, as are unable to pay for such maintenance and education, to be selected in the mode that shall be prescribed by the Literary Board: *provided*, that such selection shall be made with a due regard to the claims of every portion of the State.

SEC. II. *Be it further enacted,* That the sums hereby appropriated shall be expended, at the discretion of the Literary Board, either by hiring teachers to open schools in this State, or by placing such pupils as may be selected by them to such institutions of the sister States, for the instruction of the deaf and dumb and the blind, as they may deem most advisable, due regard being had to the expense of instruction and maintenance in said institutions. ^{To be expended at discretion of Literary Board.}

SEC. III. *Be it further enacted,* That the Justices of the several Courts of Pleas and Quarter Sessions, at the terms of their respective Courts when the taxes are laid, ^{Tax, court may levy.} may levy, in the same manner as taxes are now by law levied for the support of the poor, seventy five dollars for the support and maintenance of every such deaf mute and

blind person as shall be selected from their respective counties, by the Literary Board, for the purpose of education.

[Ratified this 8th of January, 1845.]

EVIDENCE AGAINST SURETIES.

CHAPTER XXXVIII.

An Act concerning the admissibility of evidence against the sureties of officers and others.

I. 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 actions brought upon the official bonds of Clerks of the County and Superior Courts, Clerks and Masters in Equity, Sheriffs, Coroners, Constables, and other public officers, and also upon the bonds of Executors, Administrators and Guardians, where it may be necessary for the plaintiff to prove any official default of any of the said officers, any receipt or acknowledgment of such officer, or any other matter or thing which by law would be admissible and competent for or toward proving the same as against such officer himself, shall in like manner be admissible and competent against all or any of his securities, who may be defendants with or without such officer in said actions.

*SEC. II. Be it further enacted, That every person who shall be by the Court of Pleas and Quarter Sessions of any County admitted and sworn into the office of Sheriff or Coroner of such county, or into the office of a Constable or one of the Constables of such county or of any district in such county, shall be held, deemed and taken, by force of such admissions, to be rightfully in such office, until, by judicial sentence upon a *quo warranto* or other proper*

proceedings, he shall be ousted therefrom, or his admission thereto be in due course of law declared void; and all bonds which have been, or may hereafter be, taken by any Court of Pleas and Quarter Sessions, upon the admission of any person to either of the said offices, shall be held and deemed to be valid and effectual in law to all intents and purposes, notwithstanding any defect, insufficiency or irregularity whatever in the election, appointment or admission of such person, or in any of the proceedings of such Court in relation thereto.

SEC. III. This act shall go into effect from and after its ratification.

[Ratified the 31st of December, 1844.]

ENTRIES & GRANTS.

CHAPTER XXXIX.

An Act extending the time for perfecting titles to lands heretofore entered.

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 all persons who have made entries of vacant lands and paid the purchase money to the State for the same, since the first day of January, one thousand eight hundred and forty, shall have until the first of January, one thousand eight hundred and forty seven, to perfect their titles to the same by grants. Entries paid, how long time extended.

SEC. II. *Be it further enacted,* That all persons who have heretofore made entries of lands according to law, within the time aforesaid, and have not paid the purchase money into the Treasury, shall have until the said first of January, one thousand eight hundred and forty seven, to Entries not paid, how long.

Proviso. make said payment and perfect their titles to said lands : *Provided*, that nothing in this act contained shall be so construed as to affect the titles of persons who have heretofore obtained grants for said lands, or the rights of junior enterers, or to extend to swamp lands in the Eastern portion of the State.

SEC. III. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified this 4th day of January, 1845.]

FISHERIES.

CHAPTER XL.

An Act to secure to citizens of this State the right of fishing in the navigable waters of the State.

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 no person or persons shall hereafter use or cause to be used, in any of the navigable waters of the State, weir, hedge, net or seine, for the purpose of catching or taking fish for sale or exportation, unless each and every such person shall have resided and continued to reside in this State at least twelve months next preceding the date on which he, she or they shall commence to use, or cause to be used, as aforesaid, any weir, hedge, net or seine, for the purpose aforesaid; nor shall any person or persons consist in using or be interested in using or causing to be used, in any of the navigable waters of this State, for the purpose aforesaid, any weir, net, hedge or seine, in the using or causing to be used of which any person may have an interest.

12 months
residence
required to
entitle per-
sons to use
fisheries.

est who shall * have resided and continued to reside in this State at least twelve months next preceding the day on which the same shall be used: *provided*, that nothing in this act contained shall be so construed as to prevent any person from fishing with seines, hauled to the shore at any fishery situated on the shore of any of the navigable waters of this State, the title to which fishery, or any interest therein, such persons may have acquired by purchase or inheritance: *and provided further*, that this act shall not extend to those who may be hired to fish by any person or persons not prohibited by this act from fishing in any of the navigable waters of the State.

Proviso.

SEC. II. *And be it further enacted*, That each and every person who shall violate any of the provisions contained in the first section of this act, shall, for each and every such offence, forfeit and pay the sum of one hundred dollars, to be recovered by warrant before a Justice of the Peace of the county where the offence was committed, or by action of debt in any Court of record in said county; one half of said sum to be applied to the use of the person suing for the same, and the other half to the use of the wardens of the poor in said county; and shall, moreover, for each and every such offence be guilty of a misdemeanor, and, upon conviction thereof in any Court of record having cognizance of the same, shall be fined or imprisoned at the discretion of the Court.

Penalty.

SEC. III. *And be it further enacted*, That no person or persons shall, for the purpose of taking or catching fish, at any time hereafter between the first day of February and the first day of May of the same year, use or cause to be used at or within half a mile of the marshes separating the waters of Croatan and Pamlico sounds, any weir, hedge, net, or seine.

Of marshes
separating
Croatan &
Pamlico

SEC. IV. *And be it further enacted*, No person or persons shall hereafter throw, or cause to be thrown into the channel of any of the navigable waters of this State, any fish offal in any quantity that shall be deemed likely to hinder or prevent the passage of fish along such channel, where such offal may have been thrown.

Offal not to
be thrown
in channel
of streams.

Penalty.

SEC. V. *And be it further enacted*, That each and every person who shall violate any of the provisions contained in the third or fourth sections of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any Court of record having cognizance of the same, shall be fined or imprisoned at the discretion of the Court.

Net, how
to be set in
Pamlico.

SEC. VI. *And be it further enacted*, That each and every net (unless the same be a dragnet and hauled to the shore) which shall be used for the purpose of catching shad in that portion of the waters of Pamlico sound, lying between a line drawn eastwardly from Stumpy Point and the southern side of Long shoal in said sound, shall be set and fixed in said waters in a direction from north to south, and shall not be used in said waters in any other manner whatever; and each and every person offending against the provisions hereof, shall, for each and every such offence, forfeit and pay the sum of five dollars, to be recovered, by warrant, before a Justice of the Peace, or by action of debt in a Court of record having cognizance thereof, by any person who will sue for the same; and furthermore, each and every person so offending shall, for each and every such offence, be liable to indictment for a nuisance.

Stake or
pole to be
removed.

SEC. VII. *And be it further enacted*, That it shall be the duty of each and every person, who shall set, place or use in any of the navigable waters of Pamlico and Croatan sounds, any fishing stake or pole, to remove the same within three months after such person shall have discontinued the use of the same; and each and every person offending against the provisions and meaning hereof, shall for each and every stake not removed as herein required, forfeit and pay the sum of two dollars, to be recovered by any person who will sue for the same, by warrant before a Justice of the Peace, or by action of debt in a Court of record having cognizance thereof; and furthermore, each and every person so offending, shall, for each and every such offence, be liable to indictment for a nuisance.

SEC. VIII. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified this seventh day of January, 1845.]

GUARDIAN AND WARD.

CHAPTER XLI.

An Act to amend the seventh section of the Revised Statutes,
entitled Guardian and Ward.

Whereas it sometimes happens where the Courts of Pleas and Quarter Sessions are required, by the said seventh section of the above recited Statute, to remove a guardian and to appoint another, that no suitable person is willing to accept such guardianship, and by reason of the waste and misapplication of the ward's effects, and the subsequent insolvency as well of the guardian, as of his securities, before the ward's arrival of full age, great loss and injury is sustained: for remedy whereof,

Preamble.

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 where any guardian shall be removed, under the said section, and another person shall not be appointed to and accept the said office, or where any guardian shall, by reason of, not complying with the requirements of the said section, become liable to be removed, although such order of removal may not be made, it shall be the duty of the Clerk of the Court to certify to the Attorney General, or to the Solicitor of the circuit, the name of the first guardian and his sureties and the proceedings had against him under the directions of the said section, and it shall be the duty of the Attorney General or Solicitor forthwith to institute a suit in the Court of Equity, in the same County, by bill, petition or other proper proceedings, as well against the sureties as the guardian, for an account of the guardianship, and for securing the estate of the ward; and upon such bill or proceedings, all proper accounts may be taken, all necessary orders made, and a decree had, according to the course of the Court, as well against the sureties as the guardian.

*directs suit
against re-
moved or
delinquent
guardian.*

Court to
appoint re-
ceiver.

SEC: II. *And be it further enacted*, That the said Court of Equity shall have power, upon such bill or other proceedings, to appoint the Clerk and Master, or other discreet person, a receiver, to take possession of the ward's estate, to collect and receive all monies due to him, and to pay the same into Court, or to secure, loan, invest or apply the same, and to superintend and direct his estate, for the benefit and advantage of the ward; and out of the same to defray the charges of his support, nurture, and education, under the direction, and subject to such rules, order, and directions, in any respect, as the Court may, from time to time, make in regard thereto; and the Court shall cause the accounts of such receiver to be returned, audited and settled, from time to time as the Court may direct, making such allowances to such receiver, for his time and trouble and responsibility, as the Court shall deem proper and reasonable.

Atto. Gen.
or Solicitor
duty of,

SEC. III. *And be it further enacted*, That it shall be the duty of the Attorney General or Solicitor to prosecute the said suit, and to move for, and attend to, the execution of all necessary orders, for securing the full benefit and effect thereof to the said ward; for which services, the Court may make to him reasonable compensation, according to the circumstances of the case.

Guardian
or ward to
apply for
order.

SEC. IV. *And be it further enacted*, That whenever such guardian shall be duly appointed, he may apply by petition to the said Court of Equity, for an order upon the receiver to pay over to, and possess him of, all the money, estate and effects of his ward; and in case no such guardian shall be appointed, then the ward, on his coming of age, or, in case of his death, his executor or administrator, may have the like remedy by petition.

[Ratified the 8th. day of January, 1845.]

MISCELLANEOUS.

CHAPTER XLII.

An Act extending the jurisdiction of Justices of the Peace over judgments, and amendatory of the sixth section of the Revised Statutes, entitled "Justices of the Peace," and the fortieth section of the Revised Statutes, entitled "Courts, County and Superior."

I. 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 Justices of the Peace shall have jurisdiction over all sums due by judgment rendered by a single magistrate, when the principal money does not exceed one hundred dollars, although the principal and interest together with the costs may exceed that sum. Extends to sums not exceeding \$100.

SEC. II. Be it further enacted, That if any suit shall be brought in the County or Superior Courts, or any judgment rendered as aforesaid, for any sum of less value than one hundred dollars due by such judgment, the same shall be dismissed by the court. Court shall dismiss suit for less.

SEC. III. Be it further enacted, That all laws and clauses of laws inconsistent with the purview of this act, shall be, and the same is hereby repealed: *Provided, however,* that the provisions of this act shall not affect any suit now commenced or which may be commenced within thirty days after the adjournment of the Legislature. Proviso.

[Ratified the 2d day of January, 1845.]

CHAPTER XLIII.

An Act to prevent fraudulent voting.

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 if any person shall hereafter knowingly and fraudulently vote at any election, who by law shall not be entitled to vote at such election, he shall be liable to indictment in the County or Superior Courts of law; and on conviction, shall be fined or imprisoned, or both, at the discretion of the Court; the amount of the fine to be not less than ten, nor more than one hundred dollars; and the term of imprisonment to be not less than five, nor more than thirty days.

[Ratified the 9th day of January, 1845.]

CHAPTER XLIV.

An Act to amend the 8th section of the 50th chapter of the Revised Statutes, entitled "an act concerning frauds and fraudulent conveyances.

Leases for
mining to
be in writ-
ing.

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 all contracts for leasing or leases of lands, for the purpose of digging for gold or other minerals, or for the purpose of mining generally, shall be void and of no effect, unless such contract or lease, or some memorandum or note thereof, shall be put in writing and signed by the party to be charged therewith, or by some other person by him thereto lawfully authorized.

SEC. II. That all laws or clauses of laws, coming within the meaning and purview of the above act, be, and the same are hereby repealed.

[Ratified this 7th day of January, 1845.]

CHAPTER XLV.

An Act to incorporate the North Carolina Mining, Manufacturing and Land Association.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* ^{Name and capital.} That there shall be established in the State a mining, manufacturing and land company, by the name and style of "the North Carolina Mining, Manufacturing and Land Association," the capital whereof shall not exceed one hundred thousand dollars, (\$100,000) divided into shares of one hundred dollars each.

SEC. II. *Be it further enacted,* That when the sum of fifty thousand dollars (\$50,000) shall have been subscribed, the subscribers, their successors or assigns, are hereby declared ^{Corporate powers.} to be incorporated, by the name and style of "The North Carolina Mining, Manufacturing and Land Association," and shall continue to exist as such for fifty years; and as such may sue and be sued, plead and be impleaded; and have power to make all bye-laws and regulations, not inconsistent with the laws of the State, which may be necessary for the well ordering and conducting of the affairs of said company; they may have and use a common seal, and the same break, alter and renew at pleasure; and possess and enjoy all the privileges and rights of a corporation or body politic: *Provided,* that said corporation shall be confined to mining and such manufactories as are connected with the metallic arts, and to the holding or sale of lands, and shall not exercise any banking privileges.

SEC. III. *Be it further enacted,* That John McIntyre, J. G. Bynum, and W. H. Miller, of Rutherfordton, and Frederick Bronson and J. B. Murray, of New York, and such ^{Com'rs to open books} persons as they may associate with them, are hereby appointed Commissioners, and are authorized, at such times and places as they may deem expedient, after sixty days' public advertisement in some newspaper printed in the State,

to open books for receiving subscriptions for shares of stock in said company.

SEC. IV. *Be it further enacted,* That said commissioners are hereby authorized to receive, in payment of stocks, real estate directly connected with the objects of said Company; and said Commissioners are authorized to adopt some uniform and equitable rule determining the conditions upon which real estate is to be received in subscription for shares of Stock in the Company; and it is hereby further declared that the Stock of said Corporation shall be held and deemed personal property: *Provided always,* that the real estate which shall be received in payment of Stock as aforesaid shall be subject to the same taxation as other lands in this State.

SEC. V. *Be it further enacted;* That all legal process against the corporation shall be served upon the President, unless he be absent from the State, in which case it may be served upon a Director; and if no Director can be found, then upon any Stockholder in said corporation.

SEC. VI. *Be it further enacted,* That it shall be the duty of said corporation to keep a full and fair record of all its proceedings, in a Book or Books procured for that purpose, and shall produce the same in any of the courts of record of this State, whenever required so to do by any of said courts.

SEC. VII. *Be it further enacted,* That the President and Directors of the said corporation shall, on the first day of January in each and every year, report to the Clerk of the County Court of Rutherford County, the amount of Stock subscribed for and paid in by each and every Stockholder, and the names of all the Stockholders on that day, with the amounts severally owned by them; which report shall be kept in the office of said Clerk for public inspection; and in case the president and directors of said company shall fail to make the report required of them, they shall be liable to a penalty of one thousand dollars, to be recovered, in an action of debt, in the Superior Court of Law in the County of Rutherford, one half to the use of the person

sueing for the same, and the other half to the use of the State.

SEC. VIII. *Be it further enacted*, That to secure the creditors of said Corporation, in addition to the property of said company, each Stockholder shall be liable to the creditors thereof in such sum as is equal to the Stock subscribed or owned by him; and each creditor may have an action of debt against all or any of the Stockholders, who were Stockholders on the first day of January preceeding the commencement or at the time of bringing his action. Private property liable.

SEC. IX. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

[Ratified the 9th day of January, 1845.]

CHAPTER XLVI.

An Act to encourage the culture and manufacture of silk and sugar among the Cherokee Indians in this State.

Whereas a small portion of the Cherokee tribe of Indians are remaining in this State, who are represented by their white neighbors as conducting themselves in a peaceable and orderly manner, and who, under the influence of temperance and religious societies, are fast improving in the knowledge of the mechanic arts, agriculture and civilization; and whereas the Cherokees referred to, who belong to the towns of Qualla and Yuansan, Cheoil, have already commenced the culture and manufacture of silk; and for the encouragement thereof, Preamble.

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 provisions of the act, entitled an act to encourage the culture and manufacture of silk and sugar in this State, passed in the year 1836, be, and the same are hereby extended to the said Cherokee Indians now be- Extends to the n prov. of a t of 1835.

longing to said towns: *Provided*, that the provisions of this act shall not extend to any Indians who are not remaining in said towns by the permission of the Government of the United States, under treaty stipulations.

[Ratified the 10th day of January, 1845.]

CHAPTER XLVII.

An Act to amend the Revised Statutes, entitled Religious Societies.

Preamble.

Whereas although the third section of the above recited statute empowered the several religious congregations in this State to elect trustees to hold property for each single congregation; yet no power is conferred by the said statute upon any religious denomination in the aggregate to appoint trustees for the general purposes of such religious denominations: Therefore,

Churches
may ap-
point trus-
tees to hold
property-

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 Conference, Synod, Convention, or other ecclesiastical body, representing any church or religious denomination within the State, may from time to time and at any time appoint, in such manner as such body may deem proper, a suitable number of persons as trustees for such church or denomination, who shall have powers to receive donations, and to purchase, take, and hold property, real and personal, in trust for such Church or denomination, within this State, and, as such trustees, may sue and be sued in all proper actions for or on account of such donations and property, or any matter relating thereto: And the body appointing, may remove such trustees, or any of them, and may fill vacancies occasioned by death or otherwise.

[Ratified this 8th day of January, 1845.]

CHAPTER XLVIII.

An Act to loan to the North Carolina Military Academy at Raleigh, for the use of the Cadets thereof, the necessary military arms and equipments.

I. *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 his Excellency the Governor of the State, be, and he is hereby authorised and requested to procure, without delay, if he can do so, and loan to the Preceptors of the above named Academy, a sufficient number of Cadets' muskets and the other suitable military equipments necessary for the use of the Cadets thereof, provided he can procure the said muskets and other equipments in exchange for a part of the State's next quota of public arms from the United States; he taking a bond and security from the said Preceptors, of sufficient sum to cover the value of the said arms and equipments so lent to them, conditioned that the said arms and equipments shall be taken care of and kept in good order, and be delivered again to the Governor, at the Arsenal in Raleigh, in good condition, whenever the said school goes down and ceases to exist, or when the same shall be called for by the order of the General Assembly; which bond shall be put in suit by the Governor, whenever a breach of its conditions or either of them shall happen.

Authorises
the Governor
to procure
arms.

II. *Be it further enacted* That this act shall be in force from and after the ratification thereof.

[Ratified this 6th day of January, 1845.]

CHAPTER XLIX.

An Act concerning Inspectors of Flour.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the*

Inspect. for
Wilmington, how
appointed. *same*, That in addition to the inspectors now authorized by law, there shall be an inspector of flour for the town of Wilmington, in this State, who shall be appointed by the County Court of the County of New-Hanover, at the first Court that shall happen after the first Monday of March, one thousand eight hundred and forty five, and shall hold his office for the term of five years from and after the time of his appointment.

His bond. SEC. II. *Be it further enacted*, That the inspector hereby authorized to be appointed, shall enter into the usual bond, payable to the State of North Carolina, and conditioned for the faithful discharge of the duties of his office, (which bond the County Court of the county of New-Hanover are hereby authorized and required to take;) and the said inspector shall be entitled to receive the same fees, and shall be subject to the same rules, regulations and restrictions that are now in force in regard to the duties and liabilities of the inspector of flour for the town of Fayetteville.

Flour from
Fayetteville. SEC. III. *Be it further enacted*, That it shall and may be lawful for any person to ship flour from the town of Fayetteville to the town of Wilmington, without having the same inspected in the town of Fayetteville.

SEC. IV. *Be it further enacted*, That all laws and clauses of laws coming within the purview and meaning of this act, be, and they are hereby repealed.

SEC. V. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 8th day of January, 1845.]

CHAPTER L.

An Act to extend the time for registering grants, mesne conveyances, powers of attorney, bills of sales and deeds of gifts.

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 all grants of land in this State, all deeds of mesne conveyances, powers of attorney under which any lands, tenements or hereditaments have been or may be conveyed; all other powers of attorney, which are required to be proved and registered by any act of the General Assembly; all bills of sale, deeds of gifts already proved, or which may hereafter be proved, shall and may, within two years after the passage of this act, be admitted to registration, under the same rules, regulations and restrictions, as hertofore appointed by law; and said grants, deeds of mesne conveyances, powers of attorney, bills of sale, and deeds of gift, shall be as good and valid as if they had been proved and registered within the time heretofore allowed: *Provide,* that nothing herein contained shall be construed to extend to mortgages, conveyances in trust, or to swamp lands in the Eastern part of the state.

Time extended to within two years after the passing of this act.

[Ratified this 24th day of December, 1844.]

CHAPTER LI.

An Act to amend the Revised Statutes, entitled an act concerning Legacies, Filial Portions and Distributive Shares and the Revised Statutes, entitled Descents.

I. *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 when any person shall die in-

Childr'n of intestates having received more than their share of the personal estate to be charged with excess in division of real estate. testate, who had in his or her lifetime advanced to any of his or her children personal property, of what nature or kind soever, of value more than equal to a distributive share of the personal estate of said intestate, said child or children, or those legally representing them, shall, in the division of the real estate of said intestate, if there be any, be charged with the excess in value which he or she has received, as aforesaid, over and above an equal distributive share of said personal estate; and the said excess shall be a charge upon the share or shares of the real estate of such child or children as have been excessively advanced as aforesaid.

SEC. II. *Be it further enacted,* That when any person shall die intestate, seized and possessed of any real estate, who had in his or her life time settled any real estate on any child or children of said intestate, of more value than equal to the share which shall descend to the other children of the intestate, such child or children, or their legal representatives, shall, in the distribution of the personal estate of said intestate, if there be any, be charged with the excess in value of said real estate settled as aforesaid over and above the share which shall descend to the other children; and the said excess in value shall be a charge upon the shares of personal estate of the child or children having real estate settled on him or her as aforesaid.

[Ratified the 7th January, 1845.]

CHAPTER LII.

An Act to confirm a sale by James W. Guinn, Agent for the State.

Preamble Whereas, at the sale of Cherokee lands, in 1820, one William Welch became the purchaser of a tract of land in Macon County, known as the Stekoih Old Field, in district 8, sec-

No. 18, containing 300 acres; and the said purchaser having become insolvent, the said land was surrendered by him, and subsequently sold by James W. Guinn, agent for the State, to Scroop Enloe, Abraham Enloe, Wesley Enloe, E. A. Enloe and John Mingus, under the directions of the Public Treasurer, for the balance due the State by the first purchaser, with interest thereon: Therefore;

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 sale made by James W. Guinn, be, and the same is hereby in all things confirmed; that the Treasurer and Attorney General of the State be, and they are hereby authorized to examine the payments which have been made to the State or her agents for the said tract of land, and in case they should find that any of the payments have not been credited, to give credit therefor.

Treas. and
atto. gen.
to examine
as to pay-
ments.

And further, that the said Treasurer and Attorney General be authorized to examine if the said tract of land is materially interfered with by reservations ganted by the United States to the Cherokee Indians, under the Treaties of 1817 and 1819; and in case they should decide that it was materially interfered with, and that the land or a large portion of it did not belong to the State at the time it was sold, that they, under the rules prescribed by the acts of 1828 and 1829, passed for the relief of purchasers of Cherokee reservations, shall be authorized to remit all the interest which has accrued on said bonds since the passage of the last recited act; and on the payment of the sum adjudged to be due by the said Attorney General and Treasurer, the Secretary of State is hereby authorized to issue a grant to the said purchasers or their assignee or assignees.

Further ex-
amination

SEC. II. *Be it further enacted, That this act shall be in force from and after its ratification.*

[Ratified the 9th day of January, 1845,]

CHAPTER LIII.

An Act to extend the provisions of an act, passed at the session of the General Assembly of 1830--31, entitled "An Act for the relief of such persons as may suffer from the destruction of the records of Hertford county, occasioned by the burning of the court house and clerks' offices of said county;" and also to extend the provisions of an act, passed at the session of 1831--32, entitled "an act in addition to an act passed at the last session of the General Assembly of this State in relation to the burning of the records of the county of Hertford," to the counties of Montgomery and Stanly.

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 provisions of the above recited acts be and they are hereby extended to the counties of Montgomery and Stanly, to all intents and purposes, as fully as if the said act had been specially made in relation to the burning of the court house and clerks' offices of Montgomery.

[Ratified this 1st day of January, 1845.]

CHAPTER LIV.

An Act to regulate the 70th and 71st Regiments of North Carolina Militia.

1. *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 all that portion of the Militia living in Lincoln county, and formerly attached to the seventieth Regiment be, and the same is hereby declared to be attached to and belong to the seventy first Regiment.*

SEC. II. *Be it further enacted, That all that portion of militia living in Catawba county, and formerly attached to the sev-*

enty first Regiment, be, and the same is hereby declared to be attached to and belong to the seventieth Regiment.

SEC. III. *Be it further enacted*, That this act be in force from and after its ratification.

[Ratified this 8th day of January, 1845.]

CHAPTER LV.

An Act declaratory of the meaning of the act entitled "An Act to aid the Internal Improvements of this State," Revised Statutes, chapter 61, sec. 6th.

Whereas, in the above recited act, it is provided that the Board of Internal Improvements, by virtue of subscription and payment on behalf of the State, shall appoint two fifths of the whole number of Directors of each of the corporations aforesaid, and in all general meetings of the stockholders, in any of said companies, the Commissioners of Internal Improvements, or any other representative of the State whom the said Board may appoint, shall be entitled to two fifths of the whole number of votes, which may be given at such meeting; and whereas doubts have arisen as to the true intent and meaning of the said provision in the said act:—
Therefore,

Preamble.

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 was intended and is hereby declared to be the true intent and meaning of the said recited proviso of the said act, for the Board of Internal Improvement to appoint two-fifths of the whole number of directors in each of the said corporations, but neither by themselves, nor by any representative [appointed by them, to vote for the remaining three-fifths of the directors of the said corporations.

Directors
State to
appoint.

[Ratified the 9th day of January, 1845.]

CHAPTER LVI.

An Act to amend an act to incorporate the President, Directors and Company of the Yadkin Toll Bridge.

Persons au-
thorised
to keep up
the bridge.

SECT. I. *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 Mary Locke and William Locke, of the county of Rowan and State of North Carolina, their heirs and assigns, be, and the same are hereby authorised to keep up the toll bridge over the Yadkin river, on the road leading from Salisbury, Rowan County, to Lexington, Davidson county, and to ask, demand and receive the following toll for crossing the same, to wit: for every four wheeled carriage with four horses, one dollar; for every four wheeled carriage with two horses, 75 cents; for every four wheeled carriage or buggy, with one horse, fifty cents; for every two wheeled chair, sulkey or cart, with one horse, twenty five cents; for every empty wagon with four horses, fifty cents; for every wagon either loaded or empty with three horses, fifty cents; for every loaded wagon or carryall with two horses, fifty cents; for every empty wagon or carryall with two horses, forty cents; for every one horse wagon or carryall, either loaded or empty, thirty cents; for every man and horse, ten cents; for every foot passenger, five cents; excepting negroes in droves; and for each and every negro in said drove over seven years of age, four cents; for each head of sheep or hogs, two cents.*

SEC. II. *Be it further enacted by the authority aforesaid; That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed; and this act shall be in force from and after its ratification.*

[Ratified this 31st day of December, 1844.]

CHAPTER LVII.

An Act supplemental to an act, passed at the present session of the General Assembly, entitled an act to amend an act to incorporate the President, Directors and Company of the Yadkin Toll Bridge.

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 individuals named in the act passed at the present session of the General Assembly, entitled an act to amend an act incorporating the President, Directors and Company of the Yadkin Toll Bridge, be, and they are hereby authorised to demand and receive from any person crossing their said Bridge with a loaded wagon drawn by four or more horses, seventy five cents for each and every such loaded wagon; and this act shall be in force from and after its ratification.

[Ratified this 6th of January, 1845.]

CHAPTER LVIII.

An Act to amend the 123rd Chapter of the act of the Revised Statutes, entitled "an act concerning wrecks and wrecked property."

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 123rd Chapter of the act of the Revised Statutes, entitled an act concerning "wrecks and wrecked property," be, and the same is hereby so amended: 1st. That the Counties of Carteret and New Hanover shall hereafter be, and the same are hereby divided into the following wreck districts, to

Counties
divided in
to districts.

wit: The county of Carteret into five districts, the first from the Hyde County line to Ocracocke Inlet; the second from Ocracocke Inlet to a due South East line drawn from Harbor Island to the sea; the third from said line to a due South East line drawn from Shell Point, on Harker's Island, to the sea; the fourth from the last mentioned line to old Topsail Inlet; the fifth from old Topsail Inlet to the Onslow County line; and the County of New Hanover into two Districts; the first from the Onslow County line to Deep Inlet; the second from Deep Inlet to the Brunswick County line.

SEC. II. That no person exercising the business or calling of a Pilot, and no Pilot shall hereafter be or act as a commissioner of wrecks.

No pilot to be com'sr.

SEC. III. That the two indifferent persons directed in the fourth section of the act to which this act is an amendment, to be chosen to adjust the amount of reward to be paid to the salvors, shall, if they cannot agree touching the amount of such reward, choose one other indifferent person as umpire to decide between them touching the amount of such reward; and from the adjustment or award thus made, either party may dissent, as is now allowed in said act.

Umpire to decide am't of salvors' reward.

SEC. IV. That in future the commissioners of wrecks shall be the only proper persons to take charge of, advertise or sell any vessel, cargo or other wrecked property that may be stranded or cast on shore in their respective districts: *Provided*, that the captain, owner, merchant, or consignee, or their agent, may, during the absence of the Commissioners, or if he refuse to act, take charge of, or sell or remove such vessel, cargo, or other wrecked property; and every Commissioner shall receive, for selling any wrecked property, five per cent. on the amount of all such sales; and in case of the removal of any wrecked property by the owner, merchant, consignee, or their agent, from the custody of any Commissioner, without a sale, then such Commissioner shall receive two and a half per cent. on the amount of the value of such property, so removed, which a-

Wrecks, persons to tak' charge of.

Proviso.

mount shall be ascertained in the same manner as the amount of the reward to be paid to the salvors is herein and by said act directed to be ascertained and determined.

SEC. V. That no Commissioner shall in any case be entitled to salvage on property saved; and for the discharge of all the duties which now are or may hereafter be imposed on each and all of them by law, no commissioner shall be entitled to receive any thing more than the commissions allowed him as such in this act; any law, usage, or custom to the contrary notwithstanding; and any person who shall interfere with the rights and privileges of any commissioner, shall be liable to such commissioner, in an action on the case, for such damages as the commissioner shall sustain by reason of such interference: *Provided*, that the commissioner, when such person may have been employed in the absence of the Commissioner, or in case of his refusal to act, shall tender to the person thus engaged, a reasonable compensation for the trouble and expense the person thus employed may have undergone.

Commissioners' pay and rights.

SEC. VI. That hereafter it shall be the duty of the several Commissioners of wrecks, instead of advertising sales of wrecks or stranded property in two or more public places in their respective Counties, to advertise such sales at the Court House door, and at other public places in three Captains' districts in their respective counties; and the Commissioners of the first and second wreck districts, in the County of Currituck, shall, if they prefer, advertise sales of wrecked or stranded property, in some newspaper published in the town of Norfolk, in Virginia, in cases where they are now compelled by law to advertise in a newspaper.

Sales of wrecks notice of.

SEC. VII. *And be it further enacted*, That the County Court of Hyde County, (a majority of the Justices being present) shall and may have power, at the first term of said Court to be held after the first day of January in each and every year, to lay off their County in such wreck districts as to them may seem right and proper.

Court of Hyde to lay off said county in districts

SEC. VIII. *And be it further enacted*, That, all laws and

clauses of laws contrary and repugnant to the meaning of this act, be, and the same are hereby repealed.

[Ratified the 6th day of January, 1845.]

CHAPTER LIX.

An Act to protect the public bridges in Tyrrell, Washington and Onslow Counties.

Penalty.

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 if any person shall wilfully or negligently injure any of the public bridges belonging to the Counties of Tyrrell, Washington and Onslow Counties, by forcibly running any decked vessel, boat or raft against the same, such person shall forfeit and pay the sum of fifty dollars, for each and every offence, to be recovered before any Justice of the Peace of said Counties, by any person suing for the same; one half to the use of such person, and the other half to the use of the wardens of the poor of said Counties.

[Ratified the 6th day of January, 1845.]

CHAPTER LX.

An Act relative to Notaries.

Limits
compensation.

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 fifty cents, and no more, shall be allowed and charged as full compensation for all services of a Notary Public in this State, on a protest for nonacceptance and nonpayments of any order, note, bond or bill, or on any

other account whatever: *provided, however*, that nothing in this act contained shall extend to notarial protests concerning vessels or their cargoes.

SEC. II. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

[Ratified the 9th day of January, 1845.]

CHAPTER LXI.

An Act to amend an act, entitled "an act to punish the default of returning officers in the election of Electors for President and Vice President of the United States," passed 1842-'3, chapter 29.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by authority of the same, That the offence created by the above recited act shall be cognizable in the Superior Court of Law of the County wherein the defaulting officer resides. Default where cognizable.

[Ratified the 6th day of January, 1845.]

CHAPTER LXII.

An Act in relation to the State Library.

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 Librarian to keep the Library open for the accommodation of the public, on every day in the year, between the hours of nine and twelve o'clock, and Hours to be kept open.

between two and five o'clock, Sundays and the fourth of July excepted.

[Ratified the 9th day of January, 1845.]

CHAPTER LXIII.

An Act to amend the 59th chapter of the Revised Statutes and 49th section of said act:

turpentine
in spection
of.

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 inspectors shall make a difference with respect to hard and soft turpentine, and dipping and scrapings, designating the character of each barrel; the soft and virgin dipping shall be branded with the letter S, and the hard with the letter H, provided it is clean from any fraudulent mixture, so as to render it unmerchable; and each barrel so inspected and branded, shall be held and considered as good clean turpentine; and if any inspector shall give any bill contrary to the directions of this act, he shall forfeit the sum of one hundred dollars, one half to the informant and the other to the party aggrieved.

Counties
excluded.

SEC. II. *And be it further enacted,* That nothing herein contained shall be understood to apply to the counties of Beaufort, Carteret, Martin, Greene, Pitt, Onslow, Jones, Wayne and Craven.

[Ratified the 9th day of January, 1845.]

CHAPTER LXIV.

An Act concerning Sheriffs and Constables.

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 where any claim shall be placed in the hands of any Sheriff or Constable, for the purpose of collection, and the said Sheriff or Constable shall not use due diligence in collecting the same as soon as the same can be done, such Sheriff or Constable, and the securities of such Sheriff or Constable, shall be liable for the full amount of the claim so neglected to be collected, notwithstanding the person or persons against whom such claim existed may be able to pay the amount of said claim.

SEC. II. *Be it further enacted,* That all laws and clauses of laws coming in conflict with this act, are hereby repealed.

[Ratified this 8th of January, 1845.]

PENITENTIARY.

CHAPTER LXV.

An Act concerning a Penitentiary.

Whereas it is deemed proper and expedient to have a decisive expression of public opinion concerning the establishment of a Penitentiary in this State; and whereas such expression of public opinion should be based upon a knowledge that the fund for such purpose must be raised by a direct tax: therefore,

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 at the next election for members of the General Assembly of this State, the Sheriff or proper officer, in every County in the State, shall prepare a box for the reception of votes on the subject of a Penitentiary, under the same rules and regulations governing other elections; and every per-

Penalty
for negli-
gence in
collecting.

Vote to be
taken at
next elec-
tion on the
subject of
a peniten-
tiary.

son entitled to vote for a member to the House of Commons shall be at liberty to vote for or against a Penitentiary.

Those voting for it shall deposite a ticket with the word "Penitentiary" thereon; and those voting against it, with the words "no Penitentiary" thereon; and the said Sheriff, or proper returning officer, shall make out two statements of the votes taken in his County for and against a Penitentiary; one of which he shall deposite in the office of the Clerk of the County Court, and the other he shall, on or before the first day of October following, deliver to the Secretary of State, sealed up and endorsed thereon, "a statement of the votes taken in the County of _____ at the election held on the _____ day of _____ for and against a Penitentiary," which returns the said Secretary of State shall lay before the ensuing General Assembly.

SEC. II. *Be it further enacted*, That the Clerk of the County Court, in every County, shall put up, in some conspicuous place in the Court House, a fair copy of this act.

SEC. III. *Be it further enacted*, That if any Sheriff or other returning officer shall neglect to make the returns aforesaid, he shall forfeit and pay the sum of fifty dollars, to be recovered in the name and to the use of the State, on motion in the Superior Court of Law of the County of Wake; ten days' previous notice, in writing, of such intended motion, being given to such officer by the Secretary of State; which motion it shall be the duty of the Attorney General to make; and proceedings thereon shall be summary; and if any matter of fact shall be in issue, the same shall be tried at the first term; and on such trial, the certificate of the Secretary of State, of the particular default on which said motion shall be founded, shall be received as competent *prima facie* evidence to prove the same.

SEC. IV. *Be it further enacted, &c.* That the Governor of this State shall open a correspondence with the Executives of the several States, in which Penitentiaries are now established, and obtain such statistical information in relation to the expenditures and profits of such institutions, since the year 1839, as may in his view be necessary for the infor-

return how
made.

Clerk to
put up act.

Penalty.

Governor
to procure
informati-
on the sub-
ject.

mation of the people, and cause the same to be published in the newspapers of the State previous to the election.

Also obtain the different plans upon which Penitentiaries of other States have been constructed, the comparative cost of the cells under different plans, and submit the same to the next General Assembly.

[Ratified this 8th of January, 1845.]

RIVERS & CREEKS.

CHAPTER LXVI.

An Act to amend 103rd chapter of the Revised Statutes, entitled "an act concerning the improvement of rivers and creeks, and to prevent obstructions to their navigation."

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 several Courts of Pleas and Quarter Sessions, where rivers and creeks have been or may hereafter be improved, under the provisions of the above recited act, to appoint, annually, overseers of the same, and assign such hands as they may judge proper to work on the rivers and creeks aforesaid, and keep in repair any slopes erected or to be erected; and the overseers thus appointed and notified, and the hands assigned, for a failure of duty, shall be liable to all the penalties imposed by law upon overseers of roads, and the hands liable to work thereon: *Provided*, that all slopes erected after any river or creek shall have been improved, under the provisions of said act, shall be built and kept in repair by the owner of the dam through which the slope is made; and on a failure so to do, he shall, in addition to the penalty imposed by the 9th section of said act, be indictable for a nuisance, in any Court having jurisdiction thereof.

Court to
appoint o-
verseers of
improved
rivers and
creeks.

SEC. II. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 5th day of January, 1845.]

CHAPTER LXVII.

An Act to amend an act, entitled "an act to keep open the French Broad river, in the County of Buncombe, and the Tennessee river, in the County of Haywood, for the passage of fish," passed in the year 1825, chapter 118.

Be it further enacted, That if any person or persons shall fell timber in the French Broad river, from the three forks thereof to the Henderson County line, where said line crosses the French Broad river, they shall incur the same penalty prescribed in the first section of the before recited act: *provided*, that nothing herein contained shall be construed to affect owners of land who shall fell timber in said river in clearing and improving their lands, provided he, she or they shall remove the same within ten days.

[Ratified this 24th day of December, 1844.]

CHAPTER LXVIII.

An Act to open the Pedee and Yadkin rivers.

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 B. W. Simmons, of the County of Montgomery, Evan Hearn, of the county of Stanly, Lemuel D. Kerby, of the county of Anson, Presley Stanbuck, of the county of Richmond, shall be, and they are hereby appointed commission-
 ers to lay off space for the passage of fish.

ers, who shall view and inspect the Pedee and Yadkin rivers, from the South Carolina line, at some time between the first day of February and the first day of September next; and the said commissioners shall have power and authority and it is hereby made their duty, to lay off and set apart, for the passage of fish up said rivers, a space of one hundred feet in the main channel of said rivers, keeping as near the centre as practicable, making and designating the same, in the best manner they can; and the said commissioners shall have power and authority, and it is hereby made their duty, to pull down, destroy and remove any stand, dam, weir, hedge or trap, or any other impediment to the free passage of fish, which may then be in the said part of the rivers so laid off and set apart by them as aforesaid; and for this purpose may employ and hire any number of hands, at such wages as they may think proper: *provided*, Proviso. that in all cases where the main channel comes in contact with any dam already built for Mills or other Machinery, except for fishing, it shall be the duty of said commissioners to mark out the said 100 feet on said dam; and it shall be the duty of the owner or owners of said dam to keep the said 100 feet open and free from all obstructions that will prevent the free passage of fish up said rivers, from the first day of February to the first day of June, in each and every year, under the penalty herein after provided.

SEC. II. *Be it further enacted*, That the said commissioners shall report to the Grand Jury of the Superior Court of Law of each of said counties, which shall be first held after they have completed the work, what they have done in the premises; and the Grand Jury shall file the same, with the clerk, for future reference; and such report shall be evidence of the facts therein set forth; and the part of the rivers so laid off and set apart by the commissioners, for the free passage of fish, shall be held in law to be one hundred feet in width in the main channel of the rivers; and no evidence to the contrary shall be admitted, in the trial of any case arising under the act. Report of commissioners.

SEC. III. *Be it further enacted*, That the above named commissioners shall have power to appoint a fifth commissioner, at any time they may think proper; and in case any Com'ssrs. may appoint others.

of said commissioners shall refuse to serve, they shall have power to fill the vacancy; and a majority shall at all times have power to act.

SEC. IV. *Be it further enacted,* That any person who shall, after the survey and inspection of the rivers made under this act, erect any dam, weir, trap, hedge or any other impediment to the free passage of fish in such part of the rivers as shall be laid off and set apart by the commissioners, for the free passage of fish, shall be liable to indictment, and, on conviction, shall be fined or imprisoned at the discretion of the Court; and shall, in addition thereto, forfeit the sum of one hundred dollars for every ten days they may so offend, to be recovered by any* who will sue for the same.

Penalty for obstructing fish.

SEC. V. *Be it further enacted,* That the commissioners shall be allowed two dollars per day, each, for so many days as they may necessarily be employed in the performance of the duties hereby imposed, to be paid by the counties respectively; and all persons who shall be employed by the commissioners to assist them in the discharge of their duties shall be paid such sums as the commissioners shall have agreed to give them, to be paid by the county in which the work may be done; and if part of the work be done in one county and part in another, then each county shall pay one half of the sum agreed to be paid.

Com'ssrs. how paid.

SEC. VI. *Be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed, so far as the counties of Anson, Richmond, Montgomery and Stanly are concerned.

repealing clause.

SEC. VII. *Be it further enacted,* That the acts done by the said commissioners as herein before directed, shall be and continue in force until a new survey of the rivers shall be made.

[Ratified the 7th day of January, 1845.]

CHAPTER LXIX.

An Act to provide for the removal of the obstructions to the navigation of Roanoke river, occasioned by the erection of the Petersburg Rail Road bridge across the same.

Whereas complaint has been made to this General Assembly that the bridge erected across Roanoke river below the town of Weldon, by the Petersburg Rail Road Company, obstructs the passage of masted vessels going to the wharf near the said town of Weldon; and whereas it has been furthermore represented that a draw might be made or fixed therein, so as to permit the passage of vessels with masts through the same: therefore,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* ^{Company} ^{t' construct} That it shall be the duty of the said Petersburg Rail Road Company to construct a draw, of sufficient capacity, at the most suitable point in the said bridge, so as to admit of the easy and convenient passage of such steam boats and masted vessels, as navigate Roanoke river below the falls thereof, and to complete the same within nine months from and after the first day of January, 1845: *provided, however,* that said Company shall, from the time of ratifying this act, take ^{draw,} ^{Proviso.} all produce passing in vessels or boats up or down the river, and intended to pass said bridge, from the bridge to Weldon or from Weldon to the bridge, as the case may be, until the draw in said bridge is completed as provided for by this act, in such manner as not to hinder or delay the transportation of such produce, and to take the same free of toll.

SEC. II. *Be it further enacted,* That it shall be, moreover, the duty of the said Petersburg Rail Road Company, ^{Draw how} ^{long to be} ^{kept.} so long as they shall keep the said bridge across Roanoke river or permit the centre pier of said bridge to stand, to keep a good and sufficient draw in the same, so as not to obstruct the passage of such steam boats and masted vessels as navigate the said river below; and furthermore, to keep a

suitable person at the said bridge to open the draw thereof, so as to occasion no delay to the passage of vessels as aforesaid.

Process on refusal to perform duties required. SEC. III. *Be it further enacted*, That if the said Petersburg Rail Road Company shall refuse, neglect or omit to perform the duty required by this act, it shall be the duty of the Attorney General, and he is hereby directed to institute legal proceedings against the said Petersburg Rail Road Company, by way of indictment or otherwise, to cause the obstruction created by the erection of the said bridge to be removed.

[Ratified the 9th day of January, 1845.]

CHAPTER LXX.

An Act to prevent the felling of timber in the creeks and rivers within the County of Cabarrus.

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 not be lawful for any person to cut or fell timber into, or otherwise obstruct, the currents of any of the creeks and rivers within the County of Cabarrus, and permit the same to remain twenty days, under a penalty of ten dollars for each and every offence, recoverable by warrant before a Justice of the Peace, for the use of the poor of the county: *provided*, that nothing in this act contained shall be so construed as to prevent the erecting of fences for enclosures, or the building of dams for machinery.

[Ratified this 4th day of January, 1845.]

CHAPTER LXXI.

An Act to prevent obstructions in Hitchcock creek, in the County of Richmond.

I. *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 passage of this act, it shall not be lawful for any person or persons to obstruct the run of Hitchcock creek, in the County of Richmond, by felling timber therein, so as to cause the waters of the same to overflow its banks to the great injury of owners of lands in the low grounds of said stream.

SEC. II. *Be it further enacted,* That if any person or persons, after the passage of this act, shall in any way offend against the provisions of the same, he, she or they shall, on conviction thereof before any authority having cognizance of the same, be subject to any damages which may be awarded against him or them, as the case may be; and that judgment and execution shall issue accordingly, subject, however, to appeal.

SEC. III. *And be it further enacted,* That this act shall be in force from and after the fifteenth day of February, 1845.

[Ratified this 7th January, 1845.]

ROADS.

CHAPTER LXXII.

An Act to provide for making a survey from Raleigh and Fayetteville, west, to the Georgia line.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,

Governor
to cause
survey.

That it shall be the duty of the Governor of this State, before the third Monday of November, 1846, to cause a survey to be made, with a view to making a Turnpike road from Raleigh, West, to the Buncombe Turnpike road; thence to the Georgia State line, in Cherokee County, in this State; also from the town of Fayetteville, to intersect the same at some point east of the Yadkin river.

Engineer
to report.

SEC. II. *Be it further enacted*, That the engineer making such survey be required to examine and report upon both of the routes, over which the mail stages now run from Raleigh to Asheville; and that he furnish estimates of the probable cost of making a Turnpike road, or roads, on the different sections of said road.

Pay, limit-
ed.

SEC. III. *Be it further enacted*, That the cost and expenses of said survey be paid out of the proceeds of the bonds due the State for Cherokee lands; and the expense of said survey shall not exceed (\$1500) fifteen hundred dollars.

[Ratified the 8th day of January, 1845.]

CHAPTER LXXIII.

An Act to authorise the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road.

Preamble.

Whereas, by an act of the General Assembly begun and held on the 3rd Monday of November, 1838, entitled "An act for the relief of the Raleigh and Gaston Rail Road Company," it was provided, among other things, that the Treasurer of the State should endorse the bonds of the said Company to the amount of five hundred thousand dollars, for the use and benefit of said company, and the said company should execute a mortgage on the road and other property, real and personal, to secure the State from any loss by reason of its endorsement of said bonds, and also to pledge

the profits of the road for payment of interest on the same; and whereas it was also provided in said Act, that the General Assembly might at any time appoint a committee to enquire into the insolvency of said company; and whereas at a session of the General Assembly begun and held on the 3rd Monday of November, 1840, an act was passed, entitled "An act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same;" which act also provided, among other things, for the endorsement by the State of bonds to the amount of three hundred thousand dollars for the use and benefit of said company; and required the company, on their part, to execute and deliver to the Treasurer individual bonds of the stockholders and other subscribers, to the amount of five hundred thousand dollars, to secure that amount of liabilities incurred by the State for said company under the act of 1838; and also to execute and deliver a mortgage of the road and other property, real and personal, belonging to the company, to secure the State against any loss by reason of its endorsements of the bonds endorsed under that act; and whereas the said Act also provided that the General Assembly might at any time appoint a committee to enquire into the insolvency of said company, and its inability to pay its debts; and whereas, at the present General Assembly, a committee has been appointed to enquire into the insolvency of said company, who have reported that the Raleigh and Gaston Rail Road Company is unable to pay its debts and is insolvent, which said report has been affirmed by this General Assembly:

SEC. I. *Therefore 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 Governor of the State to cause the mortgages made and executed by the President and Directors of the Raleigh and Gaston Rail Road Company to be foreclosed, in the Superior Court for the County of Wake, at its next Term in April, 1845. In case the defendant, having been duly

Governor
to cause
foreclosure
of mort-
gage.

Judgment
pro confes-
so, if no an-
swer.

If answer,
trial with-
out delay,
unless just
cause to th-
contrary—
then court
to be ad-
journd.

How ad-
journd
court shall
proceed.

served with process, shall fail to answer within the three first days of the term, judgment *pro confesso* shall be entered up, and the cause set for hearing, and shall be heard and decided during the term. If the defendant shall appear and respond to the bill, by plea, answer, or demurrer, it shall be the duty of the court to hear and decide the cause as to the prayer for foreclosure and sale, during the term, unless good and sufficient cause for delay be made to appear to the court; in which case the court shall adjourn the case to the earliest day practicable for preparing for a final hearing; and the Judge holding such court, or any other Judge whom the Governor may designate, shall hear the cause at the appointed time; and in case the court shall adjourn the hearing to another day, the court may make such rules and orders for preparing and expediting the trial as may seem agreeable to equity. If, on the hearing, the court shall decree a sale of the mortgaged property, the court shall adjourn the cause to some future day, for the purpose of receiving the report of the commissioner appointed to make sale; and if the same be confirmed either then or afterwards, the residue of the cause shall stand adjourned to the ensuing Court of Equity for Wake county, and shall be therein and thereafter conducted as other causes in equity. If the sale shall not be confirmed, the court shall take such order in the cause, for effecting the sale, as may be agreeable to the rules of Courts of Equity; and the court shall have full power and authority to adjourn the cause from day to day and from time to time, until the sale be made, or the bill be dismissed: And from any order or decree of the court, which may be made in the premises, where appeals are now allowable, an appeal may be taken to the Supreme Court of the State, upon such terms as are usual and prescribed by law.

Allowance
to Judge
for extra
service.

SEC. II. *Be it further enacted*, That the Judge, for performing the extra services hereby required, shall be allowed the sum of ninety dollars.

SEC. III. *Be it further enacted*, That it shall be the duty of the court, at the time of rendering such decree, to

name and appoint the Treasurer of the State commissioner to sell said road and other property, both real and personal, which may be decreed to be sold; and it shall be the duty of said commissioner to advertise the time and place of such sale, for at least 60 days, in one or more of the newspapers, published in each of the cities of Boston, New York, Baltimore, Philadelphia, Richmond, Va., Charleston, S. C., Mobile, Ala., New Orleans, and two of the papers published in Raleigh, setting forth the property proposed to be sold and the terms of sale.

Comm'ssr
to sell road

SEC. IV. *Be it further enacted*, That the Governor of the State be, and he is hereby authorised and directed to bid, on the said road and other property directed to be sold, for and on behalf of the State, a sum not exceeding three hundred thousand dollars and the interest unpaid by the company on the bonds executed and endorsed in pursuance of the Act of the General Assembly, passed in 1840-'41, entitled "An Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same."

Governor
to bid.

SEC. V. *Be it further enacted*, That should the Governor of the State, under the preceding section, become the purchaser, for the State, of the road and other property, it shall be the duty of the board of commissioners hereinafter named to appoint a President and other officers necessary to manage and conduct the same on behalf of the State, until such time as the State can make some other disposition of the same, which disposition is hereby directed to be made at the earliest day consistent with a due and proper regard for the safety and indemnity of the State; and said Board shall fix the rate of compensation to be allowed to said President and other officers to be appointed by them.

If State be-
come pur-
chaser, offi-
cers how
appointed.

SEC. VI. *Be it further enacted*, That the Governor of the State for the time being, the Treasurer, and Comptroller, be and they are hereby constituted the Board mentioned in section 5th, and that said Board be, and they are hereby declared a Directory for the management of said road and its

Who shall
be commis-
sioners.

concerns for and on behalf of the State, and that they be allowed three dollars a day, when actually employed about the same.

vacancy in
board how
supplied.

SEC. VII. *Be it further enacted*, That should any vacancy happen in said Board, by death, refusal to act, or otherwise, the same shall be supplied by a majority of the acting members.

Governor
may sell
the road.

SEC. VIII. *Be it further enacted*, That should the State become the purchaser of said road and other property sold by decree of Court, the Governor, by and with the advice and consent of his Council, shall have full power and authority to sell and convey the same to any individual, association of individuals, company or companies, for the most that can be obtained for the same, upon such credits as are hereinafter specified, in case of sale by the commissioner, and shall take proper and sufficient securities from the purchaser, to be judged of by the Board aforesaid. And if the Governor shall have offers made for the purchase of the road and property bought as aforesaid by the State, which in his opinion ought to be considered, he shall convene his Council, who shall consider the proposals and decide upon them.

Governor
may open
books of
subscription.

SEC. IX. *Be it further enacted*, That the Governor, if he and his Council shall deem it advisable, may open books for subscription of stock, and when the sum of four hundred thousand dollars shall be subscribed and paid into the treasury, or be well secured by personal security and a lien on the shares respectively subscribed, payable in equal instalments, upon a credit of one and two years, with interest, the subscribers shall be a body corporate: *Provided* the personal security herein alluded to shall be for the full amount of the sum the road may sell for; and the lien on the shares herein mentioned shall be an additional security.

Purchaser
to have all
the fran-
chises &c.

SEC. X. *Be it further enacted*, That the purchaser or purchasers who may buy at the sale which may be made, either under decree of Court, or by the Governor and Council, shall be in like manner a body corporate: And any body corporate by this act created, shall be such under the

name and style of the present company, and shall hold, use and employ said rail road, with all its appurtenances, for the residue of the time yet unexpired for which the present charter was granted by the State, with all the franchises, privileges, rights and immunities, granted and conferred at any time heretofore by the State, subject in all respects and in every thing, to all the duties, regulations and penalties required, prescribed and imposed by any law or laws now in force respecting the present company: *provided*, that the title to no part of said property shall pass to the said purchaser, until the payment of the whole amount of the purchase money; and said road shall be deemed a common highway.

SEC. XI. *Be it further enacted*, That should any one purchase other than the State, under the decree aforesaid, it shall be the duty of the Governor for the time being, to take from such purchaser bond or bonds, with such surety for the payment of the purchase money, as shall be deemed by him to be amply good and sufficient.

Purchase money, security for.

SEC. XII. *Be it further enacted*, That any person injuring said Rail Road, whether owned by the State or any other purchaser or purchasers, shall be subject to the same actions for penalties and damages as are now allowed for injuries to the road; and said actions shall be sued and prosecuted in the manner now prescribed; and all such acts as are now offences against the State, when done to any part of the road, shall be offences, when done under the same circumstances, to any part of the road after sale, and shall be indictable and punished in like manner.

Penalty for injuring road.

SEC. XIII. *Be it further enacted*, That it shall be the duty of the commissioner to make the sale which may be decreed, at the city of Raleigh, and on the following terms, that is, \$25,000 of the purchase money shall be paid on or before six months from the day of sale, and the residue of the purchase money shall be divided into four equal instalments, to be paid at intervals of ten months; the first of said instalments to be paid in sixteen months after the day of sale, and

Sale, terms of & where to be made.

the whole purchase money to bear interest from the day of sale.

SEC. XIV. *And be it further enacted,* That the proceeds arising from the foreclosure of the mortgage herein directed to be made, shall be paid into the Public Treasury and held as a fund, subject, first, to discharge all the liabilities the State has incurred under the act ratified January 12th, 1841, entitled "an act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same;" and the surplus, if any, shall be retained in the Public Treasury, to secure the State against the liabilities incurred under the act, passed in 1838-39, entitled "an act for the relief of the Raleigh and Gaston Rail Road Company."

Proceeds,
how disposed of.

SEC. XV. *Be it further enacted,* That should the said Raleigh and Gaston Rail Road not sell for a sum sufficient to discharge all the liabilities incurred by the State under the act of January, 1841, entitled "an act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same," or should the Governor purchase the same on behalf of the State, then it shall be the duty of the Governor to take such measures, under the acts of 1838-39, and January, 1841, as may, in his judgment, best secure the other liabilities of the State.

Measures
in case of
deficiency.

SEC. XVI. *And be it further enacted,* That when it shall appear that the proceeds of said road are insufficient to keep said road in repair and pay all the expenses of running the same, then it shall be the duty of the Governor to stop all operations on the road.

Operations
on road,
when to be
stopped.

[Ratified this 6th of January, 1845.]

CHAPTER LXXIV.

An Act to authorize the Wilmington and Raleigh Rail Road Company to issue bonds to the amount of one hundred thousand dollars, to redeem a like amount of bonds issued under the act entitled "an act for the relief of the Wilmington and Raleigh Rail Road Company."

I. *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 and may be lawful for the Wilmington and Raleigh Rail Road Company to make their bonds, payable to the Public Treasurer of the State of North Carolina, for the sum of one hundred thousand dollars, which bonds shall be signed by the President of said Company, under the seal of the same, and made payable for any sum or sums not less than one thousand dollars each, and to carry interest at the rate of six per cent. per annum, which interest is to be paid semi-annually, to wit: on the first Monday in January, and the first Monday in July in each and every year, until the said bonds shall be redeemed; fifty thousand dollars of which bonds shall be made payable on the first day of January, one thousand, eight hundred and forty eight; and the remaining fifty thousand dollars shall be made payable on the first day of January, one thousand eight hundred and forty-nine.

SEC. II. *Be it further enacted,* That the Public Treasurer of the State be, and he is hereby authorized and directed to endorse on said bonds, as follows: "Pay to

or order," and this endorsement shall pledge the State of North Carolina for the payment of the sum in each bond, which endorsment shall be signed by the Public Treasurer in his official capacity, and countersigned by the Comptroller. The Public Treasurer, after endorsing the bonds as before mentioned, shall duly number and register them at large, in a book prepared for that purpose, and which book shall be safely kept in his office.

SEC. III. *Be it further enacted,* That the said bonds, so

Where deposited.

to be made and endorsed, shall be deposited with the Public Treasurer of the State, and fifty thousand dollars thereof shall be by him delivered over to the President and directors of said company, whenever the said company shall pay to the Public Treasurer of the State, the sum of fifty thousand

When to be delivered to the company.

dollars for that amount of bonds of the said Wilmington and Raleigh Rail Road Company, endorsed by the Public Treasurer and made payable on the 1st January, 1845, under an act, entitled an act for the relief of the Wilmington and Raleigh Rail Road Company; and shall furthermore redeem, satisfy and pay the bonds amounting to fifty thousand dollars, issued in pursuance of the said act, by the said Wilmington and Raleigh Rail Road Company, endorsed by the Public Treasurer, and made payable on the first day

Blank to be filled &c.

of January, 1845. And whenever the said bonds for one hundred thousand dollars shall be satisfied and paid as required by this section, it shall be lawful for the said President and Directors of the said Wilmington and Raleigh Rail Road Company, to fill up the blank in each endorsement of the bonds authorized by this act, with the name or names of the person or persons, or company or corporation to whom the same may be sold or transferred; and when so filled up, shall be as binding on the State of North Carolina, as if the same was done by the public Treasurer at the time of making the endorsement as aforesaid. And it shall be the duty of the said President and Directors of the said company to furnish the Public Treasurer with a statement of the name or names of the person or persons, company or corporation, to whom the said bonds have been transferred or sold, to whom payable, and the time of the sale or transfer of the same, to be by him registered in the book to be kept for the registration of said bonds.

Statement of transfer required.

Pledge of faith of the State.

SEC. IV. *Be it further enacted,* That for the redemption of the bonds hereby authorized to be made, and the payment semi-annually of the interest on the same, at the rate of six per cent. per annum, the faith and credit of the State is pledged to the holders of said bonds; and on failure of the President and Directors of said company to pay the said

principal and interest or any part thereof, as it becomes due, the Public Treasurer is authorized to pay the same, out of any money in the Treasury at the time.

SEC. V. *Be it further enacted*, That the said bonds shall be transférable by the holders thereof, or by his, her, or their attorney, in a book to be kept by the Public Treasurer, for that purpose; and in every such transfer the outstanding bond shall be surrendered to and called in by the Public Treasurer, and a new bond issued for the same amount to the person entitled to the same. Bonds transferable.

SEC. VI. *Be it further enacted*, That whenever the President and Directors of the Wilmington and Raleigh Rail Road Company shall make, execute and deliver to the Governor of this State, for and in behalf of the State, a deed of mortgage under the seal of said Company, wherein and whereby shall be conveyed to the said Governor and his successors in office, for the use and benefit of the State, all the estate, real and personal, belonging to the said Wilmington and Raleigh Rail Road Company, or in any manner pertaining to the same, conditioned for indemnifying and saving harmless the State of North Carolina from the payment of the whole or any part of the bonds hereby authorized to be made and issued by the President and Directors of the Wilmington and Raleigh Rail Road Company, and endorsed by the Public Treasurer; also shall make, execute, and deliver, to the Governor and his successors in office, for the use and benefit of the State, a pledge of so much of the profits of said company as shall be sufficient to pay semi-annually the interest which may accrue on said bonds, until the final payment and redemption of the principal of said bonds; which said deed or deeds of mortgage and pledge shall be approved by the Governor and Attorney General of the State; then it shall be the duty of the Public Treasurer and he is hereby required to deliver to the President and Directors of the Wilmington and Raleigh Rail Road Company, the bonds, in the manner and to such amount as is set forth in the foregoing sections of this act and which by this act he is authorized and required to endorse, ta- Mortgage.

king therefor the receipt of the President of the said Wilmington and Raleigh Rail Road Company.

Of failure
to pay in-
terest.

SEC. VII. *Be it further enacted*, That in case of failure by the President and Directors of the said Wilmington and Raleigh Rail Road Company, to pay and discharge, semi-annually, the interest which may accrue on the bonds hereby authorized to be made and executed and which may be delivered to the company, it shall be lawful for the Governor for the time being, to apply, in behalf of the State, to the Superior Court of Equity for the county of Wake, for a sequestration of the receipts for transportation on said road, and for the appointment of a receiver or receivers of said receipts; which court, on the proof of the failure by the President and Directors of said Company to pay said interest, shall have power to order such sequestration and appoint a receiver or receivers accordingly; and in case of such sequestration and the appointment of receiver or receivers, of the profits for transportation on said Road, it shall be the duty of such receiver or receivers to apply so much thereof as shall be sufficient to pay the interest on said bonds semi-annually, and to pay the excess to the President and Directors of said company.

Of failure
to pay in-
terest and
principal.

SEC. VIII. *Be it further enacted*, That in case of the failure of the President and Directors of the Wilmington and Raleigh Rail Road Company to pay the interest on the said bonds and redeem the principal thereof, as the said interest and principal or any part thereof may become due, then it shall be the duty of the Governor for the time being to cause all the mortgages made and executed by the President and Directors of the said Wilmington and Raleigh Rail Road Company to be foreclosed in the Superior Court of Equity for the county of Wake; which court is hereby authorized and empowered to take jurisdiction of the same; and on the decree of foreclosure being made by said court, the whole estate, real and personal, shall be sold at such times and in such ways as the court may direct; and out of the proceeds of such sale or sales shall be paid the whole amount of the principal and interest which may be due on said bonds, and all other liabilities whatsoever of the

State for and on account of said company: *Provided however,* Proviso. that nothing in this act contained is intended or shall be so construed as to destroy or impair any security or securities which the State now has for any monies advanced to or for said company, or for indemnity against her suretyship for said company.

IX. *Be it further enacted,* That in case the President and Directors of said company shall fail to apply the proceeds Off failure to apply proceeds. and income of said road according to the provisions of this act, then and in that case it shall be the duty of the Governor of the State for the time being to compel their compliance according to the manner prescribed in the foregoing sections of this act.

X. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified the 2d January, 1845.]

CHAPTER LXXV.

An Act to provide for the reorganization of the Portsmouth and Roanoke Rail Road Company.

Whereas the Portsmouth and Roanoke Rail Road Company is laboring under the pressure of heavy embarrassments, which greatly injure and impair its public utility, Preamble. and from which it is represented, that it may be relieved by a new organization, whereby the public interests of the State may be protected and continued, and without injustice to its creditors :

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 Governor of the State is hereby authorised to appoint a commissioner on behalf Commissioner. of this State to act with such commissioners as may be appointed how appointed. by the State of Virginia in that behalf.

Commisrs.
power to
sell road &
bridge.

II. That said commissioners shall have and they are hereby invested with full power and authority to expose to public sale at such time and place as shall be agreed on by them, the said Portsmouth and Roanoke Rail Road, including the Weldon Bridge, with all property, privileges, rights, franchises and immunities now appertaining or belonging to said company: *provided, however*, that the engines and cars shall be sold separate and apart from said road: *Provided further* that such sale shall not in any manner affect the rights of any person claiming by purchase any part of the said Rail Road as property appertaining thereto, alleged by him or them to have been heretofore acquired.

Purchaser
to succeed
to rights of
present
company.

III. The purchaser of said road, together with such other person or persons whom the State of Virginia may associate with him by any law to be passed, before the sale aforesaid, shall be a body corporate under the name and style of the present company, and shall hold said Rail Road for the residue of the time yet unexpired for which the present charter was granted by this State, with all the franchises, privileges, rights and immunities granted and conferred at any time heretofore by this State and the State of Virginia, subject in all respect and in every thing, to all the duties, regulations and penalties, required, prescribed and imposed by any law or laws now in force respecting the present company.

Of amount
of stock.

IV. The State of Virginia may fix the amount of capital stock of the company thus formed and declare the number of shares: *Provided, however*, that said stock shall not exceed six hundred thousand dollars nor be less than three hundred thousand; nor shall any share be less than one hundred dollars, nor more than two hundred dollars; and *provided further*, that there shall be no less than twenty stockholders, no one of whom shall hold more than one half of the stock; and the said state may permit the creditors and stockholders of the present company by any act to be passed before the sale aforesaid, to become stockholders in the new company upon such terms and to such amounts of debt and stock as the said State may prescribe: *provided, however*, that if creditors of

Provises.

the present company shall be permitted to subscribe their debts or any portion thereof as stock, as* there shall be no distinction amongst them, or preference of one over another; and if the present stockholders or any of them be permitted to subscribe their stock or any portion thereof as stock, there shall also be no distinction amongst them, or preference of one over another: *Provided further*, that so much of the charter heretofore granted to the Portsmouth and Roanoke Rail Road Company as authorizes the president and directors of the said company, by themselves, their officers, agents or servants, to enter upon any land adjacent to the line of said road, without the consent of the proprietor thereof, and take therefrom wood, stone, gravel or earth for the repairing and keeping up the said road, shall not be in force by virtue of this act; but such entry and taking of timber, stone, gravel or earth, shall only be allowed to the company hereby created upon the license of the owner for that purpose, first had and obtained by the company.

V. The purchaser of the Road Bridge, &c. before any title shall be made to him, whatever be the price thereof, shall execute bond, with good security, to be approved of by the commissioners aforesaid, payable to the President and Directors of the Literary Fund of North Carolina, for securing the sum due to them, together with interest thereon; and this sum, if the Road Bridge &c. shall bring that amount, shall be deducted from the purchase money, and the residue thereof, with the proceeds of sale of all the other property sold by the said Commissioners, and such additional sums as may be added to the fund, shall be applied in satisfaction and payment of all other debts against the present company, according to such preferences as by law they may be respectively entitled to on the day of sale.

VI. The sale may be made on such credit, not exceeding three years, as may be agreed on by the Commissioners, and bond with good security shall be executed for the purchase money.

VII. Such sale shall not take place unless a majority of the stockholders in value, in general meeting to be called for that purpose, after twenty days' notice in two newspapers, shall assent.

pers, shall assent in writing; and when the sale shall be made, the President and Directors, upon the requirement of the Commissioners aforesaid, shall convey and assign all the right, title, and interest of the present company in and to said Rail Road Bridge and franchises to the new company, and all the right, title and interest in and to any other property of the present company which may be sold to the purchasers thereof.

Suits, prosecution of

VIII. All suits and actions whatsoever which may be pending, brought and prosecuted either by or against the present company at the time of sale, may be prosecuted to final decision, as though this act had never passed; and all such recoveries as may be effected by the company shall be added, after payment of charges of prosecution, to the fund arising from the sale hereby authorized; and all debts then due said company may be recovered in the name of the present company; and the recoveries which may be effected shall be added in like manner to said fund.

Terms on which Petersburg Co. may use bridge & road.

IX. *Be it further enacted*, That at any time after the sale herein provided for, and formation of another company, the Petersburg and Roanoke Rail Road Company shall be permitted to use, with its cars and engines, the Bridge across the Roanoke at Weldon, and such portion of the Portsmouth and Roanoke Rail Road between Garysburg and said Bridge, as they may deem needful, upon such terms as may be settled by three commissioners, or a majority of them, whereof one shall be appointed by the Governor of Virginia, and one by the Governor of the State of North Carolina, and the third by the two aforesaid.

Penalty for injuring the road.

X. Any person injuring the Rail Road in the State, after the formation of the new company hereby contemplated, shall be subject to the same actions for penalties and damages as are now allowed for injuries to the present road; and the said actions shall be sued and prosecuted in the manner now prescribed; and all such acts as are now offences against the State, when done to any part of the present road in this State, shall be offences when done under the same circumstances to any part of the road after the forma-

tion of the company aforesaid, and shall be indictable and punishable in like manner.

XI. This act shall be in force from and after its ratification ; and from and after the sale hereby provided to be made, all laws and clauses of laws inconsistent with this act shall be and are hereby repealed.

[Ratified the 8th of January, 1845.]

CHAPTER LXXVI.

An Act relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties.

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 13th section of the 28th chapter of an act passed at the session of the General Assembly in the year 1824, entitled an act to authorize the making of a Turnpike Road from the Saluda Gap, in the county of Buncombe, by the way of Smith's, Murraysville, Asheville, and the Warm Springs, to the Tennessee line, as makes the hands liable to work upon said road, subject to the same fines and penalties as are now recoverable to work upon public roads in this State, be, and the same is hereby repealed ; and upon failure of said hands, when warned as in other cases to attend and work upon said road, shall forfeit and pay, for every day such hand shall fail to attend and work, the sum of fifty cents, to be recovered in the same manner that fines are now collected from persons failing to work upon public roads in this state.

Relates to hands to work on road.

[Ratified the 7th of January, 1845.]

CHAPTER LXXVII.

An Act to amend an act, passed in the year 1843, entitled an act to incorporate the Nantahalalah Turnpike Company, in the counties of Macon and Cherokee.

Preamble. Whereas the stock has not been taken in said road in consequence of more being required by the act of the Stockholders, than would be justified by the toll authorized to be received; and whereas the said road is now impassable to the great injury of the travelling community, and also to the citizens of the counties in which it is situated; 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 the following amendments be made to said act: in section first, that the time be extended for opening books and receiving subscriptions of stock from the first day of March, one thousand eight hundred and forty three, to the first day of March, one thousand eight hundred and forty five; and the capital stock be reduced from six to three thousand dollars. In section second, that the above named capital stock* into shares of twenty five dollars each; and as soon as the sum of one thousand dollars shall have been subscribed, instead of two thousand dollars, as required by that section of the act, the stockholders may proceed to organize agreeably to the provisions of that section of the law; to amend the fifth section, so as to allow of the grade of the road being one foot perpendicular in every seven feet horizontal, instead of one in eight as required by that section.

Relates to
subscription,
stock,
&c.

[Ratified the 8th day of January, 1845.]

CHAPTER LXXVIII.

An Act to amend an act, entitled an act to authorize the laying out and establishing a Turnpike Road from the South Carolina line, at some point near the Block House, in Rutherford county, to Cain Creek Bridge, in Buncombe 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 hereafter the stockholders in the Turnpike road from the Block House, in the county of Rutherford, to Cain creek bridge, in the county of Buncombe, authorized by the act of the General Assembly, passed in the year 1835, be, and they, or a majority of them, are hereby authorized to fill all vacancies which have or may occur in the board of commissioners appointed by said act; and the commissioners so appointed shall be governed by the same rules and regulations, as are now prescribed by law: *Provided, however,* that nothing in this act shall be so construed as to prevent the owners of said road, or any of them, from being indicted as the owners of other public roads in this State.

Vacancies
how filled.

[Ratified the 9th day of January, 1845.]

CHAPTER LXXIX.

An Act to authorize the making a Turnpike Road in Wilkes County, and to incorporate a company for that purpose.

I. 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 Dr. L. G. Jones, Alexander Church, William T. McNeill, Alexander Whittington, and Persons to open books

Capital amount of.

John J. Johnson, be, and they are hereby appointed commissioners, with power to open books and receive subscriptions to the amount of three thousand dollars, which sum shall constitute the capital stock of the company hereby incorporated, for the purpose of making and keeping in repair a turnpike road, from the Yadkin river, in Wilkes County, on the stage road leading from Wilkesborough to Tennessee to the top of the Blue Ridge, in Ashe County; and it shall be the duty of said commissioners to open books for the purpose, on or before the first day of May next, and receive subscriptions of said stock of said company.

Shares.

SEC. II. *Be it further enacted*, That the aforesaid capital stock of three thousand dollars shall be divided into shares of twenty dollars each.

Company to meet and organize.

SEC. III. *Be it further enacted*, That as soon as one thousand dollars of the capital stock shall be subscribed, it shall be the duty of the commissioners to notify the stockholders of the same, by suitable advertisement, to require the attendance of the stockholders at such time and place as they may designate, a majority of whom being in attendance, may proceed to appoint a President, Treasurer and five Directors, for the term of one year and until the next general meeting of the stockholders; and the said President and Directors when so appointed, and their successors in office, shall constitute a body corporate and politic in law, by the name of the Yadkin Turnpike Company; and by that name may sue and be sued, plead and be impleaded, in any Court of record, or before any Justice of the Peace in this State; and as such shall have perpetual succession and a common seal, and shall have all other powers and rights incident to a corporate Company, and which may be necessary to carry into effect the objects of this corporation.

Votes how given.

SEC. IV. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the proportion following, that is to say, for one share and not more

than two, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding twenty six, one vote; and for eight shares thereafter, one vote.

SEC. V. *Be it further enacted*, That the owners of a majority of all the shares subscribed, shall have power to appoint all officers, and make all rules and regulations necessary for carrying into effect the objects contemplated by this act of incorporation; and that the President and Directors shall have power to make such bye laws, not inconsistent with the constitution and laws of this State or of the United States, as they may deem proper for the regulation of the affairs of the corporation.

SEC. VI. *Be it further enacted*, That it shall be the duty of the Treasurer to receive all monies due the company, to keep a fair account of the same, and perform all such duties as may from time to time be assigned him by the subscribers.

SEC. VII. *Be it further enacted*, That the stockholders shall, at their first general meeting, fix on the time or times and the proportions in which stock subscribed shall be paid, and shall further have power to declare the stock of delinquent stockholders forfeited.

SEC. VIII. *Be it further enacted*, That when the aforesaid road shall be completed, before the company shall erect a gate or gates on the same, and demand toll, the road shall be reviewed by two commissioners to be appointed by the County Court of Wilkes County, who shall make report to the said Court, that the said road is in good order.

SEC. IX. *Be it further enacted*, That when the said road is completed and approved of as aforesaid, it shall and may be lawful for the said company to erect toll gates and demand and receive tolls at the following rates: on every four wheeled carriage of pleasure, seventy five cents; on every gig, buggy or sulky, fifty cents; on every six horse wagon, seventy five cents; on every five horse wagon, sixty two and a half cents; on every four horse wagon, fifty cents;

on every three and two horse wagon, thirty seven and a half cents; on every one horse wagon or cart, twenty five cents; on each horse without a rider, two and a half cents; on every head of cattle, two cents; on every hog or sheep, one and a half cents; and for every traveller on horse back, ten cents.

Highway. SEC. X. *Be it further enacted*, That as soon as said road shall be completed and approved of as before provided, the same shall be considered a public highway and free for the passage of all persons, carriages and animals of every description, on the payment of the tolls imposed by this act; and no higher or other tolls shall be exacted without the consent of the Legislature.

Repair of road. SEC. XI. *Be it further enacted*, That if the President and Directors shall suffer said road to get out of repair, and so remain for one month, the President shall be liable to indictment, and, on conviction, shall be fined at the discretion of the Court; and shall be subject to have the toll gates kept open free for the passage of carriages, persons and animals, free of toll, until the road shall be put in good repair.

Hands to work. SEC. XII. *Be it further enacted*, That all persons now liable to work on said road shall be liable to work six days in every year on said road, under the supervision of the corporation; in consideration of which all the resident citizens of the Counties of Wilkes and Ashe shall pass said road free of tolls.

SEC. XIII. *Be it further enacted*, That this act shall be in force from and after its ratification.

SEC. XIV. *Be it further enacted*, That all the powers hereby granted shall cease and terminate at the expiration of thirty years from and after the completion of said road: *provided*, the General Assembly may at any time hereafter alter or amend said act.

[Ratified the 8th day of January, 1845.]

CHAPTER LXXX.

An Act to revive and continue in force an act, passed in the year 1841, entitled an act to authorize the laying off and establishing a Turnpike road from Laxton Lynche's, in Rutherford County, to the widow Sail's, in Buncombe 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 an act, entitled an act to authorize the laying off and establishing a Turnpike road, from Laxton Lynche's, in ^{Former} Rutherford County, to the widow Sail's, in Buncombe County, passed in the year one thousand eight hundred and forty one, be, and the same is hereby revived and continued in force, in as full and ample a manner, as if every clause, sentence, paragraph and section therein contained, not inconsistent with the provisions of this act, were herein set forth at full length; and that all the rights, privileges, immunities and advantages therein granted, shall be held, possessed and enjoyed by the company thereby incorporated, in the same manner as if the provision in the eleventh section of said act, requiring said charter to be carried into effect within two years from its passage, had not been contained therein; any law to the contrary notwithstanding, *provided*, said charter is carried into effect within two years from the passage of this act; and *provided*, that the individual stockholders shall execute new bonds as required in the twelfth section of said act.

SEC. II. *Be it further enacted*, That James Toms and James W. Patten be appointed commissioners in the place ^{Com'ssars.} and stead of Isaac S. Poor and Joseph Gorden, with the same power and authority of the other commissioners named in said act.

SEC. III. *Be it further enacted*, That all that portion of said act of incorporation, which requires the Treasurer ^{Repealing} to subscribe for fifty shares of the capital stock and appoint ^{&c}

a director on the part of the State, be, and the same is hereby repealed; that said Turnpike road shall commence at John W. Harriss' in the county of Rutherford, and terminate at James Thom's, in the county of Buncombe; and that whenever five thousand Dollars of said capital stock shall have been subscribed, that the company may organize and go into operation; any thing in said act to the contrary notwithstanding.

SEC. IV. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 8th day of January, 1845.]

CHAPTER LXXXI.

An Act to appoint commissioners to view and lay off a road from Frederick Severt's to Daniel Burket's, in the county of Ashe.

I. 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 Thomas S. Callaway, Rudolph Faw and Jonas Burket, Esquires, be, and they are hereby appointed commissioners to view and lay off a road from Frederick Severt's, by the way of the Walnut Grove and Beaver Creek, to Daniel Burket's.

SEC. II. And be it further enacted, That before the said commissioners shall enter upon the duties of their appointment, they shall take an oath before some Justice of the Peace for the county of Ashe, to examine and lay off said road the best and most convenient way, having regard to private property as well as the public good.

SEC. III. And be it further enacted, That said commissioners shall appoint one or more head overseers, and shall

allot him or them the hands necessary to open said road.

SEC. IV. *And be it further enacted*, That when said road is opened, it shall be kept up as other highways, and shall be under the jurisdiction of the Superior and County Courts of Ashe. As other
high ways

[Ratified this 6th day of January, 1845.]

CHAPTER LXXXII.

An Act to authorize the Portsmouth and Roanoke Rail Road Company to charge tolls on their bridge over Roanoke river, near the Town of Weldon.

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 and may be lawful for the Portsmouth and Roanoke Rail Road Company, as soon as they shall have renewed and repaired the floor of their bridge over Roanoke river near Weldon, so as to render the same safe and convenient for the passage of carriages, wagons and horses thereon, to charge the following rates of toll, viz: For Toll. every four wheel pleasure carriage, not exceeding sixty two and a half cents; for every barouche, thirty seven and a half cents; for every carryall, thirty seven and a half cents; for every two wheel pleasure carriage, twenty five cents; for every four horse wagon, fifty cents; for every two horse wagon, thirty seven and a half cents; for every cart, twenty five cents; for every man and horse, twelve and a half cents; for every single horse, six and a quarter cents; for every foot passenger, six and a quarter cents; for every head of cattle, three cents; and for every head of hogs or sheep, two cents.

[Ratified the 2nd January, 1845.]

CHAPTER LXXXIII.

An Act supplemental to an act, passed in the year 1838, entitled "an act supplemental to an act, passed in the year 1834, to lay off and establish a road from Morganton, in Burke County, by Burnsville, Yancy County, to the Tennessee line.

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 purpose of carrying said act more effectually into operation, James A. Rush, Alfred Keath and Thomas Baker, Esqs., be, and the same are hereby appointed commissioners to lay off that part of said road lying between Burnsville and the Indian Grave Gap; and that they be required to lay off said road, so that it shall not rise more than one foot in ten.

SEC. II. Be it further enacted, That said commissioners shall meet and lay off said road between the passage of this act and the first day of June next; and should either of them refuse or be disabled from acting, the County Court may fill such vacancy, and allow such compensation for services as in their discretion may seem just, to be allowed as other County claims.

SEC. III. Be it further enacted, That this act shall be in force from and after its passage, and that all powers conferred by such act, are hereby conferred on the commissioners under this act; and that all laws and clauses of laws coming within the meaning and purview of this act, are hereby repealed.

[Ratified the 6th day of January, 1845.]

CHAPTER LXXXIV.

An Act to establish and regulate a turnpike road in the County of Macon, to be called the Tennessee River Turnpike Road.

I. Be it enacted by the General Assembly of the State of North

Carolina, and it is hereby enacted by the authority of the same, Commis'rs
That Thomas M. Moore and Alfred Hall be, and they are hereby appointed commissioners to view and lay off on the best ground the intervening country will afford, a Turnpike Road from or near the mouth of Tuckaseege River to the Tennessee line in Poindexter Gap of the Smoky mountain.

SEC. II. *Be it further enacted,* That the road so laid off shall be vested for twenty years in Thomas Welch, Joab L. Moore, B. W. Bell and Thomas Shepherd, on the following conditions, viz. that the said contracting parties shall open and make said road sixteen feet in width clear of obstructions, except where side cuttings may be necessary, in which the road shall be ten feet wide; 2nd, they shall construct all necessary bridges at least ten feet wide; the declivities of said road shall not exceed one foot perpendicular to eight feet horizontal; and recourse shall be had to this steepness as seldom as possible.

SEC. III. *Be it further enacted,* That upon the persons afore named making it appear to the satisfaction of said commissioners that the said road is fully completed, agreeable to the specifications contained in the second section of this act, then they shall be authorized to erect a gate and receive the following tolls, viz. for a man and horse, twelve Tolls.
and a half cents; for loose horses and mules six and a quarter cents per head; for road wagons, one dollar each; and for four wheeled pleasure carriages, one dollar each; and for carriages and vehicles of every other discription, fifty cents each.

SEC. IV. *Be it further enacted,* That should either of the commissioners appointed by this act, die or remove or refuse to act, his or their place shall be filled by the appointment of others, by the Superior Court of Macon County, Of vacancies.
which commissioner or commissioners thus appointed shall have all the authority and power of the commissioners appointed by this act.

SEC. V. *Be it further enacted,* That it shall be the duty of the commissioners appointed by this act, under the penalty Report required.

of fifty dollars, recoverable before any jurisdiction having cognizance thereof, by an action of debt, in the name of the County Attorney for the time being of the County in which the road is situated, (whose duty it is hereby declared to be to sue for the same, to the use of the County,) to make report in writing of the situation of the said road, to the grand jury each and every Superior Court of said County; and for all services rendered under this act, the commissioners shall receive, from the aforesaid contracting parties, a compensation at the rate of one dollar for each and every day spent in performing the same.

SEC. VI. *And be it further enacted*, That it shall not be lawful for either of the proprietors of the aforesaid Turnpike Road to sell or otherwise dispose of his interest under this act, except it be by and with the consent of a majority of those concerned in interest, evidenced by a written instrument, under the seal of all the parties concerned, and duly recorded and registered in the same manner that deeds of bargain and sale of lands are now recorded and registered.

SEC. VII. *Be it further enacted*, That the aforesaid contracting parties shall have power and authority to make and establish such bye laws for their own government as they may deem necessary, not inconsistent with the constitution and laws of this State.

SEC. VIII. *Be it further enacted*, That should any person attempt clandestinely to pass said road, without paying the toll allowed in the third section of the act, the said company shall have power to sue and recover from such person or persons (before any jurisdiction having cognizance thereof,) the sum of twenty dollars for every such offence.

SEC. IX. *Be it further enacted*, That the twenty years for which the foregoing privileges have been granted, shall be computed from the time that the road is put in the state of improvement contemplated by this act :

Provided nevertheless, that if said road shall not be completed in two years from the passage of this act, all the privileges therein granted shall cease.

[Ratified the 9th day of January, 1845.]

Stock sale
of.

Bye-laws.

Penalty for
clandestine
ly passing
road.

SLAVES & FREE NEGROES.

CHAPTER LXXXV.

An Act to amend the Revised Statutes, entitled "an act concerning slaves and free persons of color."

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 seventy seventh section of the said Revised Statutes shall not be so construed as to extend ^{Intermar-}
^{riage.} to cases of intermarriage between slaves and free persons of color by and with the consent of the master or mistress of the slaves, had before the passage of this act.

[Ratified the 9th of January, 1845.]

CHAPTER LXXXVI.

An Act to prevent free negroes and mulattoes from trafficking in ardent spirits.

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 hereafter it shall not be lawful for any free negro or mulatto, in this State, to sell, either directly or indirectly, any ardent spirits to any person whatever: *Provided*, that any free negro or mulatto shall be permitted to sell any ardent spirits that may have been made by him or her.

SEC. II. *Be it further enacted,* That for any violation of this act, the person so offending shall, for the first offence

forfeit and pay the sum of ten dollars, to be recovered before any Justice of the Peace having jurisdiction of the same, to be paid to the wardens of the poor, for the maintainance of the poor in the county in which the offence is committed, and for the second offence, shall be subject to indictment in the Superior Court, and fined or imprisoned at the discretion of the Court.

[Ratified the 8th day of January, 1845.]

CHAPTER LXXXVII.

An Act more effectually to suppress the offence of trading with slaves.

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 hereafter it shall be lawful, in the same bill of indictment, in different counts, to charge any defendant with trading with slaves, receiving stolen goods knowing them to be stolen, and petit larceny; any law, usage or custom to the contrary notwithstanding.

[Ratified this 1st day of January, 1845.]

WILLS & TESTAMENTS.

CHAPTER LXXXVIII.

An Act in addition to the Revised Statutes, entitled "Wills and Testaments," to amend the same; and to repeal part of the fifteenth section of the Revised Statutes, entitled "Lands of deceased debtors."

1. *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 lawful for any testator or testatrix, by his or her will duly executed, to devise, bequeath, or dispose of, all real and all personal estate, which he or she shall be entitled to, either at law or in equity, at the time of his or her death, and which if not so devised, bequeathed, or disposed of, would descend or devolve upon his or her heirs or heir at law, or upon his or her executor or administrator; and that the power hereby given, shall extend to all contingent, executory or other future interest in any real or personal estate, whether the testator or testatrix may or may not be ascertained as the person or one of the persons, in whom the same respectively may become vested, or whether he or she may be entitled thereto under the instrument by which the same was created, or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken, and other rights of entry; and also to such of the same estates, interests and rights respectively, and other real and personal estate, as the testator or testatrix may be entitled to at the time of his or her death, notwithstanding that he or she may become entitled to the same subsequently to the execution of his or her will.

What may
be devised.

SEC. II. *Be it further enacted,* That no conveyance or other act made or done subsequently to the execution of a will of or relating to any real or personal estate therein comprised, except an act by which such will shall be duly revoked, shall prevent the operation of the will with respect

Will operates
ration of.

to such estate or interests in such real or personal estate as the testator or testatrix shall have power to dispose of by will at the time of his or her death.

SEC. III. *Be it further enacted*, That every will shall be construed, with reference to the real and personal estate comprised in it, to speak and take effect, as if it had been executed immediately before the death of the testator or testatrix, unless a contrary intention shall appear by the will.

SEC. IV. *Be it further enacted*, That unless a contrary intention shall appear by the will, such real estate or interest therein, as shall be comprised, or intended to be comprised, in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

SEC. V. *Be it further enacted*, That a general devise of the real estate of the testator or testatrix, or of his or her real estate in any place or in the occupation of any person mentioned in the will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate, to which such description shall extend, (as the case may be,) which he or she may have power to appoint in any manner he or she may think proper; and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator or testatrix, or any bequest of personal property, described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend, (as the case may be,) which he or she may have power to appoint, in any manner he or she may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

SEC. VI. *Be it further enacted*, That where any will made by a citizen of any other State or country, shall have been, or shall be duly proved, and allowed in such State or Country, according to the laws thereof, a copy or exemplification of such will, duly certified and authenticated, when produced

Will of a
foreigner.

and exhibited before the Court of Pleas and Quarter Sessions of any county in the State, where may be any property of the deceased, shall be, by such court, allowed, filed, and recorded; and letters testamentary or of administration, as the case may require, shall be issued, and other proceedings thereupon had, and the like effect given to the said will, as if the original, instead of the said copy, had been produced and allowed in the said Court: *Provided*, that when such will shall contain any devise of charge upon, or power concerning, any real estate situate in this State, such devise, charge or power shall not have any validity or operation, unless the said will shall have been executed according to the law of this State, in that behalf; and the Court in which the same may be exhibited shall have power to issue commissions for taking proofs touching the execution thereof, to make up an issue touching such devise, charge or power, to examine witnesses, and to take all other proceedings thereupon according to the law and course of the Court in like cases.

SEC. VII. *Be it further enacted*, That when a will made by any citizen of this State, shall have been, or shall be proved and allowed in some other State or country, and the original will cannot be removed from its place of legal deposit in such other State or country, into this State for probate, it shall and may be lawful for the Court of Pleas and Quarter Sessions of the County of this State, having cognizance thereof, upon a duly certified copy or exemplification of such will being propounded for probate, to take all and every order and proceeding for the proving, allowing and recording the said copy as by law might be had or taken upon the production of the original; and the said copy being in such court duly proved, allowed and recorded according to the course of the court, shall have the same legal effect and operation, to all intents and purposes, as if the original had been produced, proved, allowed, and recorded.

SEC. VIII. *Be it further enacted*, That when any married woman, under any will, deed, settlement, or articles, shall have power, by an instrument in nature of a will, to ap-

Will proved out of the State.

Married woman may convey.

point or dispose of any property, real or personal, and she shall have executed, or shall execute any such instrument, the same may be admitted to probate in the proper Court of Pleas and Quarter Sessions, or may be proved originally in a Court of Equity, upon a proper bill for that purpose; and either mode of probate shall be conclusive as to the due execution thereof.

Instrument
execution
of.

SEC. IX. *Be it further enacted*, That no appointment made by will in exercise of any power, shall be valid, unless the same be executed in the manner by law required, for the execution of wills; and every will executed in such manner, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required, that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

Wills, re-
vocation of

SEC. X. *Be it further enacted*, That every will made by a man or woman, shall be revoked by his or her marriage, except a will made in exercise of a power of appointment, when the real or personal estate, thereby appointed, would not, in default of such appointment, pass to his or her heir, executor or administrator, or the person entitled as his or her next of kin, under the Statute of distributions.

SEC. XI. *Be it further enacted*, That no will shall be revoked by any presumption of an intention, on the ground of an alteration in circumstances.

[Ratified the 9th day of January, 1845.]

RESOLUTIONS OF A PUBLIC NATURE,

PASSED BY THE
LEGISLATURE OF NORTH-CAROLINA,

AT ITS SESSION OF 1844-45.

Resolutions on the death of William Gaston, adopted unanimously by the General Assembly of the State of North Carolina, at the session of 1844-45, and recorded in the Journals of both Houses.

The General Assembly of North Carolina have learned, that since their last session, one of the most distinguished of our citizens has died.

On the 23d of January, 1844, **WILLIAM GASTON**, one of the Judges of the Supreme Court of North Carolina, after an illness of a few hours, departed this life.

The General Assembly of the State, from the unsullied character and inestimable worth of this distinguished citizen, is conscious that no acts or words can express their deep veneration for his character, or their sorrow for his irreparable loss.

Storied urn or animated bust cannot remind us more sensibly of his exalted worth; for this is impressed deeply on every heart.

Literally baptised in the blood of his distinguished ancestor, who fell in the revolutionary struggle of our country, he was early impressed with an abiding love of his native State, and devoted the whole energies of his well disciplined mind to its service.

In all the varied stations of importance to which he was called by the confidence of his fellow-citizens, he devoted, with untiring energy, all the powers of his mind to the promotion of the public weal. As a man, he was exemplary in all the relations of life—a devoted husband—an affectionate father. As a statesman, he was pure and patriotic: the honor of his country was the chief object of his heart. As an advocate, he was faithful and zealous. As a Judge, he was learned and impartial; and he died, as the whole of his life had been spent, in the service of the State.

When such a man dies, the State may well mourn. The sensation caused by his death testified the estimation in which he was held by his countrymen. Nothing could exceed his long, bright and glorious career in life, but the tranquil manner in which he left it.

We are informed by the proceedings of the Supreme Court on the mournful occasion of his death, that at the moment of his dissolution his mind was cheerful and his conversation instructive. Full of years and full of honors, he left, without a struggle or a murmur, a world of gloom for an eternity of glory. Truly was it said by one who knew him well, that "he was a good man and a great Judge."

The General Assembly of the State of North Carolina feel their inability to express their own feelings or those of their constituents, in view of the loss which the State has sustained; yet they deem it due to the memory of departed talents,

and gratitude for his long and faithful services, to offer the following

RESOLUTIONS:

Resolved by the General Assembly of the State of North Carolina, That in the death of WILLIAM GASTON, one of the Judges of the Supreme Court, the State has experienced a loss of one of its most patriotic citizens, a faithful public servant, and a learned and impartial Judge.

That in the course of a long and varied life, his bright career is left to us, an example worthy of all imitation, and his unsullied character one of the brightest jewels of the State.

That the Governor of the State transmit a copy of these resolutions, with the preamble, to the family of the deceased; and that they be spread on the Journals of both branches of the General Assembly.

Resolution in relation to a National Flag &c.

Whereas it appears that in the State of North Carolina there is no National Flag belonging to the State, nor even one bearing her own insignia by which she may be designated among her sisters of the Confederacy: Therefore,

Resolved, that the Governor be, and he is hereby authorised to purchase, for the use of the State, a National Banner, and also one bearing the arms of North Carolina; and that he be authorised to draw upon the Treasury for the cost of the same out of any money not otherwise appropriated.

[Ratified this 7th January, 1845.]

Resolutions relating to the interchange of Documents.

Resolved, That this General Assembly regard with high approbation the plan of the several States interchanging Documents, copies of their Laws and decisions of their Courts, as proposed by the Legislature of the State of South Carolina, and hope that it will be universally adopted.

Documents
Secretary
to transmit

Resolved, That it shall be the duty of the Secretary of State to transmit regularly hereafter to the Executive of the several States, a bound printed copy of our Acts of Assembly, and a copy of the decisions of our Supreme Court.

Resolved, That a copy of the foregoing resolutions be transmitted by his Excellency the Governor to the Executive of each of the States.

[Ratified the 5th January, 1845.]

Resolution relating to the Statue of Washington.

Resolved, That his Excellency the Governor be, and he is hereby authorised to cause such fragments of the statue of Washington as he may select, to be removed to the room of the State Library, or such other room in the Capitol as he may think proper.

[Ratified the 7th of January, 1845.]

Resolution concerning the printing of the Inaugural Addresses of the Governors of this State.

Resolved by the General Assembly of the State of North Carolina, That the future Inaugural Addresses of the Governors of the State, including the Address of the present

To be printed with documents.

Governor, be printed among the Legislative Documents of the respective sessions at which they may have been delivered.

[Ratified this 9th January 1845.]

Resolution directing the Secretary of State to receive proposals for enclosing Capitol Square.

Resolved, That the Secretary of State be authorised to advertise and receive proposals both for making a stone wall and an iron railing fence round the Capitol Square, and submit the same to the next Legislature.

[Ratified this 9th day of January, 1845.]

Resolution relative to the rebuilding of the Branch Mint at Charlotte.

Resolved, That our Senators and Representatives in Congress be respectfully requested to urge upon their respective bodies the expediency and necessity of making a sufficient appropriation for rebuilding the Branch Mint at Charlotte in this State ;

Provided that nothing herein contained shall be construed as sanctioning the former extravagant expenditures of the Branch Mint or of recommending the edifice to be furnished for the personal comfort of the officers, but that it shall be designed and constructed solely for the purpose of coining money for the public advantage.

Resolved, That his excellency the Governor be respectfully requested to transmit to our Senators and Representatives in Congress a copy of the foregoing resolution.

[Ratified the 8th January, 1845.]

Resolutions relating to the Cherokee Indians residing in North Carolina.

Resolved, That our Senators and Representatives in the Congress of the United States are hereby requested to use their influence in favor of obtaining a speedy settlement of the just claims of the Cherokee Indians residing in this State belonging to the town of Qualla and Buffalo, and of all other Indians who may demean themselves as peaceable and orderly citizens.

Urges adjustment of their claims

Resolved further, That his excellency the Governor be requested to send a copy of the foregoing Resolutions to our Senators and Representatives in Congress.

[Ratified the 9th January, 1845.]

Resolution directing the Literary Board to lend fifteen hundred dollars to the Asheville Boarding House Company.

Resolved, That the Literary Board be and they are hereby instructed to lend fifteen hundred dollars of the Literary fund of this State to the Asheville Female Boarding House Company, on their giving good and unquestionable personal security for the same.

[Ratified the 9th of January, 1845.]

Resolution authorising the Governor to employ Counsel in behalf of the State whenever the public interest shall require it.

Resolved, That the Governor be, and he is hereby authorised and requested to employ additional counsel in all cases wherein the State is a party, whenever, in his opinion, the public interest shall require the same; and the compensation

of the Attorney General and such additional counsel as the Governor may employ shall hereafter be determined by the General Assembly.

[Ratified this the 8th of January, 1845.]

Resolutions authorizing the Governor to foreclose the mortgages executed by the Clubfoot and Harlow Creek Canal Company.

Resolved, That the Governor be authorised and requested to cause the several mortgages held by the State, in the names of her former Treasurers, John Haywood and William Robards, on the Canal and other property of the Clubfoot and Harlow Creek Canal Company, to secure loans of money made by the State to said Company, by acts of the General Assembly, passed in the year one thousand eight hundred and twenty six, and one thousand eight hundred and twenty eight, to be foreclosed as soon as the same can be effected, according to the course of Judicial proceedings in such case, unless the amount so lent by the State shall be repaid with interest. Of foreclo-
sure.

Resolved further, That if a foreclosure of the said mortgages shall be decreed, a conveyance of said canal and other property shall be directed to be made to the President and Directors of the Literary Fund, as a fund for Internal improvement, for the use of the State; and the said Board shall take measures for the preservation of the same. Convey-
ance.

Resolved further, That it shall be the duty of the Attorney General to prosecute the necessary suit or suits for the foreclosure of said mortgages. Atto. Gen.
t^o prosecute

Resolved further, That if the foreclosure of the said mortgages shall be decreed and the said canal and property ordered to be sold, then and in that case the Governor be, and he is hereby authorised to appoint an agent to bid for the same, on behalf of the State, such sum as he, the said Gov- State's bid.

ernor, shall deem proper, not exceeding the sum or sums for which the said canal and other property have been mortgaged.

[Ratified this 5th January, 1845.]

Resolution relating to Committee Rooms in the Capitol.

Resolved, That the door keepers, under the direction of the Speakers of the Senate and House of Commons, are hereby directed to allot the several private rooms in the Capitol to the several Committees of the two Houses, and label them as so allotted; and that hereafter no public officer, clerk or other person shall keep any bed in any of said rooms, or occupy the same as sleeping apartments, except the Superintendent of public buildings and the Engrossing Clerks.

[Ratified this 3rd day of January, 1845]

Resolution in relation to the Public Treasurer.

To borrow
money.

Resolved, That the Public Treasurer be, and he is hereby authorised to borrow from the fund set apart for Internal Improvement, the Literary fund, or from either of the Banks in this State, such sum or sums of money, from time to time, at six per cent interest, as may be necessary to meet the proper charges authorised by law against the State until the next meeting of the General Assembly: *Provided*, that the amount so borrowed shall not exceed one hundred and fifty thousand dollars; *and provid further*, that the sum or sums borrowed, under the authority of this resolution, shall be repaid by the Public Treasurer, as soon as the Treasury shall be in a condition to enable him to do the same.

[Ratified this 31st day of December, 1844.]

Resolution providing for the purchase of a Bell.

Resolved, That the Treasurer of this State be directed to sell the State House Bell here or elsewhere, and purchase another suitable for the use of the State, and that it be put up in a suitable manner and placed on the Capitol Square, under the direction of the Governor, Secretary of State, Comptroller and Public Treasurer; and that the Governor be authorised to pay for the same by his warrant upon the Treasurer out of any monies in the Treasury not otherwise appropriated.

[Ratified this 10th January, 1845.]

Resolution in favour of the Students of the Raleigh Academy.

Resolved, That the Governor be authorised to loan to the Students of the Raleigh Academy fifty muskets and six swords belonging to the State, the muskets to be seargent's muskets or small guns, if any, provided that security, to be approved of by the Governor, be given that they will be taken care of and returned when called for.

[Ratified this 9th January, 1845.]

Resolution in favour of John H. Wheeler, Public Treasurer.

Resolved, That John H. Wheeler, Public Treasurer, be allowed, in the settlement of his accounts, the sum of six-

Allowance
for burnt
treas. notes
&c.

ty three dollars, and 3½ cents, the amount of 'Treasury notes counted and burnt by the present Committee of Finance, under instructions from the present Legislature, and the further sum of one hundred and seventeen dollars (\$117,) it being the sum paid by him for making out a complete list of the amounts due upon each of the bonds respectively given by the purchasers of the Cherokee lands, together with the names of the obligors and the securities, and the amount of the interest that was due on each separately up to 1st. January, 1844, in obedience to the act of last Legislature, Chapter LVI, which list was, as by law directed, forwarded to the agent in Macon County, and a duplicate of which is on file in the Treasurer's office.

[Ratified the 8th January, 1845.]

Resolution in favour of the Commissioners of Raleigh.

Resolved, That the Commissioners of the City of Raleigh shall hereafter be authorised and permitted to get from the State Quarry any loose stone they may want for public purposes without charge, and that they be and are hereby released and discharged from all claims against them by the State for all the stone heretofore got by them from said Quarry to repair the streets and for other public purposes.

[Ratified this seventh day of January, 1845.]

Resolution in favour of the Commissioners of the Town of Wilmington and others.

Resolved, That the Public Treasurer pay Jacob Hartman, for his services in defending the town of Wilmington in the

last war with Great Britain, the sum of three hundred and five dollars; and to the commissioners of the Town of Wilmington, the sum of eight hundred and twenty seven dollars and forty eight cents, and interest on both sums from 1st January, 1839; the sum being part of the amount paid by the General Government into the Treasury of this State in 1837 or '38, under the act of the 24th Congress for the settlement of the claims of North Carolina for the services of the Militia during the last war with Great Britain, and for disbursements in the purchase of munitions, &c.

Pay for
military
services.

[Ratified the 5th January, 1845.]

Resolution concerning the Door Keepers.

Resolved, That it shall be the duty of the Principal Door Keepers of the Senate and House of Commons, immediately after the final adjournment of both Houses, to go to the rooms of each and every member of the Legislature, and procure the inkstands and sand boxes which were furnished by the State at the commencement of the Session; and it shall be the duty of said Door Keepers to deposite them with the Secretary of State for the use of the next Legislature.

To gather
inkstands
&c

[Ratified this 5th day of January, 1845.]

A Resolution in favor of John Hill and others.

Resolved, That the several Judgments obtained by John H. Wheeler, Public Treasurer of this State, to the use of the State of North Carolina, on motion of the Attorney General, in the Superior Court of Law in and for the county

of Wake, at fall term, 1843, of said court, under the 34th section of an act, entitled an act to provide for the collection and management of the Revenue for this State, against John Hill, Clerk of the County Court of Stokes county; Hugh McCain, Clerk of the County Court of Randolph county; David R. Cochran, late Clerk of the County Court of Montgomery; Joseph Reinhart, Clerk of the County Court of Catawba county; Thomas Hughes, Clerk of the County Court of Northampton county; John H. Hammond, Clerk of the County Court of Jones county; David Lewis, Clerk of the County Court of Bladen county; Samuel J. Neil, Clerk of the County Court of McDowell county; Jasper Etheridge, Clerk of the County Court of Onslow county; Charles Baldwin, Clerk of the County Court of Columbus county; and J. W. Garland, Clerk of the County Court of Yancey county, be, and the same are hereby severally remitted, upon payment of all costs incurred in rendering up said Judgments respectively; and that all penalties and forfeitures therein, thereby and under the 34th section of the same Statute incurred are also severally remitted and released.

And be it further resolved, That all suits pending in the Superior Court of Law for the County of Wake, against them or either of them, for forfeitures incurred under the 34th section of said act, be, and the same are hereby directed to be dismissed, and that they be forever discharged and released therefrom, upon payment of all costs incurred therein.

[Ratified the 2nd day of January, 1845.]

Resolution relating to the History of the State.

Governor
to collect
documents.

Resolved, That his excellency the Governor be, and he is hereby authorised and empowered to collect, if possible, such papers as may be necessary to complete the series of Letter Books, and have them copied and arranged under his supervision, and to obtain, as far as practicable, either the original papers or copies of the proceedings of the several towns, county and district committees, organised in the province in compliance with the recommendation of the Continental

Congress of 1774, for the purpose of carrying into effect the articles of American Association, and the proceedings of the various Committees and Councils of Safety subsequently convened under the authority of the provincial Legislature: And that he be and is hereby authorised to draw upon the Treasurer of the State, from time to time, for such amounts as may be necessary to meet the expense incurred in the discharge of the duty assigned him, provided the expense does not exceed five hundred dollars.

[Ratified this 10th January, 1845.]

Resolution relating to estimates of allowances.

Resolved, That the Public Treasurer be, and he is hereby authorised and directed to pay to each of the members and officers of this General Assembly for one day's service in addition to the estimates made out by the clerks under the order of the two Houses, and that the receipt of each member or officer be a sufficient voucher for the Public Treasurer.

[Ratified this 10th January, 1845.]

Resolution authorising the employment of assistant engrossing Clerks.

Resolved, That the Engrossing Clerks be, and they are hereby authorised to employ one or more assistants as may be found necessary to aid in engrossing and enrolling bills passed by the present General Assembly, and that the said assistant or assistants be allowed the same compensation per day as is allowed the engrossing clerks.

[Ratified the 5th day of January, A. D. 1845.]

A Resolution relating to Smithville, in Brunswick county.

Resolved, That the United States Officer in command at Fort Johnston, in Brunswick county, be and he is hereby authoalized to close up Ellis Street, in the town of Smithville, in said county, provided that a street of equal width^h be opened on the East side of Lot No. 16, in the plan of said town.

[Ratified 24th December, 1844.]

Resolution authorizing the Governor to erect grave stones at the graves of deceased members of Assembly.

Resolved, That the Governor and his successors in office be authorized, and they are hereby required to have placed at the graves of all members of the Legislature that have been, or hereafter may be, interred in the city of Raleigh, (whose remains are not intended to be removed by their friends) a suitable pair of grave stones, containing the name of the deceased, his age, and the county he represented; and that he draw upon the Treasurer for the amount thereof, which amount shall be allowed the Treasurer in the settlement of his public accounts.

[Ratified the 23d December, 1844.]

Resolution appropriating one thousand dollars for the purchase of furniture for the Governors' House.

RESOLVED, That the sum of one thousand dollars be, and is hereby appropriated to the purchase of furniture for the Governor's residence, the purchase of said furniture to be made under the direction of the Governor.

[Ratified the 8th of January, 1845.]

PRIVATE ACTS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE GENERAL ASSEMBLY,

At their Session which commenced on Monday the eighteenth of November, one thousand eight hundred and forty four, and ended on Friday the tenth of January, one thousand eight hundred and forty-five.

ACADEMIES.

CHAPTER I.

An Act to incorporate the Trustees of the Morganton Academy, in Burke 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 Robert C. Pearson, Dr. W. C. Tate, William C. Erwin, Tod R. Caldwell, Thomas G. Walton, Burgess S. Gaither, David Corpening, William W. Avery, William L. McRee, Edward J. Erwin, Clarke M. Avery, J. J. Erwin, John W. Puett, Alexander Duckworth, Ga-

briel Presnell and Robert H. Erwin, shall be, and they are hereby declared to be, a body politic and corporate, to be known and distinguished by the name and style of the Trustees of the Morganton Academy, and by that name shall have succession, and a common seal; and that they the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess all monies, goods and chattles and choses in action, that shall be given them for the use of the said Academy, and the same apply according to the will of the donors; and by gift, purchase and devise, to take, have, hold, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements and hereditaments of what kind, nature, or quality soever, in special trust and confidence, that the same, and the profits thereof shall be applied to and for the use and purpose of endowing the said Academy.

SEC. II. *And be it further enacted*, That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain and sell, grant, demise, alien, convey and assure to the purchaser or purchasers of any such lands, rents, tenements and hereditaments aforesaid, where the condition of the grant to them or the will of the testator or deviser does not forbid it; and further, that they, said Trustees, and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid to sue and be sued, plead and be impleaded in all Courts whatever, either in law or Equity, of record or otherwise; and in general they may do all such other acts and things as are usually done by bodies corporate for the purpose of effecting the objects of this act.

SEC. III. *And be it further enacted*, That on the death, resignation, refusal to act, or removal out of the State of any of the Trustees for the time being, the remaining Trustees or a majority of them, are hereby authorized and required to elect and appoint other Trustees in the place of every such one as shall so die, resign, refuse to act or remove out of the State, which Trustee so appointed, shall be vested with the same power, trust and authority as the one in whose stead he shall be so appointed, would have had in case he had lived and continued to act.

SEC. IV. *Be it further enacted*, That the title to all the lands and lots in the Town of Morganton (except the Public Square and the lot upon which the Jail is built belonging to the public,) shall

vest in said trustees and their successors in office, for the sole purposes of education; and the said trustees and their successors in office are hereby fully authorised and empowered to take possession of the academy in said town, and exercise exclusive control over the same, for the purposes aforesaid.

SEC. V. *Be it further enacted*, That the said trustees, or their successors, or a majority of them, may from time to time appoint their own president, secretary and treasurer, and such professors and tutors for said academy as to them may appear necessary and proper, whom they may remove for misbehavior, inability or neglect of duty. They may make all such bye-laws and regulations, for their own government and that of the academy, for the preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear expedient, provided the same are not inconsistent with the constitution and laws of this State, or of the United States.

[Ratified the 7th day of January, 1845.]

CHAPTER II.

An Act to incorporate Washington Academy, in the county of Duplin.

SEC. I. *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 L. Swinson, David Jones, W. Jurnegan, J. W. Pridgeon, S. Sullivan and Jesse Quinn, be, and are hereby constituted a body politic, by the name and style of the Trustees of Washington Academy; and by that name may sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal; may acquire, by purchase, gift or otherwise, to them and their successors, estate real and personal, for the use of said academy; and enjoy all other powers, privileges and immunities incident to bodies corporate of a like nature.

SEC. II. *Be it further enacted*, That in case of any vacan-

cy, by death, resignation or removal from the county, the remaining trustees shall have power to fill such vacancy thereby occasioned.

[Ratified the 8th day of January, 1845.]

CHAPTER III.

An Act to incorporate the Carthage Male and Female Academies, in the county of Moore.

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 John B. Kelly, Charles Chalmers, John Morrison, C. C. Shaw, N. Richardson, A. C. Curry, D. Murchison, A. R. Kelly, C. H. Dowd, S. J. Person, John M. Black, and Samuel Paisley, be, and they are hereby declared a body politic and corporate, to be known and distinguished, by the name and style of the Carthage Male and Female Academies, in Moore county; and by that name and style shall have succession and a common seal, and shall be invested with power and authority to sue and be sued, plead and be impleaded in any court of justice, and to hold such lands and chattels as may be acquired for the use of the said academies, according to the will of the donors thereof.

SEC. II. *Be it further enacted,* That the said trustees and their successors, or a majority of them, shall have power to supply all vacancies which may occur in their body, from death, resignation, removal or otherwise; and that this act shall take effect and be in force from and after its ratification.

[Ratified the 7th day of January, 1845.]

CHAPTER IV.

An Act to amend the act incorporating the Trustees of Edenton Academy.

Sec. I. *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 when vacancies occur by resignation or otherwise, of any of the present Trustees of Edenton Academy, it shall not be necessary to fill such vacancies by making other appointments, until the number of Trustees of said Academy shall be reduced to less than nine, and when so reduced said Trustees shall not thereafter exceed that number; and hereafter five Trustees shall constitute a quorum.

SEC. II. And be it further enacted, That this act shall be in force from and after its ratification.

[Ratified the 9th day of December, 1844.]

CHAPTER V.

An Act to incorporate Dunn Faison Academy, in the County of Duplin.

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 James Dunn, Elias Faison, Henry Faison, James H. Hicks, Kibb Faison, George W. Huffman and Isham Hicks, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of Dunn Faison Academy; and by that name may sue and be sued, plead and be impleaded; shall have a succession and a common seal; and in general shall have, exercise, and enjoy all such rights, powers and privileges as are usually exercised and enjoyed by the Trustees of any incorporated Academy within this State.

SEC. II. Be it further enacted, That any three of the Trustees may constitute a quorum for the transaction of business; and that on the death, refusal to act, or removal out of the State, of any of the Trustees of the Academy aforesaid, the remaining trustees shall have power to fill such vacancy.

[Ratified the 6th day of January, 1845.]

CHAPTER VI.

An Act to incorporate the Trustees of the Milton Female Institute, in the County of Caswell.

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 Joshua J. James, Thomas Settle, Calvin Graves, William A. Graham, John Kerr, Algernon S. Yancy, John T. Garland, Willie P. Mangum, Willie Jones, Robert B. Thornton, Caleb H. Richmond, George A. Smith, William A. Whitfield, Nathaniel J. Palmer, Carter Powell, John L. Prichard, Thomas Stamps, Stephen Towns, John Cobb Jr., Daniel Verser, Joel B. Watters, John G. Mills, A. M. Poindexter, William H. Jordan, William Watkins, Elisha Betts, Thomas King, E. Y. Wimbish, Thomas B. Barnett, William Jones, George W. Jones, and Harrison Parker, be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name and style of the Trustees of the Milton Female Institute; and by that name shall have succession and so continue for the term of fifty years; may have and use a common seal; and that the said trustees and their successors, by the name aforesaid, a majority of them or such number as they may declare to be a quorum to transact business, shall be able and capable, in law, to take, demand, receive, and possess all monies, goods and chattles, and choses in action, that shall be given them for the use of the said Institute, and by devise, gift, purchase and demise, to take, have, hold, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements, and hereditaments of what kind, nature or quality soever, in special trust and confidence, that the same and the profits thereof shall be applied to and for the use and benefit of the said Institute; and that the said trustees shall have such other powers and enjoy such other rights as are usually incident to corporate bodies.

SEC. II. *And be it further enacted,* That the said trustees or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain and sell, grant, demise, alien, convey and assure to the purchaser or purchasers, any such lands, rents, tenements and hereditaments aforesaid; and further, that they, the said trustees, or a majority of them, and their successors, for the term aforesaid, shall be able and capable, in law, to sue and be sued.

plead and be impleaded, in all courts whatsoever, either in law or Equity, of record or otherwise.

SEC. III. *And be it further enacted*, That there shall not be less than fifteen or more than forty in number of the trustees at any time for said Institute; and that one half or more of the said trustees shall be members of the Baptist denomination of Christians, seven of whom shall be a quorum to transact any business in relation to the objects of the said corporation, which may not effect a change in its character and purposes; and upon the death, resignation or refusal to act of any of the trustees for the time being, or the removal of any one from office, from any cause, by the concurrence of two thirds, at an annual or special meeting, the vacancy or vacancies so happening shall be filled by appointment of other trustees, to be made by the remaining members of the Board present at such meeting, which trustees so appointed shall be vested with the same power, trust and authority as the others.

SEC. IV. *And be it further enacted*, That the officers of said Board of trustees shall be a President, Vice President, Treasurer and Secretary, to be appointed or elected at any meeting of the Board, to hold their offices for such length of time as the Board may designate; and the said Board shall also have the power of appointing a President or Principal, and such professors or assistants and tutors as to them shall appear necessary and proper for said Institute, whom they may remove for misbehavior, inability, neglect of duty or other sufficient cause; and may from time to time make such bye laws and regulations for their own government, and that of the Institute, and the preservation of order and good morals therein, as to them may appear expedient: *provided*, the same are not inconsistent with the constitution and laws of the State; and *provided further*, that if a majority of said Trustees shall not convene for the purposes aforesaid, it shall and may be lawful for seven of said trustees and their successors to form a quorum to do business, and may from time to time make necessary bye laws and regulations, or do any other business connected with the well being of the Institute, or in furtherance of its objects.

SEC. V. *And be it further enacted*, That any real estate over and above one hundred acres which may be needed for the erection of convenient buildings on the same or other objects of the Institu-

tion, shall be subject to taxation as now or may hereafter be directed by law.

SEC. VI. *And be it further enacted*, That the faculty of the said Institute, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in Institutions of the kind.

SEC. VII. *And be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified the 24th day of December, 1844.]

CHAPTER VII.

An Act to incorporate the Trustees of the Bethania Literary Society and Academy, in Stokes County.

SEC. I. *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 George F. Wilson, Eugene C. Lehman and Thomas B. Lash shall be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of the trustees of the Bethania Literary Society and Academy; and by that name shall have perpetual succession and a common seal; and that they, the said trustees, and their successors, or a majority of them, shall be able and capable, in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given them, for the use of the said Society and Academy, and apply the same according to the will of the donors; and, by gift, purchase or devise, to take, have, possess and retain to them and their successors forever, any lands, tenements, rents, hereditaments, of whatsoever kind, in special trust that the same, or the profit thereof, shall be applied to and for the use of the said Society and Academy.

SEC. II. *And be it further enacted*, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall have full power and authority to bargain, sell, grant, demise, alien and convey to the purchaser, any such lands, tenements, rents or

hereditaments aforesaid, when the condition of the grant to them, or the will of the deviser does not forbid it.

SEC. III. *Be it further enacted*, That the said trustees and their successors forever, or a majority of them, shall be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered, in any and all Courts of record whatsoever; and that they shall have full power to open and receive subscriptions, enforce their collections, and in general do all such things as are usually done by bodies corporate and politic.

SEC. IV. *Be it further enacted*, That on the death, refusal to act, resignation or removal out of the State, of any of the said trustees for the time being, it shall be lawful for the remaining trustees, or a majority of them, and they are hereby authorized and empowered to elect and appoint one or more trustees in the place and stead of such trustee or trustees dead, refusing to act, resigned, removed, or to elect and appoint any additional number which may seem to them proper and necessary; and the said trustee or trustees so appointed, shall be invested with the same trusts, powers and authorities as the original trustees are by virtue of this act.

SEC. V. *And be it further enacted*, That the said trustees and their successors, or a majority of them, shall have power and authority to appoint a President, Treasurer and Secretary, and to employ such teachers and instructors as to them shall appear necessary and proper; and they shall have further power of making all such bye laws and regulations, for the government of said Society and Academy, and the preservation of good order and morals therein, as are usually made in such institutions, and as to them may seem necessary, provided the same be not inconsistent with the constitution and laws of the State.

[Ratified the 7th day of January, 1845.]

BRIDGE.

CHAPTER VIII.

An Act to authorize Samuel Chunn to establish a toll bridge over French Broad River, in the county of Buncombe.

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 Samuel Chunn, of the County of Buncombe, in the State of North Carolina, his heirs and assigns, be, and they are hereby authorized and empowered to keep up a toll bridge across the French Broad River, at or near the mouth of Pine Creek, in the County of Buncombe, and to ask, demand and receive the following tolls for crossing said bridge, to wit: for every pleasure carriage, one dollar; for every gig or sulky, fifty cents; for every one horse buggy, fifty cents; for every two horse buggy, sixty two and a half cents; for every one horse carryall, or wagon, twenty five cents; for every two horse wagon, thirty seven and a half cents; for every three or four horse wagon, fifty cents; for every five or six horse wagon, seventy five cents; for every cart, twenty five cents; for every man and horse, six and a quarter cents; for every loose horse or mule, three cents; for every hog or sheep, one cent; for every person on foot, five cents; and for every animal intended for exhibition, fifty cents.

SEC. II. *Be it further enacted, That every person who shall cross said Bridge and refuse to pay the tolls prescribed in this act, shall forfeit and pay the sum of ten dollars, to be recovered by the owner of said Bridge, before any Justice of the Peace or any other Jurisdiction having cognizance of the same.*

SEC. III. *Be it further enacted, That the owner of said bridge shall execute bond, with good security, in the sum of one thousand dollars, payable to the State of North Carolina, and conditioned for the keeping up said bridge and preserving it in good repair; which said bond shall be taken by the County Court of Buncombe, and filed amongst its records, and shall be renewed every three years; and if such bond shall not be executed and renewed as provided for within six months after the time required, the owner shall forfeit all right to toll during the time of such omission.*

SEC. IV. *Be it further enacted*, That the privileges and immunities hereby granted, shall continue for the full term of thirty years from the passage of this act: *provided nevertheless*, That the Justices of the County Court of Buncumbe, a majority being present, may from time to time make such alterations or amendments in the tariff of tolls by this act prescribed, as to them shall seem meet.

SEC. V. *Be it further enacted*, That from the time said bridge shall be opened as a toll bridge, it shall be deemed and held to be a public highway; and the owner or owners thereof shall, on failure to keep the same in good and sufficient repair, so that the public can cross on it with convenience and safety, be subject to indictment in the same manner that overseers of public highways now are.

[Ratified the 31st day of December, 1844.]

CONSTABLES.

CHAPTER IX.

An Act to alter the mode of appointing Constables in Beaufort 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 Justices of the Court of Pleas and Quarter Sessions of Beaufort county shall, at the first term of said court which shall happen after the first day of January in each and every year (a majority of Justices being present,) proceed to elect one constable for each captain's district in said county, and one for the town of Washington, in said county of Beaufort, and shall qualify such person, and shall take bond from him as now required by law.

Sec. II. *Be it further enacted by the authority of the same*, That all

laws and clauses of laws coming within the meaning and purview of this act, be repealed, so far as said county is concerned.

[Ratified the 6th day of January, 1845.]

CHAPTER X.

An Act to alter the mode of appointing Constables in Tyrrell county.

Be it further enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Court of Pleas and Quarter Sessions of Tyrrell county, shall, at the first term of said court which shall happen after the first day of January in each and every year, (seven Justices being present,) proceed to elect one Constable for each Captain's District in said county, and shall qualify such person, and shall take bond from him as now required by law.

SEC. II. *Be it further enacted, by the authority of the same, That all laws and clauses of laws coming within the meaning and purview of this act, be repealed, so far as said county is concerned.*

[Ratified the 1st day of January, 1845.]

CORPORATIONS.

CHAPTER XI.

An Act to incorporate a Milling Company in Anson County.

Whereas the erection of a grist and saw mill on Pee Dee River, in said county, would be of public utility to the citizens of a large por-

tion of the county, and persons are willing to invest money to erect said mills as a body corporate, under certain privileges and restrictions: therefore,

I. *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 William G. Smith, Eben Nelmes, Joseph P. Nelmes, and such other persons as may hereafter be associated with them, are hereby constituted a body politic and corporate, by and under the name and style of the Pee Dee Milling Company, for the purpose of manufacturing flour, and carrying on the milling business, in all its various branches, in the county of Anson; and by that name they and their assigns and successors are hereby authorized and empowered to purchase, take, hold, occupy and enjoy to them and their successors and assigns, any personal property whatsoever, that may be necessary to carry on such business; may purchase, and hold real estate; may sue and be sued, plead and be impleaded, contract and be contracted with; may have and use a common seal; and shall have power to make all such bye laws and regulations, not contrary to the laws of the United States or of this State, as may be deemed expedient and proper for the government of said corporation.

SEC. II. *And be it further enacted,* That the capital of said corporation shall not exceed six thousand dollars, and a share shall be one hundred dollars, and shall be deemed and considered as personal estate, and may be transferred only on the books of said company, in such form as the directors thereof shall prescribe; and said company shall at all times have the lien upon all the stock or property of the members of said company, invested therein, for all debts due from them to the company.

SEC. III. *Be it further enacted,* That the stock, property, or affairs of said corporation shall be managed by not less than three nor more than five directors, who shall be stockholders, one of whom they shall appoint their President, who shall hold their offices for one year, or until their successors be appointed; the stockholders shall hold an annual meeting on the 1st Monday in February in each year, when the president and directors shall be elected; in which election and all other meetings of the company the stockholders shall be entitled to one vote for every share held by them respectively.

SEC. IV. *And be it further enacted,* That the President and Directors shall be authorized and empowered to open the thoroughfare which

forms Colson Island, in the said county of Anson, and to cut a canal from some point on said thoroughfare, near its head to some suitable point on Pee Dee River, and to construct a dam across the south west channel of said river, to the Reedy Island; and the said company shall have power to obtain rock in and about the channel of said river, for the purpose of building and securing said dam, and the mills of said corporation shall be erected on the said thoroughfare.

SEC. V. *And be it further enacted*, That it shall be an indictable offence for any person or persons, either by themselves or their servants, to fell trees, logs, or brush in said thoroughfare, or canal, or in any wise to obstruct the passage of the water; and any person or persons so offending, upon conviction thereof, shall be subject to a fine of not less than ten, or more than one hundred dollars, or imprisonment at the discretion of the court.

SEC. VI. *Be it further enacted*, That the channel of said canal and thoroughfare and the bed and channel of said river, for one hundred feet on each side of said dam, shall vest in and be under the control of the said corporation; and if the president and directors should not agree with the owner or owners of the land thus occupied by them as to the amount of damages, it shall be lawful for them to apply to the Court of Pleas and Quarter Sessions of the county; and upon such application, the court shall appoint five disinterested freeholders to assess the damages to the owner from the condemnation of said land, and the said corporation shall pay for the same.

SEC. VII. *Be it further enacted*, That the private property of the stockholders shall be bound for and subject to the payment of all debts, incurred by the corporation, in proportion to the amount of stock held by each.

SEC. VIII. *Be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified the 2nd day of January, 1845.]

CHAPTER XII.

An Act to incorporate the Fayetteville Library Institute, in the town of Fayetteville.

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 Charles Lutterloh, Aaron E. Hall, William A. Rose, John Eccles and William S. Mullins, and their associates and successors in office, be declared a body politic and corporate, by the style and title of the Fayetteville Library Institute; and by that name shall be capable of holding real and personal estate, having a common seal, suing and being sued, pleading and being impleaded, and of electing, and from time to time removing its officers, and of making rules and regulations for the Society, not inconsistent with the constitution or laws of this State or of the United States.

[Ratified the 4th day of January, 1844 [5?]]

CHAPTER XIII.

An Act to incorporate the Fayetteville Library Institute.

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 John Eccles, Charles Lutterloh, Aaron E. Hall, John M. Rose, William A. Rose, and William S. Mullins, their associates and successors in office, shall be and are hereby declared a body corporate and politic, by the name and style of the Fayetteville Library Institute; shall have a common seal; may hold real and personal estate; may contract and be contracted with, sue and be sued, plead and be impleaded.

SEC. II. *And be it further enacted, That said corporation shall have full power to make all such rules, regulations and bye-laws, not inconsistent with the constitution and laws of this State or the United States, as may be necessary to carry into effect the foregoing.*

[Ratified the 7th January, 1845.]

CHAPTER XIV.

An Act to incorporate the Newbern Mechanics' Association.

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 John J. Pasteur, Hardy B. Lane, Samuel Bishop, Francis J. Prentiss, Rufus W. Choate, and their associates, be, and they are hereby made a body politic and corporate, by the name and style of the Newbern Mechanics' Association; and under and by that name, shall have perpetual succession; may sue and be sued, plead and be impleaded, defend and be defended; shall have a common seal, and establish such rules and regulations, and make such bye laws, not inconsistent with the constitution of this State or of the United States, from time to time, for the better regulation of said corporation, as they may deem expedient; may hold real and personal estate, for the benefit of said Institution, and the same to dispose of at their pleasure; may appoint all such officers and agents as they may deem necessary for the management of the affairs of said corporation; and may generally exercise all powers incident to any corporation.

[Ratified the 2nd day of January, 1845.]

CHAPTER XV.

An Act to incorporate Cross Creek Lodge, No. 4. of the Independent order of Odd Fellows, in the town of Fayetteville.

I. *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 officers, wardens and members who at present or in future may be of Cross Creek Lodge, number four, of the Independent order of Odd Fellows of the Town of Fayetteville aforesaid, are hereby constituted and declared to be a body corporate, under the name and style of Cross Creek Lodge, number four, of the Independent order

of Odd Fellows, to be located in the Town of Fayetteville; and such name shall have succession and a common seal, and may sue and be sued, implead and be impleaded, acquire and transfer property, and pass all such bye laws and regulations as shall not be inconsistent with the constitution of the State or of the United States.

[Ratified the 28th day of December, 1844.]

CHAPTER XVI.

An Act to incorporate Washington Lodge, number three, of the Independent order of Odd Fellows, in the Town of Murfreesborough, Hertford 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 officers, wardens, and members, who at present, or in future may be, of the Washington Lodge, number three, of the Independent order of Odd Fellows of the Town of Murfreesborough aforesaid, are hereby constituted and declared to be a body corporate, under the name and title of "Washington Lodge number three of the Independent order of Odd Fellows," to be located in the Town of Murfreesborough; and by such name shall have succession, and a common seal, and may sue and be sued, implead and be impleaded, acquire and transfer property, and pass all such bye laws and regulations as shall not be inconsistent with the constitution of the State or of the United States.

[Ratified the 6th day of January 1845.]

COUNTY COURTS.

CHAPTER XVII.

An Act to authorize the Court of Pleas and Quarter Sessions of Beaufort county to appoint special Justices of the Peace, and making compensation to such Justices for certain services.

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 lawful for the Justices of the Court of Pleas and Quarter Sessions of Beaufort county, at their first term after the first day of January, in said county, a majority of Justices being present, to nominate and appoint such, and so many, of the Justices of their county, as they may think proper to act in said county, as special Justices for one year; and the said Justices so appointed shall be entitled to demand and receive the following fees for their service, that is to say, for every affidavit not on the trial of a case, ten cents; for every warrant or attachment, ten cents; for every subpoena or order to summon a witness, five cents; for every judgment rendered upon every warrant, twenty-five cents; for granting an appeal or stay of execution, ten cents; for every execution, ten cents; for taking deposition of any witness under a commission from a court of justice, fifty cents; which fees may be recovered and collected as other fees to officers are or may be collected: *Provided*, That not more than two special Justices shall be appointed in the town of Washington.

Sec. II. *Be it further enacted*, That the Justices receiving such special appointment, shall, notwithstanding the said appointment, retain, use and exercise all and every right and privilege of other Justices of the Peace within his County; and may at pleasure resign said special appointment.

[Ratified the 2d day of January, 1845.]

CHAPTER XVIII.

An Act to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Beaufort.

I 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 first Monday in March, one thousand eight hundred and forty five, the said courts shall commence on the following days and no other, that is to say, on the third Mondays in the months of May, August, November and February, in each and every year thereafter.

SEC. II. Be it further enacted, That all writs, and other process, which the Clerk of the Court of Pleas and Quarter Sessions for said county may issue, from and after the first Monday in March next as aforesaid, shall be; and the same are hereby made returnable under the same rules, regulations and penalties, as are already prescribed by law, to the term of said court which is to be held on the third Monday in May next, and after that to the terms in course, as ordered and arranged in this act; and that all causes that may be continued at the March term, one thousand eight hundred and forty five, of said court as heretofore constituted, shall stand for trial at the May term of said court as aforesaid.

SEC. III. Be it further enacted, That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

[Ratified the 2nd day of January, 1845.]

CHAPTER XIX.

An Act to give to the County Courts of Stanly County two Jury Terms.

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 passage of this act, the court of Pleas and Quarter Sessions for the county of Stanly (a majority of the acting Justices being present) is authorized and empowered to direct a jury

to be drawn to attend at the May and November terms of said court, under the same rules and regulations as are now provided by law for drawing Jurors to attend the other county courts in this State; any law to the contrary, notwithstanding.

[Ratified the 7th day of January, 1845.]

COURT HOUSES.

CHAPTER XX.

An Act to locate the court house in the county of Catawba at the town of Newton.

Whereas the commissioners appointed at the last session of the General Assembly selected the present site for the town of Newton, as the location of the court house for the county of Catawba, about which some controversy has arisen: therefore,

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 present town of Newton, as selected and laid out, shall be the site and location of the court house and jail of the county of Catawba; any law to the contrary notwithstanding.

[Ratified the 8th day of January, 1845.]

CHAPTER XXI.

An Act to authorize the removal of the county seat in Wayne county from the town of Waynesboro' to the village of Goldsboro' in said county of Wayne, in the event the people of said county shall vote for such removal.

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 Court of Pleas and Quarter Sessions for the county of Wayne, at the first term of said court that shall be held after the first day of May, A. D. 1845, shall appoint two inspectors to superintend the polls to be opened at each and every election precinct in said county of Wayne at the next election to be held for the election of members of Congress, on the first Thursday in August next, for ascertaining by ballot the will of the freemen of said county, relative to the removal of the site of the Court House and other public buildings from Waynesboro' to the village of Goldsboro' in said county; and if the said court should fail to make such appointments, or if any inspector so appointed shall fail to act, it shall be the duty of the sheriff or the person acting as his deputy on such occasion, with the advice of one Justice of the Peace, or, if none be present, with the advice of two freeholders, to appoint an inspector or inspectors in the place of him or them who shall fail to act; which inspectors, when duly sworn by some justice of the peace to perform the duties of the place with fidelity, shall have the same authority as if appointed by the court.

SEC. II. *Be it further enacted,* That all persons qualified by the constitution to vote for members of the House of Commons may vote for or against said removal: those who are in favor of such removal, will deposite their vote with the word "removal" written on the ticket, and those opposed to such removal will deposite their vote with the words "no removal" written on the ticket; and it shall be the duty of the poll keepers to count the votes given at each precinct for removal or no removal, and to return the same to the sheriff of said court, who shall count together all the votes; and if a majority shall be found in favor of such removal, it shall be the duty of the sheriff to furnish a certificate of the same to the next county court of said county; and such sheriff failing to comply with the requisition of this act shall suffer all the penalties imposed by law for failing to discharge his duty in any election for members of Assembly.

SEC. III. *Be it further enacted,* That it shall be the duty of the said Court of Pleas and Quarter Sessions for said county of Wayne, at least seven justices being present, upon its being certified to the said court by the sheriff, that a majority of the votes polled at such election are in favor of such removal, forthwith to appoint ten com-

missioners, of whom one shall be appointed from each captain's district in said county, for the purposes hereinafter mentioned; and it is hereby made the duty of the sheriff of said county to give notice, in writing, to each of said commissioners of their said appointment, within twenty days thereafter.

SEC. IV. *Be it further enacted*, That said commissioners, or a majority of them, are hereby empowered and required without delay to prepare a plan for a new court House and a new Jail for the use of said county, of such size, and to be built of such materials, as to them shall seem requisite and expedient; which plans, with estimates of the expenses, and a particular description of such contemplated buildings, shall be by them laid before the said county court on or before the third Monday in February, 1846, to govern the said court in raising the funds to defray the expenses of their erection; and said commissioners or a majority of them shall likewise, without delay, lay off a site for said court house and jail, of not less than two nor more than four acres in size, within half a mile of the Hotel of Arnold Borden, in the said village of Goldsboro', which site they shall purchase of the proprietor or proprietors, if they can do so, at what they may deem a reasonable price, and take a deed or deeds therefor, in fee simple, to the chairman of said court and his successors, for the purposes aforesaid, and draw their order upon the county trustee, or any other officer of said county holding money belonging to said county for the purchase money for the same, who shall pay the money before any other claim.

SEC. V. *Be it further enacted*, That said commissioners, or a majority of them, shall without delay contract with one or more responsible persons, in the name, and upon the faith and credit of said county for building upon said site, within two years from the date of which contract, a new court house and a new Jail for the use of said county, according to the plan and description they may have fixed on as aforesaid, taking bonds in double the amount of such contract or contracts, with good security, payable to the chairman of the court aforesaid and his successors, for the due and faithful performance of such contract or contracts, may stipulate in the behalf of said county, such payments as they may deem advisable.

SEC. VI. *Be it further enacted*, That said commissioners or a majority of them, are hereby empowered and required, whenever they shall deem the same advisable, to sell at public auction, on such

credit as they may think proper, the present court house and jail of said county, together with the lot upon which the same are situated, and convey to the purchaser a title to the same, reserving to the county without charge, the use of said buildings and lot until the said commissioners shall have received the new court house and jail aforesaid; and the monies arising from said sale, shall be applied to carrying the provisions of this act into effect.

SEC. VII. *Be it further enacted*, That should any one or more of said commissioners die or remove, or refuse to act, before the completion of said new buildings, it shall be the duty of the said court, not less than seven Justices being present, at the next term after such vacancy or vacancies shall have happened, to fill up such vacancy or vacancies.

SEC. VIII. *Be it further enacted*, That from and after the term that said new court house and Jail shall have been received by said commissioners, or a majority of them, the Superior courts of Law and Equity, and the courts of Pleas and Quarter Sessions of said county shall severally be held in the said new court house, and the prisoners of said county be confined in said new jail; and that the clerks of the Superior court and court of Pleas and Quarter Sessions, and the register of the said county are hereby required to keep their offices in said new court house, after it shall have been so received as aforesaid.

SEC. IX. *Be it further enacted*, That this act shall be in force from and after the ratification thereof; and all laws and clauses of laws conflicting with the provisions of this act, be, and they are hereby repealed.

[Ratified the 9th day of January, 1845.]

CHAPTER XXII,

An Act to amend an act, entitled an act to change the location of the Court House of the County of Montgomery, and for other purposes, passed at the session of the General Assembly 1842-3, chapter 40.

Whereas, in pursuance of the provisions of said act, James L.

Gaines, Zebedee Russell, Thomas L. Cotton, Thomas E. Scarborough, Martin Rush, Archibald A. Leach and William Coggins, commissioners elect, proceeded to the location by actual survey, near the centre of the county of Montgomery, of the court house for said county, and the establishment of the town of Troy, by laying out said town and the sale of a portion of the lots; and whereas said commissioners were estopped from further proceedings by a writ of *quo wa ran'o*; and whereas the question of location was submitted to the discretion of the voters of said county, which resulted in the choice of said town of Troy:

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 James L. Gaines, Zebedee Russell, Thomas L. Cotton, Thomas E. Scarborough, Martin Rush, Archibald A. Leach and William Coggins be, and they are hereby appointed commissioners, whose duty it shall be, and they are hereby authorized and empowered to proceed, at an early day, to establish the town of Troy, at West's Old Field, on fifty acres of land heretofore procured by said commissioners for that purpose, and locate thereon the court house and jail for said county of Montgomery.

SEC. II. *Be it further enacted,* That said commissioners shall have authority, and they are hereby required to ratify and confirm the sales of lots in said town of Troy, which have heretofore been made, provided the purchasers shall come forward and renew their bonds with approved security, on or before the twentieth day of February next, which bonds shall be taken one and two years after date, in equal instalments; and all lots for which the purchase money is not so secured, shall be re-sold at such time as the commissioners may think most conducive to the interest of the county.

SEC. III. *Be it further enacted,* That said commissioners shall have full power and authority to contract for the building of a suitable court house and jail, either publicly or privately, as they may think best; and that a majority of said commissioners shall constitute a quorum with power to act.

SEC. IV. *Be it further enacted,* That the County Court of Montgomery, a majority of the Justices being present, shall, at the April term, 1845, and at each April term thereafter, lay and assess from time to time such amount of taxes as may be necessary to defray the expense of the erection of said public buildings.

SEC. V. *Be it further enacted,* That the time for the completion of said buildings is hereby extended to such time as said commissioners may designate; and the courts of the county shall be held in the town of Troy as soon as the court house shall have been completed.

VI. *Be it further enacted*, That all laws coming within the meaning and purview of this act, are hereby repealed; and that this act be in full force from and after its ratification.

[Ratified 23d day of December, 1844.]

CREEKS.

CHAPTER XXIII.

An Act to provide for the opening and clearing out of Muddy Creek and its Branches, in Stokes County.

I. *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 Court of Pleas and Quarter Sessions of Stokes County, a majority of the Justices of said Court being present, at the first Court which shall be held for said County after the first day of January, one thousand eight hundred and forty five, to order and direct the opening and clearing out of the three branches forming Muddy Creek, the main Muddy Creek, and such other of its waters and branches, in the south part of Stokes County, as, in the opinion of said Court, shall be necessary.

SEC. II. *Be it further enacted*, That the County Court aforesaid shall lay off said creek and branches into districts of convenient length, designating the bounds of each district so laid off, and appoint one overseer for each district; and in the order of appointment it shall be the duty of the Court to designate and appoint the hands to which overseer shall be entitled.

SEC. III. That all persons liable to work on the public roads, shall be liable to work on said creek, and its branches; and as such may be designated by the Court: *provided*, the Court shall not designate any hand or hands, except such as reside within convenient distance of said creek or branch thereof, which distance is to be judged of by the Court aforesaid.

SEC. IV. *Be it further enacted*, That the Clerk of the County Court of Stokes County shall, within five days after the adjournment of said Court, make out and deliver to the Sheriff of said county all the orders of appointment therein, specifying the hands designated by

the Court; and it shall be the duty of the Sheriff aforesaid to deliver copies thereof to the respective overseers within five days after receiving the same.

SEC. V. *Be it further enacted*, That if the Clerk or Sheriff shall fail, neglect or refuse to perform any of the duties required by the fourth section, he shall; for each and every such failure, neglect or refusal, forfeit and pay the sum of forty dollars, to be recovered by warrant before any Justice of the Peace of said county, by any person who will sue for the same, one half to the person suing for the same, the other half to the use of the poor of said county.

SEC. VI. *Be it further enacted*, That it shall be the duty of each and every overseer appointed as aforesaid, upon receipt of the order of his said appointment, to summon all the hands designated therein and thereby, by the Court, to meet at such times and places, as to him shall seem convenient for the opening and clearing out said creek and branches thereof; and whosoever shall, upon such summons, refuse or neglect the duty therein required, shall forfeit and pay one dollar per day for each person so neglecting or refusing, to be recovered by the overseer, of the guardian or father, if the person failing be a minor, or of the master, if he be a slave: *provided* that the overseer shall give notice to each free person, or the master, mistress or overseer of slaves, what kind of tools they and each of them shall bring and work with on the creek or branch, at the time of summoning; and that the several persons summoned by the overseer to work as aforesaid, shall not be liable to any fine for not appearing and doing their duty, unless they shall be so summoned three days before the day appointed for working.

SEC. VII. *Be it further enacted*, That in all cases where overseers of the creek and branches aforesaid, shall be compelled to warrant their hands for neglect or refusal to perform their duty, such overseers shall be deemed competent witnesses to prove notice to them.

SEC. VIII. *Be it further enacted*, That it shall be the duty of each and every overseer so appointed and assembling his hands together, to open and clear out all of said creek and branches thereof, as the case may be, which lies within the district for which he shall have been appointed, by taking and throwing out all the timber, brush and rubbish, which shall or may be found therein; which duty shall be performed and fully completed by the first day of July, one thousand, eight hundred and forty-five.

SEC. IX. *Be it further enacted*, That the overseers of the several districts aforesaid are hereby authorized to cut poles and other necessary timber, to enable them to comply with the duties enjoined.

ed by this act, and to throw or place the timber, brush and rubbish by them taken from said creek or branches, upon the banks; and for that purpose, without incurring any penalty thereby, they may throw the same upon any adjoining land, which to them may seem most convenient.

SEC. X. *Be it further enacted*, That if any overseer appointed under this act shall fail or refuse to perform any of the duties required of him by said act, he shall, for every such failure or refusal, forfeit and pay the sum of one hundred dollars, to be recovered by warrant before any justice of the peace, one half to the use of the poor of Stokes county, and the other half to the person who will sue for the same.

SEC. XI. *Be it further enacted*, That the overseers appointed under this act shall continue in office for one year; and it shall be the duty of the court thereafter to appoint other overseers, whenever, in the opinion of said court, it shall be necessary, in order to keep said creek and its said branches in the order required by this act.

SEC. XII. *Be it further enacted*, That if any person or persons shall hereafter cut or throw, or by any means whatever, cause to be cut or thrown, any timber, brush or any other filth or rubbish into said creek or branch or branches, within any of the districts which shall or may be laid off by said court, each and every person so offending shall, for each and every such offence, forfeit and pay the sum of forty dollars, to be recovered by warrant before any Justice of Peace, to the use of the person who shall sue for the same.

SEC. XIII. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 6th day of January, 1845.]

CHAPTER XXIV.

An Act to prevent the obstruction of fish passing up the creek called Six Runs, in the county of Sampson.

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 passage of this act, it shall not be lawful for any person to obstruct or cause to be obstructed, by any means whatever, the creek called Six Runs, in the county of Sampson, so as to prevent the passage of fish up the said creek, under the penalty of fifty dollars, to be recovered by warrant before any justice of the peace of said county, one half to the use of the informer, and the other half to the use of the wardens of the poor of said county; and any slave so offending, and being thereof convicted before any Justice of the Peace of said county, shall receive not more than thirty nine, and not less than ten lashes, on his or her bare back: *Provided*, that nothing herein contained shall prevent or be construed to prevent any person or persons from working and hauling their seins across the said creek, in the same manner as heretofore in use.

[Ratified the 1st day of January, 1845.]

CHAPTER XXV.

An Act to improve the navigation of Cypress Creek, in Bladen 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 James Cromartie be, and he is hereby authorized to clear out and render navigible Cypress Creek, for the distance of five miles, commencing at its mouth; and that he have power to take from the public road as many hands as the county court, (a majority of the justices being present,) shall deem necessary to accomplish the same; which hands shall be appropriated to such work so long as it may be desirable to keep said creek open.

SEC. II. *Be it further enacted,* That the said James Cromartie and the hands appropriated to said work, shall be subject to the same rules and penalties as are now imposed by law upon overseers and hands working upon the public road.

SEC. III. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 6th day of January, 1845.]

CHAPTER XXVI.

An Act to prevent the felling of timber in the water courses of the county of Guilford.

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 every person who shall obstruct any of the water courses of the county of Guilford, by felling timber or throwing logs or brush therein, and permit the same to remain in said streams or water courses for the space of twenty days, shall forfeit and pay the sum of ten dollars for each and every offence, to be recovered before a Justice of the Peace, in the name, and for the use of the wardens of the poor of said county.

SEC. II. *Be it further enacted*, That if the offence described in the foregoing section be committed by a slave, such slave so offending, shall, on conviction, before any Justice of the Peace, receive fifteen lashes.

SEC. III. *Be it further enacted*, That it shall be the duty of the wardens of the poor, upon information of the violation of this act, forthwith to sue out a warrant against the offender for the penalty.

SEC. IV. *Be it further enacted*, That so much of an act, passed 1831, to prevent the felling of timber in Haw River, and Mair's Fork, as relates to Guilford, be and the same is hereby repealed.

SEC. V. *Be it further enacted*, That this act shall take effect and be in force from and after the first day of June next.

[Ratified the 2nd day of January, 1845.]

FIRE COMPANIES.

CHAPTER XXVII.

An Act to Incorporate the Phoenix Fire Company, in the Town of Elizabeth City.

SEC. I. *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 Thomas R. Cobb, Constant C. Green, Barney Fisdale, and other free white male citizens of the Town of Elizabeth City, are hereby authorized to form and enrol themselves into a Fire Engine Company, to be styled the Phoenix Fire Company; and by that name may sue and be sued, plead and be impleaded, and exercise other powers incident to corporate bodies; *Provided*, the number of members, shall at no time exceed twenty five.

SEC. II. *Be it further enacted*, That the members of the aforesaid Fire Company, while they continue to act as firemen in said company, shall be exempt from the performance of military duty, except in cases of insurrection or invasion.

SEC. III. *Be it further enacted*, That it shall be the duty of said Fire Company to turn out and exercise their engine and themselves, in the performance of their duty as firemen, at least six times per year, unless prevented by unavoidable circumstances, under a penalty of twenty dollars, to be recovered against said company, by any person who may sue for the same, before any tribunal having jurisdiction of such suits.

SEC. IV. *Be it further enacted*, That a majority of the members of said Fire Company shall have power and authority to adopt such constitution and pass such bye laws, rules and regulations, for their government, as to them may seem best, not inconsistent with the constitution and laws of the United States and of this State; and that all fines and penalties which may be collected by said company of their members, for any infringement of their laws, shall inure to the use of said company.

SEC. V. *Be it further enacted*, That all laws and clauses of laws

which may come within the meaning and purview of this act? [are hereby repealed; and this act?] shall be in force from and after its ratification.

[Ratified the 2nd day of January, 1845.]

CHAPTER XXVIII.

An Act to repeal an act, passed in the year 1825, entitled an act to repeal in part an act, passed in the year 1820, entitled an act to authorize and empower the commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough, to organize and keep up fire engine companies.

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 above recited act be, and the same is hereby repealed.

SEC. II. *Be it further enacted,* That the commissioners of the town of Fayetteville shall have power to accept as firemen and as members of fire engine companies any number of militia men not exceeding the number of sixty, residing within the district of Fayetteville, as may be willing to act as such, who shall be subject to the same rules, and entitled to the same privileges, as are now provided by an act, passed in the year 1820, entitled an act to authorize and empower the commissioners of Fayetteville &c. to organize and keep up fire companies.

[Ratified the 5th day of January, 1845.]

JURORS.

CHAPTER XXIX.

An Act making compensation to the Jurors of the County of Hyde.

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 each and every Juror who shall be drawn and summoned, and shall attend the County and Superior Courts of Hyde County, shall be allowed the sum of seventy five cents for each and every day's attendance: *provided nevertheless*, That this act shall be construed and held to apply to such terms of the County Courts of said county only, as shall or may be held by magistrates specially appointed for that purpose, who receive compensation for the same.

SEC. II. *Be it further enacted*, That the County Court aforesaid, a majority of the Justices being present, shall, and they are hereby authorized and required to lay, from year to year, a tax on all polls and other taxable property in said county, sufficient to pay the Jurors aforesaid; and that each Juror shall obtain a certificate of his attendance from the clerk, and receive the money thereon from the County Trustee.

SEC. III. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

[Ratified the 1st day of January 1845.]

CHAPTER XXX.

An Act making compensation to tales jurors in the County of Person.

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 passage of this act, (a majority of the acting justices of said county being present,) they may pass an order directing the clerks of the Superior and County Courts to issue a certificate to tales jurors, who shall be summoned to attend either the County or Superior Courts of Person, and who shall have attended said court or courts; and said jurors shall, for such services, receive the sum of seventy five cents; and the clerk of the court to which such tales jurors shall be summoned, shall, on application of the said tales jurors, grant to each of them a certificate, shewing that such person

has served as a tales juror as aforesaid; which certificate shall be paid by the county trustee, out of the funds belonging to said county: *provided always*, that this act shall not extend to those persons who are bound to attend court as witnesses or suitors.

[Ratified the 6th day of January, 1845.]

JUSTICES.

CHAPTER XXXI.

An Act to authorize the Court of Pleas and Quarter Sessions of Pitt County to appoint special Justices of the Peace, and making compensation to such Justices for certain services.

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 lawful for the Justices of the Court of Pleas and Quarter Sessions of Pitt County, at their first term after the first day of January, 1845, in said county, a majority of Justices being present, to nominate and appoint such and so many of the Justices of their county as they may think proper, to act in said county, as special Justices for one year; and the said Justices so appointed shall be entitled to demand and receive the following fees for their services, that is to say, for every affidavit not on the trial of a cause, ten cents; for every warrant or attachment, ten cents; for every subpoena or order to summon a witness, five cents; for every judgment rendered upon every warrant, twenty five cents; for granting an appeal or stay of execution, ten cents; for every execution, ten cents; for taking depositions of any witness under an order or commission from any Court of Justice, fifty cents; which fees may be recovered and collected as other fees to officers are or may be collected: *provided*, that not more than two special Justices shall be appointed in the town of Greenville.

SEC. II. *Be it further enacted*, That the Justices receiving such

special appointment, shall, notwithstanding such appointment, retain, use, and exercise, all and every right and privilege of other Justices of the Peace within his* county, and may at pleasure resign the said special appointment.

[Ratified the 8th day of January, 1845.]

MILITIA.

CHAPTER XXXII.

An Act to form and establish a new regiment out of the militia in the county of Union

I. *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 militia of the county of Union, heretofore belonging to the fifty fourth regiment of North Carolina militia, be, and they are hereby formed and established into a separate and distinct regiment, to be designated and known as the ninety eighth regiment, in the fourteenth brigade of North Carolina militia: *provided nevertheless,* that the said regiment shall consist of the same number of companies and men as are now required by law to form a regiment.

SEC. II. *Be it further enacted,* That the officers now holding commissions in the militia within the limits of the county of Union, shall hold and exercise the same authority and office in the regiment established by this act in said county.

SEC. III. *Be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed; and that this act go into force and operation from and after its ratification.

[Ratified the 7th day of January, 1845.]

CHAPTER XXXIII.

An Act to divide the Militia of the county of Anson into two Regiments.

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 militia of the county of Anson, heretofore comprising the fifty-third and fifty-fourth regiments of North Carolina militia, be divided into two distinct regiments.

SEC. II. *Be it further enacted,* That the officers now holding commissions in the militia, within the bounds of the county of Anson, be, and they are hereby authorised to meet at such times and places as may be designated by the Brigadier General of the fourteenth brigade, and lay off and divide, by a majority of their votes, the said militia into two regiments as provided for in the first section of this act; and that they establish certain metes and bounds between the said regiments.

SEC. III. *Be it further enacted,* That the officers now holding commissions in the militia in the county of Anson, shall hold and exercise the same office and authority in the regiments in which they may fall by operation of this act; and that the said regiments, when divided as aforesaid, shall be known and designated as the fifty-third and fifty-fourth regiments; the fifty-third to be composed of seven, and the fifty-fourth of six companies, in the fourteenth brigade of North Carolina militia.

SEC. IV. *Be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed; and that this act go into effect from and after its ratification.

[Ratified the 6th day of January, 1845.]

CHAPTER XXXIV.

An Act to attach a portion of the Militia of the sixty-ninth Regiment to the sixty-eighth Regiment.

I. *Be it further enacted by the General Assembly of the State of*

North Carolina, and it is hereby enacted by the authority of the same, That all that portion of the militia formerly attached to the sixty-ninth regiment, and now residing in Mecklenburg county, shall be, and they are hereby attached to the sixty-eighth regiment.

SEC. II. *Be it further enacted,* That the commissions of all the militia officers having command of the militia referred to in the foregoing section, are hereby revived, and they are herein authorized to exercise the same powers and authority in the sixty-eighth regiment that they have formerly exercised in the sixty-ninth regiment.

SEC. III. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified the 1st day of January, 1845.]

CHAPTER XXXV.

An Act to incorporate a corps of Cavalry in the county of Perquimons.

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 company of cavalry or dragoons, in the county of Perquimons, commanded by Tristan L. Skinner, be, and the same is hereby incorporated by the name and style of Perquimons Light Dragoons; and by that name and style shall have power and authority to adopt such constitution, bye-laws and regulations, not inconsistent with the constitution and laws of the United States and of this State, as the company shall deem proper; and that all fines and amercements collected by said company, for a breach of their constitution or bye-laws, shall inure to the use of said company.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified the 7th day January, 1845.]

North Carolina, and it is hereby enacted by the authority of the same, That all that portion of the militia formerly attached to the sixty-ninth regiment, and now residing in Mecklenburg county, shall be, and they are hereby attached to the sixty-eighth regiment.

SEC. II. *Be it further enacted, That the commissions of all the militia officers having command of the militia referred to in the foregoing section, are hereby revived, and they are herein authorized to exercise the same powers and authority in the sixty-eighth regiment that they have formerly exercised in the sixty-ninth regiment.*

SEC. III. *Be it further enacted, That this act shall be in force from and after its ratification.*

[Ratified the 1st day of January, 1845.]

CHAPTER XXXV.

An Act to incorporate a corps of Cavalry in the county of Perquimons.

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 company of cavalry or dragoons in the county of Perquimons, commanded by Tristan L. Skinner, be and the same is hereby incorporated by the name and style of Perquimons Light Dragoons; and by that name and style shall have power and authority to adopt such constitution, bye-laws and regulations, not inconsistent with the constitution and laws of the United States and of this State, as the company shall deem proper; and that all fines and amercements collected by said company, for a breach of their constitution or bye-laws, shall inure to the use of said company.

Sec. 2. *Be it further enacted, That this act shall be in force from and after its ratification.*

CHAPTER XXXVI.

An Act to incorporate a corps of cavalry in the county of Chowan.

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 company of cavalry in the county of Chowan, be, and the same is hereby incorporated by the name and style of the Cossack Guards; and by that name and style shall have power and authority to adopt such constitution, bye-laws and regulations, not inconsistent with the constitution and laws of this State and of the United States, as the company shall deem proper; and that all fines and amercements collected by said company, for a breach of their constitution, bye-laws or regulations, shall inure to the use of said company.

Sec. 2. And be it further enacted, That the said company of cavalry shall parade at least six times a year.

Sec. 3. And be it further enacted, That this act shall be in force from and after its ratification.

[Ratified this 6th day of January, 1845.]

CHAPTER XXXVII.

An Act to incorporate "The Franklinsville Guards," in the County of Randolph.

I. *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 company of light infantry in the village of Franklinsville, Randolph County, commanded by Alexander S. Horney, be, and they are hereby incorporated by the name and style of "The Franklinsville Guards," and shall have full power and authority to make such bye laws, not inconsistent with the constitution and laws of this State, or of the United States. as

they may deem necessary for the proper regulation of said company.

SEC. II. *Be it further enacted*, That the captain shall have power and authority to call out said company, for drill, at least six times in each and every year; and any officer, musician or private, who shall have regularly mustered in said company and kept himself equipped according to the bye laws of said company for the full term of twelve years, shall be thereafter exempt from military duty, except in cases of insurrection or invasion: Provided the number of privates in said company shall never be less than thirty-two.

SEC. III. *Be it further enacted*, That all fines and amercements which shall be collected by said company, shall inure to the use of the same.

SEC. IV. *Be it further enacted*, That if at any time there shall be no volunteer regiment in the county of Randolph, the said company may elect to which of the regiments of infantry in said county they will attach themselves.

SEC. V. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 1st day of January, 1845.]

CHAPTER XXXVIII.

An Act to amend an act entitled an act to incorporate the Fayetteville Riflemen of the County of Cumberland, passed 1842.

I. *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 third section of an act passed in the year 1842, entitled an act to incorporate the Fayetteville Riflemen of the county of Cumberland, as provides that the said company shall always consist of at least forty-four privates, be, and the same is hereby repealed.

SEC. II. *Be it further enacted*, That provided said company shall always consist of the number of privates required of volunteer

companies by the fifth section of an act, passed in the year 1842, entitled an "act for the better regulation of the the Militia of the State," they shall enjoy all the privileges conferred on them by their act of incorporation of the year 1842.

SEC. III. *And be it further enacted*, That this act shall be in force from and after the ratification thereof.

[Ratified the 2nd day of January, 1845.]

CHAPTER XXXIX.

An Act to incorporate a Company of Cavalry in the Town of Wilmington, County of New Hanover.

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 troopers in the town of Wilmington, county of New Hanover, commanded by Capt. James F. McRee, are hereby incorporated by that name and style; shall have power to adopt such bye laws, rules and regulations, for the government of the same, as a majority may deem proper, not inconsistent with the laws and constitution of this State; and all fines, penalties, and forfeitures incurred under such bye laws, shall be recovered in the same manner as Militia fines are now recovered in this State; and when so recovered, shall be applied to the use and benefit of said troop of cavalry for military purposes; and that this act shall be in force from and after its ratification.

[Ratified this 14th day of December, 1844.]

CHAPTER XL.

An Act to incorporate a Volunteer Infantry Company in Washington, Beaufort county.

SEC. I. *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* W. B. Myers, Josephus Steward, and other free white male persons in the town of Washington, Beaufort county, who may unite with them, be, and they are hereby incorporated as a volunteer corps of infantry, by the name of the Beaufort Guards; and by that name they shall sue and be sued, plead and be impleaded, and shall have authority to adopt such constitution and bye laws, not inconsistent with the constitution and laws of the United States and of this State, as shall to them seem proper for their regulation.

SEC. II. *Be it further enacted,* That the commanding officer of said company shall at least six times in each year parade said company; and that all fines and amercements imposed and collected in said company, shall inure to the use and benefit of said company.

SEC. III. *Be it further enacted,* That whenever any person shall have served in said volunteer company for the space of seven years, and procure the certificate of the commanding officer shewing the same, he shall not be liable thereafter to do military duty, except in cases of invasion or insurrection; and all laws and clauses of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed; and that this act shall go into effect from and after its ratification.

[Ratified the 7th day of January, 1845.]

MISCELLANEOUS.

CHAPTER XLI.

An Act to repeal an act, entitled an act to repeal the third section of an act, passed in the year eighteen hundred and twenty-five, chapter twelve hundred and seventy-two, entitled an act to direct the manner in which licenses shall hereafter be issued to retailers of spirituous liquors, so far as regards the counties of New Hanover and Richmond.

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 above recited act as relates to the county of New Hanover, be, and the same is hereby repealed.

SEC. II. *Be it further enacted, That* all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

[Ratified the 9th day of January, 1845.]

CHAPTER XLII.

An Act for the relief of Samuel Sowers.

SEC. I. *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* Samuel Sowers of the county of Davidson, be, and he is hereby relieved and exonerated from all pains and penalties of the 14th section of the 39th chapter of the Revised Statutes, entitled an act concerning Divorce and Alimony.

SEC. II. That this act be in force from and after its ratification.

[Ratified this 7th day of January, 1845]

CHAPTER XLIII.

An Act to repeal an act passed in the year 1842, entitled an act to repeal an act, passed in the year 1835, entitled an act to abolish the office of County Trustee in the County of Moore and for other purposes.

SEC. I. *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 before recited act be and the same is hereby repealed.

SEC. II. *Be it further enacted,* That the act of 1836, entitled an act to abolish the office of County Trustee, in the county of Moore and for other purposes, be, and the same is hereby revived and re-enacted.

[Ratified the 9th day of January, 1845.]

CHAPTER XLIV.

An Act to repeal an act, passed at the session of the General Assembly in 1828, entitled "an act directing the time and place of selling land under execution in the counties of Halifax, Northampton, Hertford and Martin," so far as it extends to the county of Martin.

I. *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 above recited act be and the same is hereby repealed, so far as it extends to the county of Martin.

II. This act shall be in force from and after the 14th day of April next.

[Ratified the 1st day of January, 1845.]

ROADS.

CHAPTER XLV.

An Act authorizing the County Court of Lincoln county to exercise exclusive jurisdiction over the public road which is the dividing line between the counties of Lincoln and Cleveland.

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 county court of Lincoln County shall have exclusive jurisdiction and control of that part of the public road leading from Lincolnton to Yorkville, commencing at the twelve mile post on said road, and terminating at the South Carolina line; and, for the purpose of keeping the same in repair, shall be authorized from time to time to appoint overseers thereof, and to create one or more road districts adjacent to the same, including citizens and territories of both said counties: *Provided*, that no road district so created shall extend into the county of Cleveland, more than six miles from said road.

II. The Courts of Lincoln County shall have exclusive jurisdiction of all offences touching or concerning the said road; and the Sheriff of Lincoln county, or his deputies, shall, within the road district or districts created as aforesaid, serve the orders of the County Courts of said county appointing overseers of said road; and the overseers thus appointed shall be authorized, within their districts, to notify the hands assigned to them as aforesaid; and they and the hands liable to work on the road as aforesaid, shall be liable to all the penalties now provided by law.

[Ratified the 24th day of December, 1844.]

SILVER MINE.

CHAPTER XLVI.

An Act to lease a silver mine to George Sotherlin, the discoverer, and for other purposes.

Whereas it has been represented to this General Assembly that George Sotherlin, of the county of Cherokee, has discovered a silver mine upon the lands of the State, lying upon the waters of Nantahala River, in the county of Macon, which discovery was made by the said George Sotherlin, after much time and labor being spent in searching for said mine; and whereas it has also been represented that citizens of other States, together with some citizens of this State, have taken possession of said mine, and detain the same by force to the total exclusion of the said discoverer; and whereas it is just that the said George Sotherlin should be rewarded for his said discovery: Therefore,

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 Jacob Siler, agent of Cherokee lands, shall proceed, with the Sheriff of Macon county, who is hereby authorized and required to take with him sufficient force for that purpose, and dispossess any person or persons who may be found in possession of said mine, or operating thereupon, and shall place the said George Sotherlin in peaceable possession of the said silver mine.

SEC. II. *Be it further enacted,* That the said George Sotherlin, be, and he is hereby authorized to retain the exclusive possession thereof for one year, from the time he obtains possession of the same from the agent and Sheriff as aforesaid: and he is hereby further authorized to use all proper ways and means, by sinking shafts, digging, or otherwise, for the purpose of obtaining the ore therefrom for his own use and benefit; and he is hereby further empowered to employ ten hands in the business operation of mining and working the said mine, the proceeds of whose labor shall be taken and received by the said George Sotherlin for his own use and benefit as aforesaid.

SEC. III. *Be it further enacted,* That after the expiration of the said term of one year, the said George Sotherlin shall have the priv-

ilege and preference in leasing the said mine for an indefinite period, from the agent and Governor as aforesaid, he, the said Sotherlin, paying such reasonable toll therefor as may be agreed upon by him with the said Agent and Governor of the State; and that under such lease, he may employ and work such and so many laborers therein as he may deem proper.

SEC. IV. BE IT FURTHER ENACTED, That if, after the said George Sotherlin shall have been put in peaceable possession of said mine, as is by this act directed, any person or persons should dispossess him, or prevent him from operating on said mine in as full and ample a manner as he is by this act authorized to do, such person or persons shall be subject to indictment in the Superior Court of Macon county; and, upon conviction, shall be fined not less than ten, nor more than two hundred dollars; and shall moreover be imprisoned not less than one nor more than six months.

SEC. V. BE IT FURTHER ENACTED, That this act shall be in force from and after its ratification.

[Ratified the 4th day of January, 1845.]

TOWNS.

CHAPTER XLVII.

An Act to appoint commissioners for the town of Ashborough, in the county of Randolph, and to incorporate the same.

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 Jonathan Worth, Alfred Marsh, Hugh McCain, James M. A. Drake and Hardy Brown, be, and they are hereby appointed commissioners for the town of Ashborough, in the county of Randolph, and they are hereby declared to possess full power and authority to adopt such rules and regulations, and pass such bye laws as may appear to them necessary for the good order, regulation and government of

said town, not inconsistent with the laws and constitution of this State, and they are hereby declared to possess the same power and authority as are usually exercised by the commissioners of all other incorporated towns in this State.

SEC. II. BE IT FURTHER ENACTED, That in case of vacancy by death, resignation or otherwise, the remaining commissioners shall have full power to fill such vacancy, and the person so appointed shall have and possess as full power and authority as if appointed by this act.

SEC. III. BE IT FURTHER ENACTED, That three of said commissioners shall constitute a quorum for the transaction of business; and that this act shall be in force from and after its ratification.

[Ratified the 7th day of January, 1845.]

CHAPTER XLVIII.

An Act to incorporate the town of Monroe, in the county of Union.

SEC. I. *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 sheriff of the county of Union, either by himself or his lawful deputy, on the first Saturday in January in each and every year, at the Court House in the town of Monroe, in said county, to open polls for the election of three commissioners, in and for the said town of Monroe, to continue in office for the term of one year thereafter.

SEC. II. BE IT FURTHER ENACTED, That any citizen of said town of Monroe, in the county of Union, who has resided therein for one year, and who at the time of his election is possessed of a freehold in the same of the value of fifty dollars, shall be eligible as such commissioner; and every inhabitant of the same, who has resided six months therein, and who is qualified according to the constitution to vote for members of the House of Commons, shall be entitled to vote in said election, and such election shall be conducted and regulated in the same manner as elections for members of the

General Assembly; and in the event of a tie, the sheriff aforesaid shall give the casting vote.

SEC. III. BE IT FURTHER ENACTED, That the said commissioners, after their election and before entering upon the duties of their office, shall take an oath before some Justice of the Peace for the county aforesaid, faithfully and impartially to perform said duties; and thereupon they shall be constituted a body politic and corporate, by the name and style of the commissioners of Monroe.

SEC. IV. BE IT FURTHER ENACTED, That the said commissioners shall possess full power and authority to appoint a magistrate of police, and a town treasurer and constable, and to lay and collect a tax on the inhabitants and property of said town, not exceeding twenty five cents on the poll, and ten cents on every hundred dollars value of town property, per annum; to establish patrols, and to enact and adopt all such bye laws, rules and regulations, as they or a majority of them may deem necessary for the good order and government of said town; provided the same be not inconsistent with the constitution and laws of the State, or of the United States.

SEC. V. BE IT FURTHER ENACTED, That the town constable aforesaid shall be the collector of the town tax, under the direction of said commissioners; and for that purpose, shall have all the powers and immunities of sheriffs in the collection of public revenue; and said taxes, when collected, shall be applied to the improvement and repair of the streets of said town; and, if there be a residue, to such other objects as said commissioners, or a majority of them, may deem necessary to its prosperity and advancement.

SEC. VI. BE IT FURTHER ENACTED, That the corporate limits of said town, are hereby declared to be co-extensive with the lands belonging to said town:

SEC. VII. AND BE IT FURTHER ENACTED, That this act shall take effect and be in force from and after its ratification.

[Ratified the 24th day of December, 1844.]

CHAPTER XLIX.

An Act to incorporate the town of Marion, in the County of McDowell, and to appoint Commissioners for the same.

I. *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 Ephraim Clayton, Elcany Elliot, William L. Gill, Stephen Glazener and J. C. Whitson, be, and they are hereby appointed Commissioners of the town of Marion, in McDowell County, and they are hereby constituted a body corporate and politic, by the name and style of the commissioners of Marion, who shall have power on the death, resignation, removal or refusal to accept of any one of their body, a majority being present, to appoint others to fill such vacancies.

SEC. II. *And be it further enacted,* That the Commissioners appointed by virtue of this act, or a majority of them, or their successors, shall have power to appoint a magistrate of police, a town treasurer and a town constable, and also have power to pass and adopt all such bye laws, rules, and regulations, as they, or a majority of them, may deem necessary for the good order and government of the said town: *Provided*, that nothing in this act contained shall authorize the said commissioners to prevent the citizens of McDowell County from exposing to sale any articles on the public square of said town, or to lay a tax on the same: *and provided*, said rules and regulations shall not be inconsistent with the constitution and laws of this State or of the United States.

SEC. III. BE IT FURTHER ENACTED, That said commissioners, or a majority of them, should they deem it necessary, are hereby authorized and empowered, annually, on or before the 15th day of March, in each and every year, to lay a tax, not exceeding twenty five cents on all taxable polls residing in said town, and to* tax not exceeding ten cents on every hundred dollars worth of town property within the limits of the same; which tax, when collected, shall be applied to the improvement and repair of the streets of said town, and to such other purposes as the said commissioners, or a majority of them, may deem necessary to its prosperity and advancement.

SEC. IV. BE IT FURTHER ENACTED, That it shall be the duty of the town constable, when required by said commissioners, or a

majority of them, to collect from each individual the amount of tax imposed on him or her or on his or her property, by said commissioners; and shall immediately, on the receipt thereof, or within ten days thereafter, pay the same over to the town treasurer, who shall hold the same subject to the order of the said commissioners, or a majority of them; and for the purpose of enabling the town constable effectually to collect said tax, he is hereby authorized and empowered to have, use, and exercise all lawful ways and means which are usually had, used and exercised by the several sheriffs in this State in the collection of the public revenue, whether it be by distress, warrant or otherwise.

SEC. V. BE IT FURTHER ENACTED, That it shall be the duty of each person residing in said town to deliver to the magistrate of police, on or before the first day of March in each and every year, a statement on oath of the number of taxable polls for which he or she by virtue of this act is bound to pay town tax; and it shall also in the same manner be the duty of every person owning town property, within the limits of the said town, whether he or she be a citizen of the same or not, to give a statement of the value of all such property which he or she owns within the limits of said town; and any person failing to give a statement as above required, shall incur a forfeiture of five dollars, to be recovered in the name of said commissioners by warrant before any Justice of the Peace in and for the county of McDowell, to be applied by said commissioners in the same manner which the taxes herein before mentioned are directed to be applied: *provided however*, the right of appeal shall extend to this in the same manner in which it is allowed in other cases.

SEC. VI. BE IT FURTHER ENACTED, That it shall and may be lawful for said commissioners, or a majority of them, to appoint a patrol, whose duty it shall be to patrol said town at least once during each and every week, and oftener if they deem proper.

SEC. VII. BE IT FURTHER ENACTED, That if any person appointed patrol as above, shall refuse to act, he shall forfeit and pay the sum of five dollars, which said fine may be recovered before any Justice of the Peace in and for said county, in the name of the commissioners, and be applied by them to the use of the said town.

SEC. VIII. BE IT FURTHER ENACTED, That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

SEC. IX. BE IT FURTHER ENACTED, That this act shall take effect from and after its ratification.

[Ratified the 24th day of December, 1844.]

CHAPTER L.

An Act to revive an act for the better regulation of the town of Warrenton, in Warren 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 William Plummer, Edward Hall, Benjamin E. Cook, Thomas White, Doctor Stephen Davis, John Somerville, and Robert N. Verrell, be appointed commissioners for the town of Warrenton, in Warren County, and they, or a majority of them, are hereby vested with full power and authority to carry out, to all intents and purposes, the former enacted laws for said town.

[Ratified the 3rd day of January, 1845.]

CHAPTER LI.

An Act to appoint commissioners for the town of Rockford, in the county of Surry.

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 on the first Thursday of April 1845, an election shall be opened and held in the town of Rockford, in said county, for the purpose of electing five commissioners for said town.

SEC. II. AND BE IT FURTHER ENACTED, That it shall be the

duty of the constable of said town of Rockford to advertise the time and place of holding said election for at least ten days, on the Court House door of said town; and that it shall be the duty of said constable to open and hold said election, and to declare the five persons having the highest number of votes to be duly elected commissioners for said town for two years from the day of election.

SEC. III. *And be it further enacted*, That said commissioners are hereby declared to possess full power and authority to adopt such rules and regulations, and pass such bye-laws, as may appear to them necessary for the good order, regulation and government of said town, not inconsistent with the laws and constitution of this State; and they are hereby declared to possess the same power and authority as are usually exercised by the commissioners of all other incorporated towns of this State.

Sec. IV. *And be it further enacted*, That all citizens of the said town of Rockford, who are entitled to vote for members of the House of Commons of this State, shall be allowed to vote in said election.

[Ratified 9th January, 1845.]

CHAPTER LII.

An Act to incorporate the town of Rockingham, in the county of Richmond.

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 sheriff of the county of Richmond, by himself or his lawful deputy, on the first Monday in February next, and annually thereafter on the same day, in the court house in the town of Rockingham, to open polls for the election of five commissioners in and for the said town of Rockingham, who shall continue in office for the term of one year.

Sec. II. *Be it further enacted*, That any citizen of the age of twenty-one years, who has resided within said town for one year, shall be eligible as commissioner; and every inhabitant of said town

entitled by the constitution to vote for members to the House of Commons, is hereby declared to be qualified to vote for commissioners; and such elections shall be conducted and regulated by ballot, as elections for members of the Legislature are now conducted; and in the event of a tie, the Sheriff or his Deputy shall give the casting vote.

SEC. III. *Be it further enacted*, That said commissioners, after their election, and before entering upon the discharge of their official duties, shall take an oath before some Justice of the Peace of the county aforesaid, faithfully and impartially to perform said duties; and upon so doing shall be constituted a body politic and corporate, by the name and style of the commissioners of the town of Rockingham.

SEC. IV. *Be it further enacted*, That a majority of the commissioners shall constitute of a quorum to do business, and that they shall have full power to appoint a magistrate of police, who shall be an acting Justice of the Peace for said county, and a town treasurer and constable, and to require the proper bonds from the same, for the faithful performance of their duties; and to lay and collect a tax on the persons and property of the town, not exceeding seventy five cents on the poll, twenty five cents on the hundred dollars worth of property, per annum; to appoint patrol, to remove nuisances, to provide against disease and fire, and to enact and adopt all such bye laws, rules and regulations as they may deem necessary for the good order and government of said town, not inconsistent with the constitution and laws of the State or of the United States.

SEC. V. *Be it further enacted*, That the town constable aforesaid shall be the collector of the town taxes, under the direction of the commissioners; and for that purpose shall have all the powers and immunities of Sheriffs in the collection of public revenue; and said taxes, when collected, shall be applied to the improvement and benefit of the town.

SEC. VI. *Be it further enacted*, That the authority and Jurisdiction of the commissioners shall extend in every direction to the limits of the plat of said town as recorded in the Register's office of said county of Richmond; and on the west end one hundred and fifty yards beyond the limits of said town, as represented by the plat of said town in the Register's office.

SEC. VII. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 4th day of January, 1845.]

CHAPTER LIII.

An Act to amend an act, passed 1836--7, to incorporate the town of Greensborough, in the county of Guilford.

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 proviso in the fifth section of the above recited act, which is in the following words, "*and provided further*, that the tax of no one individual, on his real estate, shall exceed the sum of five dollars, for any one year," be, and the same is hereby repealed.

[Ratified the 4th day of January, 1845.]

CHAPTER LIV.

An Act to amend an act to incorporate the town of Shelby and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, 1. That the act incorporating the town of Shelby, in the county of Cleveland, passed in the year 1843, be, and the same is hereby so amended as hereafter to make it the duty of the sheriff of the county of Cleveland to open and hold an election at the Court House in the town of Shelby on the first Monday in March, in each and every year, for the election of a town magistrate and four commissioners, and a town con-

stable; to take an oath before any Justice of the Peace in and for said county, that they will faithfully discharge their duties as said magistrate and commissioners; said officers to be elected by the votes of all free males of the age of twenty one years, residing within the limits of the corporation of said town; said magistrate, commissioners and constable to continue in office for the term of one year, or until their successors shall be elected.

SEC. II. *Be it further enacted*, That the corporate limits of said town shall be extended one half mile in each and every direction from the Court House and so as to include all the real estate belonging to the county of Cleveland, as town property, provided that nothing in this act contained shall be so construed as to extend to the dwelling house of James Love; and that said magistrate and commissioners, shall have power to lay and collect taxes, not exceeding one dollar on the poll, and the other restrictions contained in the original act of incorporation.

SEC. III. *Be it further enacted*, That said constable when elected shall be qualified before the county Court as other constables now are, and that he be required to enter into an additional bond with security in the sum of one thousand dollars, to be approved of said Court and conditioned for the faithful collection and paying over all town taxes, fines, and forfeitures, incurred under the laws and other regulations of said corporation; and when said constable shall have so qualified, he shall exercise all the rights, privileges and authority of other constables in said county.

SEC. IV. *Be it further enacted*, That said commissioners shall have power and authority to make all bye laws, rules, and regulations necessary for the good government of said town, and not inconsistent with the laws of the State, and to appoint all subordinate officers necessary to carry this act fully into effect: said magistrate and commissioners, on failure to keep the public street in said town in good condition, shall be liable to indictment as overseers of public roads.

SEC. V. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

[Ratified the 8th day of January, 1845.]

CHAPTER LV.

An Act to incorporate the town of Pittsborough, in the county of Chatham.

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 lawful for the free white men resident in the bounds of the town of Pittsborough, hereafter mentioned, who shall have attained the age of twenty one years, to meet on the third Monday of January, one thousand eight hundred and forty five, and on the same day of each and every year thereafter, at the Court House in said town, and vote for five discreet persons to act as commissioners of said town for the term of one year from the day of said election.

SEC. II. *Be it further enacted,* That no person shall be eligible to the office of commissioner, unless he shall reside within one mile of said town.

SEC. III. *Be it further enacted,* That all free white men of the age of twenty one years, who shall have resided in said town for six months, immediately preceding the day of election, shall be entitled to vote for said commissioners.

SEC. IV. *Be it further enacted,* That the persons thus elected commissioners shall, within five days after the election, meet together and appoint one of their body chairman of the board of commissioners; and all warrants and other legal proceedings on behalf of the commissioners shall be in the name of such chairman, during his continuance in office; and all legal proceedings against such commissioners shall be served on or made known to the said chairman; and the said chairman, during his continuance in office, shall have power to institute and prosecute all suits for the recovery of penalties or for other causes, in his own name as chairman; the said commissioners shall have full power and authority to make and enforce all such bye laws, rules and regulations as they may deem necessary for the better government of said town, not inconsistent with the constitution and laws of this State nor of the United States; and they shall have power to impose and collect fines and penalties for the violation of any such bye laws, rules or regulations.

SEC. V. *Be it further enacted,* That the said commissioners shall have power to impose and collect taxes for the purpose of

keeping in repair the public streets and for such other purposes as they may deem advantageous to the said town, and the citizens thereof, provided the tax thus imposed shall not exceed the following rates annually, to wit: six cents on every hundred dollars value of real estate, fifty cents on the white or black poll, and six cents on every hundred dollars worth of goods, wares and merchandise, purchased by any merchant of said town within the year immediately preceding the first day of April, in each and every year: and *provided further*, that the tax of no one individual, on his real estate, shall exceed the sum of five dollars for any one year.

SEC. VI. *Be it further enacted*, That nothing contained in the foregoing section shall debar the commissioners from laying a tax on other property not mentioned therein; and they shall have power to impose taxes only on such real estate, white and black polls, stores and other property as are now subject to taxation by the State.

SEC. VII. *Be it further enacted*, That the said commissioners shall have power to appoint a treasurer, secretary and town constable, for the term of one year; and the town constable so appointed shall have power to execute all warrants and other process, in which the chairman is a party; and shall be entitled to receive forty cents for every warrant, and the like sum for every execution or ca. sa. by him executed, from the party cast; said constable is hereby authorized and empowered to keep the peace in the bounds of said town, and to arrest and carry before a magistrate, any disorderly or other riotous person or persons: it shall further be his duty, with the same powers and authorities as other collectors of the public taxes of the county, to collect the taxes imposed from time to time by the commissioners, and to pay the same over to the treasurer; and for collecting said taxes he shall be entitled to retain, as a compensation, five per cent. on the net amount.

SEC. VIII. *Be it further enacted*, That at the time of holding such annual election for commissioners, the citizens entitled to vote for commissioners, shall also vote for three discreet persons, having the same qualifications as those eligible as commissioners, who shall, in addition thereto, be residents of said town. to act as assessors; and it shall be their duty, having first taken an oath before some justice of the peace to act with impartiality, to proceed immediately to assess the value of each and every lot or parcel of land

within the bounds of such town, and report the same to the commissioners. In making such assessment, the assessors are to take into account the land and permanent improvements thereon; the said assessors shall ascertain and report the amount of goods, wares, and merchandize purchased by each and every merchant as herein before stated, which account shall be rendered by the merchant on oath; and each and every merchant refusing to render such account, shall forfeit and pay, as his store tax for that year, the sum of ten dollars.

SEC. IX. *Be it further enacted*, That it shall be the duty of the sheriff of the county of Chatham to hold said election, in each and every year, on the day above stated, under a penalty of fifty dollars, to be recovered in the name of the chairman of the board of commissioners for the year preceding such failure, for the benefit and improvement of said town; the sheriff shall be entitled to receive three dollars from the commissioners (elected) for holding each election; he shall be sole judge of the qualifications of voters, and shall decide in all cases of a tie; and shall give the persons elected a certificate certifying that they were duly elected, who are hereby declared to be and continue such until others are elected, if, from any cause, any regular annual election should not be made.

SEC. X. *Be it further enacted*, That in case of the death, removal or refusal to act of any of the commissioners or assessors, the remaining ones shall declare and make known such fact; and any two justices of the peace resident in said town or in the county of Chatham, shall have power to hold an election at the Court House in said town at such time as they may appoint, to fill such vacancy or vacancies, having first advertised the same for ten days at the Court House door.

SEC. XI. *Be it further enacted*, That if any person elected commissioner or assessor shall fail or refuse to act, he shall be subject to a penalty of five dollars, at the discretion of the commissioners.

SEC. XII. *Be it further enacted*, That bounds of the town of Pittsborough shall be the same as heretofore known and established.

SEC. XIII. *Be it further enacted*, That every person within the bounds of said town liable to pay poll tax for himself or for slaves which to him belong or who live in his family, shall list the same with the chairman of the board of commissioners by the first day of May in each and every year; and on failure to do so, he shall forfeit and pay, for every such poll, the sum of one dollar, as their poll tax for that year.

SEC. XIV. *Be it further enacted*, That all persons within the bounds of said town liable to patrol in the county or to work on

the public road, by the laws of the State, shall be required to perform their duties within the town and on the streets while resident therein, and not elsewhere.

SEC. XV. That the constable appointed by the commissioners, under this act, shall be required to enter into bond, with good and sufficient security, in the sum of five hundred dollars, before entering upon the duties of his office, payable to the State of North Carolina, and shall be conditioned for the faithful performance of the duties of town constable, and for the faithful paying over all monies collected by virtue of his office.

SEC. XVI. That all fines and penalties under this act, or under the bye-laws of the board of commissioners, shall be recoverable before any justice of the peace of Chatham county; and in all actions arising under this act, there shall be the same right of appeal as in other cases; and in the collection of all such fines and penalties, the town constable is hereby invested with the same powers and authorities of other constables of the county.

SEC. XVII. *Be it further enacted*, That a majority of the commissioners shall be competent to do business under any and all the provisions of this act.

SEC. XVIII. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified the 7th day of January, 1845.]

CHAPTER LVI.

An Act to amend an act to incorporate the town of Mocksville, in Davie county, passed by the Legislature of North Carolina, at its session of 1838-39.

I. *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 sheriff of Davie county, on the first Saturday in February in each and every year, at the court house in said county, to open polls for the election of five commissioners in and for the town of Mocksville, to continue in office for the term of one year thereafter, or until others duly elected shall qualify.

SEC. II. *Be it further enacted*, That any citizen of the said town of Mocksville; in the county of Davie, who has resided therein for two years, shall be eligible as such commissioner; and every inhabitant of the same, who has resided twelve months therein, and who is qualified according to the constitution of the State to vote for members of the House of Commons, shall be entitled to vote in said election; and such election shall be conducted and regulated in the same manner, by ballot, as elections for members of the General Assembly; and in the event of a tie the sheriff shall give the casting vote.

SEC. III. *Be it further enacted*, That the said commissioners, after their election, shall, before entering on the duties of their office, take an oath before some Justice of the Peace of the county aforesaid, faithfully and impartially to perform said duties; and thereupon, they shall be constituted a body politic and corporate; shall sue and be sued by the name and style of the commissioners of Mocksville.

SEC. IV. *Be it further enacted*, That the said commissioners shall possess full power and authority to appoint a magistrate of police and a town treasurer and constable; to lay and collect a tax on the property and inhabitants of said town, not exceeding twenty five cents on the taxable poll, and twenty five cents on every hundred dollars valuation of real estate in said town, per annum; to establish patrols; to enact and adopt all such bye laws, rules, and regulations, as they, or a majority of them, may deem necessary for the good order and government, and due reparation of the side walks and streets of said town; provided the same be not inconsistent with the constitution and laws of the State or of the United States.

SEC. V. *Be it further enacted*, That the town constable aforesaid shall be the collector of the town tax, under the direction of said commissioners; and for that purpose shall have all the powers and immunities of sheriffs in the collection of the public revenue; and said tax, when collected, shall be applied to the improvement of the side walks and streets of said town; and, if there be a residue, to such other objects as said commissioners, or a majority of them, may deem necessary to the prosperity and advancement of said town.

SEC. VI. *Be it further enacted*, That the person appointed by said commissioners to collect the town tax, shall enter into bond and security, in the sum of five hundred dollars, payable to the commis-

sioners and their successors in office, for the faithful collecting, and also for the accounting for said tax within ten days after its collection.

SEC. VII. *Be it further enacted*, That Thomas McNeely, Lemuel Bingham, James F. Martin, Ephraim Gaither and John McRorie, commissioners appointed by the act of 1838-39, shall be authorized to act as commissioners of said town, until they or their successors be elected and duly qualified.

SEC. VIII. *Be it further enacted*, That upon the death, resignation, removal or inability to act of any of the aforesaid commissioners, (either elected or appointed,) the remainder, or a majority of them, shall have power and authority to appoint his successor, who shall be possessed of all power granted by this act to his predecessor.

SEC. IX. *Be it further enacted*, That all fines and penalties incurred by virtue of this act or by any of said bye laws, shall be recoverable, in the name of the commissioners of Mocksville, before any Justice of the Peace for the County of Davie: *provided nevertheless*, that the right of appeal shall be preserved to either party, as is now by law established in trial before a Justice.

SEC. X. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified the 24th day of December, 1844.]

WARDENS.

CHAPTER LVII.

An Act to repeal part of an act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, section first, as to the time and manner of electing Wardens of the Poor so far as relates to the Counties of Hertford, Tyrrell and Yancey.

I. *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 Courts of Pleas and Quarter Sessions of Hertford, Tyrrell and Yancey Counties, a majority of the acting Justices being present, to proceed to elect, at the first court which shall be held after the first day of January preceeding Easter Monday next, and every three years thereafter, seven freeholders, to serve as wardens of the poor for said counties, for the term of three years from such election.

SEC. 2. *Be it further enacted*, That it shall be the duty of the said courts, at the times said elections are held, to appoint a time for the meeting of said wardens so elected ; it shall also be the duty of the clerks of said courts to issue notices to the sheriffs of said counties, whose duty it shall be to notify said wardens so elected of the time of their meeting.

Sec. 3. *Be it further enacted*, That so much of the above recited act (Rev. Statutes, chapter 89, section 1st) as relates to the time and manner of electing wardens of the poor, so far as relates to the counties of Hertford, Tyrrell and Yancey, be, and the same is hereby repealed.

[Ratified the 7th day of January, 1845.]

CHAPTER LVIII.

An Act to repeal part of an act of the General Assembly of the State of North Carolina, Revised Statutes, chapter 89, section first, as to the time of electing Wardens of the Poor so far as relates to the county of Northampton.

I *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 Courts of Pleas and Quarter Sessions of Northampton county, a majority of the Justices of the Peace being present, to proceed to elect, at the first term of the Court which shall be held after the first day of January, and every three years thereafter, twelve freeholders, to serve as wardens of the poor for said county, for the term of three years from each election.

II. *Be it further enacted*, That it shall be the duty of the said Court, at the time said elections are held, to appoint a time for the meeting of said wardens so elected; it shall also be the duty of the clerk of said court to issue notices to the sheriff of said county, whose duty it shall be to notify said wardens so elected of the time of their meeting.

III. *Be it further enacted*, That so much of the above recited act, (Revised Statutes 89, section first,) as relates to the time and manner of electing wardens of the poor, so far as relates to the county of Northampton, be, and the same is hereby repealed.

[Ratified this 8th of January, 1845.]

PRIVATE RESOLUTIONS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE GENERAL ASSEMBLY,

At their Session which commenced on Monday the eighteenth of November, one thousand eight hundred and forty four, and ended on Friday the tenth of January, one thousand eight hundred and forty-five.

A Resolution in favor of the Justices of the Peace of Haywood County.

Resolved, That the Treasurer of the State be, and he is hereby directed and required to endorse a credit upon the bonds of John L. Dillard, Chairman of the County Court of Haywood county, and others, deposited in his office, for the sum of fourteen hundred and sixty two dollars and twenty five cents principal with the interest upon one fourth part of that sum, from the dates at which each of the several bonds became due.

[Ratified the 2nd day of January, 1845.]

Resolution in favour of Samuel Watters.

Resolved, that the Treasurer of the State pay to Samuel Watters the sum of twenty dollars, with the interest thereon, being the amount of an entered tract of land acquired by treaty from the Cherokee Indians, lying in the county of Macon, which the State commissioners afterwards sold.

[Ratified this 2nd January, 1845.]

Resolution in favour of Samuel J. Finch.

Resolved, That the Public Treasurer pay to Samuel J. Finch fifty dollars, for sundry articles furnished for the use of the Legislature the present Session.

[Ratified this 8th day of January, 1845.]

Resolution in favour of Thomas M. Cash.

Resolved, That the Public Treasurer be directed to pay to Thomas M. Cash, of Alabama, the sum of two hundred dollars, out of any monies in the Treasury not otherwise appropriated, it being the amount of a reward offered by a Proclamation of his Excellency Governor Holmes, in the year 1823, for the apprehension of one Thomas Curtis, a fugitive from justice, after committing a homicide in Anson, in this State; the said Curtis having been arrested in Alabama in the year 1836 by the said Thomas M. Cash, and lodged in jail in Mobile, whence he was brought, on a requisition of the Governor, and convicted of said offence; but the said Thomas M. Cash not having received any compensation for said arrest, because the Proclamation aforesaid does not appear on record in the Executive Office: *provided*, that said Treasurer be not authorised to make said payment until the Governor shall issue his warrant for the same; and it shall be the duty of the Governor, before issuing said warrant, to make all examination which is in his power among any records which may be on file in any of the Departments of State, in order to ascertain whether said claim ever has been settled; and in event that it has been once paid, then no warrant shall issue.

[Ratified the 8th January, 1845.]

Resolution in favour of John A. Averett, Sheriff of Onslow county.

Resolved, That the Public Treasurer be authorized to pay John A. Averett, Sheriff of Onslow county, two hundred dollars, being the amount of a fine incurred by said Sheriff, under the seventy first section of the Revised Statutes, chapter one hundred and two, in failing to deliver to the Comptroller a copy of the list of taxes received from merchants, pedlars and retailers, &c. &c. and the same be allowed him in the settlement of his public accounts.

[Ratified the 8th January, 1845.]

Resolution in favor of Henry Addington.

Resolved, That the Public Treasurer be directed to return to Henry Addington four bonds, executed by said Addington, for the sum of one hundred and eighty five dollars thirty nine cents (\$185 39,) it appearing satisfactorily that the said bonds were not executed for any valuable consideration.

[Ratified the 18th day of December, 1844.]

Resolution in favor of Michael Francis, Esq.

Resolved, That the Public Treasurer pay to Michael Francis, Esq. the sum of seventy five dollars, whenever he may call for the same, and seventy five more after the suit or suits shall have been ended, and the money collected against the person or persons mentioned in the report of the committee of claims, as his fees for attending to the same.

[Ratified the 7th day of January, 1845.]

Resolution in favor of Leonard Ziglar.

Resolved, That the Public Treasurer pay to Leonard Ziglar, late Sheriff of Stokes County, the sum of forty dollars and twenty cents, the amount paid into the Treasury by him as the tax upon two hundred and one insolvent polls for the year 1842; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified the 9th day of December, 1844.]

Resolution in favor of William T. Bain.

Resolved, That the Public Treasurer pay William T. Bain sixteen dollars; as an express for Col. James Watt, one of the Council of State, to attend a meeting of the Council.

[Ratified the 24th day of December, 1844.]

Resolution in favor of John L. Christian, sheriff of Montgomery County.

Resolved, That the Treasurer of this State be directed to pay to John L. Christian, late sheriff of Montgomery County, two hundred dollars, which amount has been collected from him for failing to file the clerk's certificate relative to blank licenses; and that the same be allowed the Treasurer in the settlement of his public account.

[Ratified the 24th day of December, 1844.]

Resolution in favor of Jorial Barnett.

Resolved, That the Secretary of State be, and he is hereby directed to issue a grant unto Jorial Barnett for fifty acres of land, tract No. 25, district the 5th, Cherokee lands, it being the tract purchased by Robert M. Case, at the sale of the Cherokee lands in the year 1838, from the commissioners appointed to sell said land and assigned by him to Alfred Cardin and by the said Cardin to the said Jorial Barnett.

[Ratified the 10th day of December, 1844.]

Resolution in favor of Justin Martindale.

Resolved, That the Public Treasurer pay to Justin Martindale four dollars and eighty five cents, for repairs to the Capitol during this session of the Legislature, as appears by the enclosed account.

[Ratified the 8th day of January, 1845.]

Resolution in favor of James C. Turrentine.

Resolved, That the Public Treasurer be, and he is hereby directed to pay over to James C. Turrentine, the sum of three hundred dollars, the same being the amount paid by him, as Sheriff of Orange County, upon 500,000 dollars value of land, in consequence of an error in the general estimate of the land tax for the year 1842.

[Ratified 16th Dec. 1844.]

Resolution in favor of Reeder & Lougee.

Resolved, That the Treasurer pay to Reeder and Lougee the sum of nine dollars and fifty cents, (\$9 50,) for articles furnished this General Assembly; and that he be allowed the same in the settlement of his public accounts.

[Ratified the 8th day of January, 1845.]

Resolution in favor of Morris K. Taylor and C. Kephart.

Resolved, That the Secretary of State be, and he is hereby authorised to issue a grant for three thousand acres of land to Morris K. Taylor and C. Kephart, which land was entered by G. M. Bean, and has since been conveyed to the said Taylor and Kephart, as appears from all the papers now on file.

(Ratified this 2d day of January, 1845.)

Resolution in favor of William Ennett.

Resolved, That the Public Treasurer pay to William Ennett the sum of twenty-five dollars, for carrying a writ of election to the county of Onslow, to supply the vacancy in the Senate occasioned by the expulsion of the Senator from Onslow; and that the Public Treasurer be allowed the same in the settlement of his public accounts.

[Ratified the 8th day of January, 1845.]

Resolution in favor of L. H. Marsteller.

Resolved, That Lewis H. Marsteller be allowed thirty nine dol-

lars for mileage and two days' services as Principal Clerk of the House of Commons, during its present Session; and that the Treasurer be hereby instructed to pay said allowance out of any monies in the Treasury not otherwise appropriated.

[Ratified this 2nd of January, 1845.]

Resolution in favor of William Stringer and Green Hill.

Resolved, That five days compensation at the usual daily pay for said services be allowed to William Stringer and Green Hill, for assisting this body until its organization.

[Ratified the 14th day of December, 1844.]

Resolution in favor of Adman H. Van Bokkelin.

Resolved, That the Public Treasurer be authorised to pay Adman H. Van Bokkelin, jr. the sum of five hundred dollars, for the storage and package of sundry arms and accoutrements, the property of the State, deposited with him at different times, by Gen. J. J. Pasteur of 8th division of North Carolina militia, when he, the above A. H. Van Bokkelin, shall deliver up the aforesaid arms and accoutrements to any order of the Governor or any other person by him authorised to order for the same; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified this 8th day of January, 1845.]

Resolution in favor of the Doorkeepers.

Resolved, That the Public Treasurer pay to each of the doorkeepers of both houses of the General Assembly twenty five dollars, their usual extra allowance; and that they be compelled to pay out of said allowance the hands necessarily employed to bring wood and water to the State House during the present session.

[Ratified this 7th day of January, 1845.]

Resolution in favor of Thomas W. Rooker.

Whereas it is made the duty of the Adjutant General to proceed against the General and Regimental officers for failing to make returns as prescribed by the militia laws; and whereas Thomas W. Rooker was elected Colonel Commandant for the 23rd Regiment of the North Carolina militia, but was not commissioned before the 15th day of November 1844:

Be it therefore resolved, That the Adjutant General be instructed not to proceed against Thomas W. Rooker for failing to make returns to the Brigadier General on the 25th of October, and to the Adjutant on the 15th of November last.

[Ratified the 6th day of January, 1845.]

Resolution in favor of Arthur S. Mooring, Sheriff of Martin County.

Resolved, That the Public Treasurer be, and he is hereby authorised and directed to pay to Arthur S. Mooring, the Sheriff of Martin County, the sum of fifty five dollars and fifty cents, it being one half

of the amount of a penalty collected by him from George Staples, for unlawful peddling, and paid into the Public Treasury, interest being included in the above amount; and that the Public Treasurer be allowed the same in the settlement of his Public accounts.

[Ratified this 27th day of December, 1844.]

Resolution in favor of Arthur S. Mooring, Sheriff of Martin County.

Resolved, That the Public Treasurer pay to Arthur S. Mooring, Sheriff of Martin County, the sum of thirty-four dollars and forty cents, for one hundred and seventy two insolvent polls allowed by the County Court of the county aforesaid, for the years 1841 and 1842; and that he be allowed the same in the settlement of his public accounts.

[Ratified this 24th day of December, 1844.]

Resolution in favor of William Davidson.

Resolved, That the Public Treasurer be authorised to pay William Davidson, of Mecklenburg County, six hundred and sixty nine dollars ninety three cents, (\$669,93,) out of the funds set apart for internal improvement, being one fourth part of the principal of a Judgment obtained by him against the Catawba Navigation Company, in which the State is a stockholder, and the interest on the principal for six years.

[Ratified this 6th day of January, 1845.]

Resolution in favor of William Thompson.

Resolved; That the Public Treasurer be directed to pay to William Thompson the sum of ninety three dollars and fifty cents, it being the amount of his claim accompanying this resolution, for the repairs done the furniture belonging to the Capitol, including also the funeral expenses of the late John L. Foreman, Senator from the county of Pitt.

[Ratified this 4th of January, 1845.]

Resolution authorising R. W. Ashton to enclose a State lot in the city of Raleigh.

Resolved; That R. W. Ashton be, and he is hereby authorised to enclose, with a rail fence, a certain lot of land belonging to the State, in the eastern part of the city of Raleigh, known by the name of the Barringer lot: *provided,* that said Ashton shall not injure or destroy any of the trees on said lot or permit the same to be done, and the said Ashton shall enclose the same at his own expense.

[Ratified this 8th day of January, 1845.]

Resolution in favor of Thomas Wilson, Sheriff of Yancy County.

Resolved; That the Public Treasurer pay to the order of Thomas Wilson, Sheriff of Yancy County, the sum of fifty one dollars and thirty six cents; and that he be allowed the same in settlement of his public accounts.

[Ratified this 6th day of January, 1845.]

Resolution in favor of William J. Lewis.

Resolved, That the Public Treasurer be authorized to pay to William J. Lewis the sum of twenty four dollars, for carrying a writ of election to the eighteenth senatorial district, to supply the place of John L. Foreman, late senator from said district; and that he be allowed the same in the settlement of his public accounts.

[Ratified this 1st day of January, 1845.]

Resolution in favour of William Dills.

Resolved, That the Secretary of State be and he is hereby authorised and required to issue a grant to William Dills, on section No. 150, in district S, for sixty acres of land, in the county of Macon, originally purchased from the State by Henry Morrow.

Resolved further, That the purchase money due the State be paid before the issue of said grant.

[Ratified this 24th day of December, 1844.]

Resolution in favor of Thomas J. Roane.

Resolved, That the Secretary of State be and he is hereby authorized to issue a grant to Thomas J. Roane, of the county of Macon for fifty acres of land in said county, being section No. 127, in district No. 15th, originally purchased from the State by Jesse R. Griggs.

[Read three times, and ratified in General Assembly, this 2nd January, A. D. 1845]

EDWARD STANLY, Speaker of the House of Commons.

BURGESS S. GAITHER, Speaker of the Senate.

NORTH CAROLINA.
OFFICE OF SECRETARY OF STATE,

APRIL 1845. }

I, WILLIAM HILL, Secretary of State in and for the State of North Carolina, do hereby certify that the Acts and Resolutions contained in this Pamphlet, are true copies of the original Acts and Resolutions, passed by the General Assembly of this State, at its late Session.

WILLIAM HILL, *Secretary of State*

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REPORT

OF THE

PUBLIC TREASURER,

ON THE

STATE OF THE FINANCES

OF

NORTH CAROLINA,

TRANSMITTED, ACCORDING TO ACT OF ASSEMBLY

ON THE 25th NOVEMBER, 1844.

TREASURY DEPARTMENT OF N. C. }
25th Nov., 1844. }

SIR:

I have the honor herewith to transmit to you, to be laid before the General Assembly, a report prepared in obedience to an Act entitled "an Act concerning the Treasurer of the State."

I have the honor to be,

Very respectfully,

Your faithful servant,

JNO. H. WHEELER,

Public Treasurer.

THE HONORABLE SPEAKER
of the House of Commons.

REPORT.

Treasury Department of North Carolina, }

25th November, 1844. }

To the Hon. the General Assembly of the State of North Carolina:

By direction of the act, entitled "An Act concerning the Treasurer of the State," the undersigned has the honor of submitting the following Report :

I. PUBLIC REVENUE AND EXPENSES.

1842			
Nov.	Balance of cash in Public Treasury, as per Treasurer's report,	29,002	66
	Rec'd of Joshua Roberts, Treasurer of the Buncombe Turnpike Company, in part of dividend due the State,	570	86
	" of Kimboro' Jones, amount of his purchase of materials at sale in completion of the Capitol,	2	75
Dec.	Rec'd of Wm. Seldon, Treasurer of the United States, it being the Distributive share of N. C. from the proceeds of the Public Lands,	23,147	14
1843			
Jan.	Received of Joseph M. Bogle, Sh'ff. of Iredell, an omission of this am't in his settlement of 1841,	75	00
	Received of D. W. Stone, Cash'r of the Bank of Cape Fear, dividend of stock,	30	
June	Received from the Dep't. of State at Washington, it being the amount paid by the State for transportation of Public Documents, (census returns) in a check on New York,	136	14
	Sold the same for a premium $\frac{1}{2}$ per cent.	68	
	Received from Treasurer of United States, (proceeds of Public Lands,)	2,821	63
	Sold draft for a premium $\frac{1}{2}$ per cent.	14	11
July	Received of Green Hill, for 1 Keg of Powder belonging to the State,	4	00
	Rec'd of David W. Stone, Cash'r of the Bank of Cape Fear, it being a dividend of 3 per cent. on 10 shares of stock,	30	00
Aug. 1.	Rec'd of W. W. Clark, Cash'r of the Merchants' Bank of Newbern, (Bank tax,)	562	50

Sept.	Rec'd of sundry sheriffs, (public tax,)	7,239 17
1843	Rec'd of Charles Dewey, Cash'r of the Bank of the State, (Bank Tax,)	2,243 25
Oct.	Rec'd of D. W. Stone, Cash'r of the Bank of Cape Fear, (Bank Tax)	2,389 00
	Rec'd of sundry sheriffs, (Public Tax)	70,429 77
	" of same for additional returns	80 11
	" of Willie Jones, late sh'ff of Buncombe, (additional returns)	21 13
	" of Leonard Ziglar, late sh'ff of Stokes,	17 89
Dec.	" S. Stone, late sheriff Stokes,	2 76
1844		
Jan.	Rec'd of D. W. Stone, Cash'r of Bank of Cape Fear, dividends,	30 00
June	" of same for same,	20 00
	Rec'd of Green Hill, sale of bricks,	6 00
July	" of Jas. S. Green, Treasurer of the Wilmington & Raleigh Rail Road Co. int. on the Bonds paid by the State 1st Jan. 1844,	1,500 00
Aug.	This amt. rec'd from sundry sheriffs, Public Tax of 1843 in this month,	6,391 92
	" Merchants' Bank of Newbern, (Bank Tax)	562 50
Sept.	" Sundry sheriffs, tax of 1843,	71,650 74
	" Charles Dewey, Cash'r of Bank of the State of N. C., bank tax,	2,243 25
Oct.	" D. W. Stone, Cash'r of Bank of Cape Fear, bank tax,	2,389 00
Making an aggregate of		\$223,613 96

CR.

The expenditures from the Public Fund for the same period, that is, from the first day of November, 1842, to the 1st day of Nov. 1844, consist of the following items; and "for the enumeration of the several allowances and drafts made by the General Assembly, and warrants issued by the Governor, upon which these disbursements were made, as well as in whose favour they were made, or drawn, and upon what account," the Treasurer, respectfully, according to the usage of the Department, refers to the report of the Comptroller, communicated to this session of this General Assembly, and to the vouchers filed by me at the end of each month in that Department, which will support each and every charge.

This amt. transferred from this fund to the Literary Fund, by resolution of the General Assembly, it being the amt. received by this State from the General Government as her distributive share of the proceeds of the sales of the public lands,		\$23,117 14
General Assembly,		42,893 98
Executive Department,		4,600 00
Treasury Department,		4,013 74
State Department,		1,600 00
Comptroller's Department,		2,000 00
Adjutant General,		400 00
Judiciary,		57,163 95
Superintendent of Public Buildings,		520 00
Public Library and Public Librarian,		1,091 30
Public Printing,		3,932 62
Pensioners,		1,145 00
Int't. on Raleigh & Gaston R-R Bonds,		90,374 00
Principal on Wilmington and Raleigh Rail Road Bonds,		50,000 00
Post Office,		749 05
Council of State,		538 10
Governor's House,		104 35
Weights and Measures,		577 19
Stationery,		167 54
State Papers (Census),		136 14
Sheriffs for settling taxes,		2,453 81
" " comparing Congressional elections,		730 47
" " " Senatorial elections,		255 58
" " Governor's election,		1,273 21
Contingencies,		4,531 51
State Capitol,		16 55
Treasury Notes Burnt,		153 70
Making an aggregate of		\$294,568 93
from which the amount of receipts being deducted,		223,613 96
leaves due Public Treasurer, on 1st November, 1844,		\$70,954 97

H. LITERARY FUND.

To balance of cash in the hands of the Public Treasurer, as Treasurer of

the Literary Board, on the 1st Nov.
1842, (See Treasurer's Report to
last Assembly,)

\$57,998 30

To receipts at the Treasury of monies
belonging to this fund for the last
two fiscal years ending 31st Oct.,
1844, are as follows:

Cash received for entries of vacant
land in 1842. Rec'd in November,
December,

\$698 53

1,814 81

2,513 34

1843, January, by C.

L. Hinton, Agt.,
do by Treasu'r.

510 30

484 41

February,

128 75

March,

131 32

April,

63 10

May,

379 78

June,

22 73

July,

699 90

August,

79 34

September,

342 49

October,

260 20

November,

71 02

December,

208 89

3,382 23

1844, January,

408 68

February,

597 33

March,

225 32

April,

215 96

May,

199 94

June,

162 42

July,

343 77

August,

214 52

September,

265 72

October,

237 29 2,870 95

\$66,764 82

1842

Nov.

Received of Jos. S. Fowler, Auctioneer of Cra-
ven County, in full of his tax on auction
sales for 1842,

22 91

Dec.

" of Gov. Morehead, President ex-officio of
the Literary Board, it being am't. of princi-
pal paid on loans made by said Board,

1,587 17

18 43	"	of same, int. on same,	344 74
Jan.	"	of same, int. on loans made by Board of Internal Improvement,	523 00
		This amt. transferred to this Fund, from the Public Fund by resolution of the Gen'l Assembly, it being the amt. rec'd from the U. S. as proceeds of sales of the Public Lands,	23,117 14
	"	of Charles Dewey, Cash'r of Bank of the State, it being a dividend of 3 per cent. declared on 5000 shares of stock held by the President & Directors of this Fund in the Capital Stock of said Bank,	15,000 00
	"	of D. W. Stone, Cash'r of the Branch Bank of Cape Fear at Raleigh, being a dividend of 3 per cent. declared on 5,322 shares of stock held in said Bank by the President & Directors of this Fund,	15,966 00
April	Rec'd of Gov. Morehead, President ex officio of Lit. Board, being principal on loans by the said board,		10,656 92
	"	of same, as principal rec'd from loans made by the Board from the School Fund (not distributed,)	1,250 00
	"	Interest on Bonds of the Wilmington & Raleigh Rail Road Co. held by said Board, guaranteed by the State,	2,550 00
	"	of same, being this amt. rec'd of the State as interest on Raleigh & Gaston Rail Road Co's bonds guaranteed by the State, held by said Board,	9,888 00
	"	same, interest on loans made by the Board,	3,124 43
	"	same, interest on loans made by the Board of Internal Improvement,	169 76
June	"	same, principal on loans,	2,183 82
		Interest on same,	665 86
July		This amt. rec'd of A. Joyner, President of the Roanoke Navigation Co. being a dividend of 1 per cent. on 500 shares of stock held in said Company by the State,	500 00
	"	Chas. Dewey, Cash'r of Bank of the State, it being dividend No. 16 on the stock in said Bank held by the President and Directors of the Literary Fund,	16,337 75
	"	D. W. Stone, Cash'r of Branch Bank of	

	Cape Fear, dividend on the stock held in said Bank by Pres. and Directors of Lit'y Fund,	15,966 00
	" Gov. Morehead, Pres. ex officio of the Lit. Board, for interest received of the State for the bonds held by said Board of the Raleigh and Gaston Rail Road Company	4,959 00
Aug.	" of sundry Sheriffs, tax on retailers of spirituous liquors,	169 20
Sept.	" Same,	2,137 56
	" of Robt. Gant, auctioneer of Lincoln, being amt. of his tax on auction sales,	1 39
	" of Gov. Morehead, Pres. ex officio of Lit. Board, interest on loans by said Board,	1,525 11
	" same, as principal on loans,	736 02
Oct.	" of sundry auctioneers,	421 01
1844		
Jan.	" of Charles Dewey, Cash'r of Bank of State, it being a dividend of 3 per cent. on 5,027 shares of stock in said Bank, held by Pres. and Directors of Lit. Fund,	15,081 00
	Rec'd of D. W. Stone, Cash'r of Branch Bk of Cape Fear, as above,	15,966 00
	" of Gov. Morehead, Pres. ex officio of Lit. Bd., being int. paid by the Wilmington and Raleigh Rail Road Co. on the bonds held by the Literary Board, guaranteed by the State,	10,530 00
	" of same, being the int. paid by the State on the bonds of the Raleigh and Gaston Rail Road Co. held by said Board, guaranteed by the State,	4,959 00
	" of same, being principal on loans made by said Board,	7,754 13
	" same, as interest on same,	1,950 86
	" of same, it being the amercement of R. W. Long, Sheriff of Rowan,	100 00
April	" of same principal on loans made, interest on same,	4,449 83
	Same on same by Bd. of Internal Improvement,	1,132 89
	Sales of Shingles,	870 58
May	" of David W. Stone, Cash'r of Branch Bank of Cape Fear, it being a dividend on 5322 shares of stock held in said Bank by the	545 73

	Pres. and Direct's of Lit. Board,	10,644 00
	" of Geo. McNeil, Agent of Cape Fear Navigation Co., in part pay't of a decree not yet final in the Supreme Court, Attorney Gen'l vs. Pres. and Direct's of Cape Fear Navigation Co.	1,200 00
June	" of same, it being dividend No. 19 on 650 shares of stock held in said Co. by the State,	650 00
July	" of same, dividend of $1\frac{1}{2}$ per cent.	750 00
	" of Chas. Dewey, Cash'r of Bank of the State dividend No. 18, on 5,027 shares of stock in said bank, held by Presid't and Directors of Lit. Fund.	16,337 75
	" of Gov. Morehead, President ex officio of Lit. B'd, Principal on loans,	9,018 99
	" of same, Interest on loans,	1,380 62
	" " it being amt. paid by Wil. & Ral. Rail Road Co. as interest on their bonds held by said Board, guaranteed by the State,	6,660 00
	" same, it being amt. paid by the State to said Board as interest on Bonds of the Raleigh & Gaston Rail Road Co. endorsed by the State,	4,959 00
Aug.	" Tavern tax, of Sundry Sheriffs	150 40
	" this sum transferred from Public Fund for notes of G. E. Badger and others,	890 21
Sept.	" Tavern tax rec'd of sundry Sheriffs,	2,273 86
	" Gov. Morehead, Pres. ex officio of Literary Board, principal on loans,	733 17
	" of same, Interest on same,	213 31
	" " " loans by Board of Int. Improvement,	150 00
Oct.	" Auction tax of sundry Auctioneers,	505 87
Making the sum of		<u><u>\$316,459 81</u></u>

The Disbursements of the Literary Fund for the same period are as follows:

Paid for support of Common Schools, for 1842,		
Nov.		7,991 15
Dec.		3,425 00
		<u>11,422 15</u>
1843	Jan.	3,093 21

	March,	1,213 80	
	April,	3,340 00	
	May,	17,649 21	
	June,	4,543 00	
	July,	416 00	
	August,	3,250 69	
	September,	11,552 31	
	October,	1,326 70	
	November,	30,042 21	
	December,	6,795 94	
		<u> </u>	83,263 07
1844	January,	1,031 26	
	February,	4,971 53	
	March,	1,899 89	
	April,	1,107 00	
	May,	17,306 00	
	June,	3,410 00	
	July,	8,099 20	
	August,	3,066 36	
	September,	14,131 76	
	October,	26,036 35	81,059 35
		<u> </u>	\$175,744 57
	Amt. paid for expenses of Literary Board,		
1842	November,	41 25	
	December,	26 00	
		<u> </u>	67 25
1843	January,	382 00	
	April,	180 00	
	July,	251 30	
	October,	141 00	
		<u> </u>	954 30
1844	February,	509 55	
	April,	180 00	
	July,	168 00	
	October,	267 00	1,124 55
		<u> </u>	\$2,146 10
1842 Nov.	This amt. paid A. C. Dickinson, pr. Gov's warrant and order of the Literary Board for ex-		

	perimental farm, getting shingles, and excavating the tributaries of Alligator Canal,	12,000 00
	" paid loan to Thos. Meredith, from this fund, as pr. warrant of Gov. and order of Literary Board,	225 00
Dec.	" Amt. of Land receipts granted and charged to Treasurer of this fund but warrants not taken out or paid for,	13 00
	" pd. Thos J. Lemay, for printing,	26 00
1843		
Feb.	" Cash paid to sundry holders of the bonds of the Wilmington & Raleigh Rail Road, due 1st Jan. 1843, and endorsed by the State as directed by act of last session, ch. LIX, ratified 17th Jan. 1843,	50,000 00
	" Cash paid Israel E. James, agent of National Intelligencer, for publishing the sales of Swamp Lands, as ordered by Literary Board and pr. warrant of Gov.,	28 50
	" Cash pd. Pryor Reynolds, to pay the subscription to the Farmer's Register, pr. order of Lit Board,	10 00
March	" p'd Gov. Morehead, being the amount (principal and interest) of note of Geo. E. Badger and David W. Stone, due Literary Board, as per resolution of last Legislature, ratified 21st Jan. 1843,	688 00
	" Cash pd. same, credited on J. M. Mason's note, as per resolution of last Legislature, ratified 23d Jan. 1843,	202 21
April	" Cash pd. Margaret A. McPheeters, for 27 shares of stock in Bank of the State, per order of said Board,	2,700 00
	" Cash pd loan to Wm. F. Collins and others, from the Common School Fund,	650 00
	" Cash pd. A. C. Dickinson, for Maj Gwynn, to defray his expenses as Engineer to examine the tributaries of Alligator Canal, by order of the Board,	70 00
	" Cash paid A. C. Dickinson, for work done on tributaries of Alligator Canal, as per order of Lit. Board,	1,500 00
May	" Cash paid Pryor Reynolds, Secretary, to pay James W. Satchwell & others as pr. resolve of last Legislature, ratified 25th Jan 1843,	30 00

July	"	cash pd. Gov. Morehead & R. S. Myers for getting shingles in swamp lands, as pr. order of the Board and warrant of the Gov.	104 00
Aug.	"	pd. A. C. Dickinson, contractor, for work done on Alligator Canal as pr. same,	3,018 43
Oct.	"	pd. D. W. Stone to meet expenses in getting shingles as pr. order of Board and warrant of Gov.	300 00
Nov.	"	cash pd. P. Reynolds, for subscription to the North American Review as pr. order of Board,	5 00
	"	cash paid W. W. Holden for publishing nett proceeds of Literary Fund as pr. same,	14 00
Dec.	"	this amount paid to R. Deaver for his note discounted as loan from this Board as pr. order of same,	2,500 00
1844 June	"	cash paid Pryor Reynold, Sec., to pay Editors of Highland Messenger for publication of distribution of the Common School Fund as pr. order of the Board,	2 00
July	"	cash pd. A. C. Dickinson for building bridges and removing stumps in Pungo Lake as pr. order of Board,	180 00
Making an aggregate of			\$252,130 41
which deducted from the receipts leaves a balance in hands of the Public Treasurer as Treasurer of the Literary Fund of			\$64,329 40

III. FUND FOR INTERNAL IMPROVEMENT.

1842 Nov. 1	The balance of cash in the Treasury to the credit of this Fund (see report of Treasurer to last Assembly)		20,429 66
	Cash received of Jacob Siler, Agent for collection of Cherokee bonds, for sales of 1838,		808 98
	"	recd. of J. S. Dillard and others, Justices of Haywood Co in part payment of bonds of said Dillard and others for lands,	400 00
Dec.	"	cash received of Gov. Morehead, Pres. ex officio of the Board for Int. Imp. being principal on bonds discounted by said Board,	1,200 00
	"	cash received of Jacob Abernathy, purchase of Cherokee lands, 1838,	40 00

1843			
Jan.	"	cash received of David W. Stone, Cash'r of Branch Bank of Cape Fear, dividend of 3 pr. cent. on 112 shares of stock in said B'k. held by this Board,	336 00
	"	cash recd. of Genl. E. Jones, being part of 3d instalment on bond for Cherokee lands (sale of 1838,)	150 00
	"	cash rec'd of Abraham Harshaw, for Cherokee lands. (sale of 1838,)	155 73
April	"	recd. of Gov. Morehead, Pres. &c. principal on loans by the Board,	2,750 00
	"	of Jacob Siler, Agt. pr. D. L. Swain,	250 00
May	"	received of the Admr. of Nelson A. Strange, for purchase of Cherokee lands,	800 00
June	"	of Jacob Siler, Agt. (sales of 1838) Cherokee bonds,	962 00
July	"	of David W. Stone, Cashr. of Branch B'k. of Cape Fear, dividend of 3 pr. cent. on 112 shares of stock held in said B'k. by this Board.	336 00
Aug.	"	rec'd of Edmund Jones, Cherokee land sales of 1838, by hand of S. F. Patterson,	150 00
	"	rec'd of Jacob Siler, Agt., by hand of D. L. Swain,	185 00
	"	of Jacob F. Abernathy, for sales of Cherokee lands, (sales of 1838)	73 00
Sept.	"	of John Sudderth, being in full for bonds given for purchase of Cherokee lands, sales of 1838, No. 3, Tract No. 124, bought by Wm. A. Thomas,	57 60
Nov.	"	of David Corpening, for 3d instalment, tract No. 11, District, No. 2,	\$44 15
		4th Do: Cherokee bonds,	42 80
			86 95
	"	of same, for part of 2d instalment of tract No. 12, District 2,	913 05
	"	of Jacob Siler, Agent,	903 35
	"	" T. L. Clingman, Attorney,	244 00
1844			
Jan.	"	of D. W. Stone, Cash'r of Branch Bank of Cape Fear, dividend on 112 shares, held in stock of said Bank by this Board,	336 00
	"	of Edmund Jones, by hands of Sam'l F. Patterson, part on his bonds given by Cher-	

	okee lands. (sales of 1838)	150 00
Feb.	" of Jacob Siler, Agent &c., Cherokee bonds	2,083 32
March	" of same,	7,600 60
April	" of same,	1,668 89
	" of same,	661 68
	" of Gov. Morehead, Pres. &c., as principal on loans made by this Board,	4,834 80
May	" of D. W. Stone, Cash'r of Branch Bank of Cape Fear, dividend on 117 shares of stock held by this Board in said Bank,	224 00
	" of S. F. Patterson, Adm'r of E Jones, for purchase of Cherokee lands, sales of 1838,	200 00
June	" Received of John Tatum, in full of 2d, 3d and 4th instalment of bonds given, Cherokee bonds, (sales of 1838)	477 06
July	" Jacob Siler, Agent,	350 30
Aug.	" Samuel Tate,	1,087 79
	" John Sudderth,	400 00
	" Jacob F. Abernathy, for Cherokee lands,	450 00
Sept.	" Thos. L. Clingman, Attorney for collection of Cherokee bonds,	400 00
Oct.	" Jacob Siler, Agent for collection of same,	1,363 03
		<u>\$53,525 79</u>

The expenditures of the last two fiscal years are as follows:

1842		
Dec.	Paid expenses of Board of Internal Improvement, as per order of Board,	77 80
1843		
Jan.	Cash paid Stephen Birdsall, clerk of Board,	72 00
March	Paid Gov. Morehead, Pres. &c. for proceeds of loan to Jane Craig and others, as per order of Board,	200 00
June	Pd. L. E. D. Rosset's note, discounted by order of Board,	1,314 23
Sept.	Pd. Thos. L. West, Clerk of this Board, as per warrant of Gov.	120 00
1844		
Feb.	" pd. Pryor Reynolds, to remit to E. Draper, of Philadelphia, for repairs of Mathematical Instruments used in the survey of Nagg's Head, as per order of Board,	106 7 5
	" pd. same, for expenses of said Board, as per warrant of Board,	169 00

Aug.	"	pd. Thos. L. West, Clerk, as per order of Bd.	225 00.
	"	pd. do. as Clerk,	75 00

\$2,359.78

which deducted from the receipts, leaves a balance in the hands of the Public Treasurer, as Treasurer of the Fund of Internal Improvement, on the 1st day of Nov, 1844, of \$51,166 01

All the disbursements made at the Treasury department during the two last fiscal years, it is believed, are sustained by legal and appropriate vouchers filed at end of each month in the Comptroller's Office.

RECAPITULATION.

The foregoing statements show the balance of the different funds on 1st Nov. 1844.

Balance due Public Treasurer,		70,954 97
Do due Literary Fund,	64,329 40	
Do due Fund of Int. Imp.	51,166 01	
	<hr/>	
	115,495 41	
Deduct balance due	70,954 97	
	<hr/>	
	\$44,540 44	
Add check to D. W. Stone out and unpaid,	10,952 75	
	<hr/>	55,493 19

Which amount of money is disposed of as the law directs, in the following manner, to wit:

Deposited in Bank of the State of N. C.	34,544 36
" Bank of Cape Fear,	19 146 63
Worn out Treasury notes,	49 06
Checks on hand for auction tax and cash, & cash vouchers,	1,753 14

\$55,493 19

On an examination of the foregoing, it will be seen by the General Assembly that while the Literary Fund, and the Fund for Internal Improvements, are in a healthful condition, that the Public Fund is in debt to these Funds, and that a balance is due the Public Treasurer at this time of seventy thousand, nine hundred and fifty-four 97-100 dollars, (70,954 97-100 dollars.)

The last Legislature, anticipating demands upon the Treasury beyond its resources, authorized the Treasurer to borrow a sum, not exceeding fifty thousand dollars at 6 per cent interest. By using the funds in the Treasury belonging to the Literary Fund and the Internal Improvement Fund, all just demands upon the State have been promptly met, and, that too, at a period of extreme pressure, without using the power conferred by the General Assembly. It is therefore returned to the source from whence it emanated, without any debt being contracted, and no claim unsatisfied.

One of the first objects that necessarily engages the attention of the Legislature, is the condition of the Public Treasury. From time to time, by my predecessors in office, has the fact been brought to the attention of the Legislature, that from some cause or other, the

public revenue is annually decreasing, while the liabilities of the State but too sensibly remind us that her expenditures are annually increasing. There is no subject to which the enquiring mind of public opinion is more anxiously directed, and therefore demands the earnest deliberations of the representatives of the people. The revenues of a State constitute the important element which affords life and vigour to every part and member of its political system. It is important, then, that the source from whence this element is derived should be as pure as possible, and that the mode of assessing the Taxes, and the manner of collection should be fair and equitable, and that every part of the community should contribute its just proportion to support the Government that affords them its constant and beneficent protection to life, liberty, and property. It is believed by this department, that the root of much evil lies here, in the mode of assessing the taxes. The present mode of requiring the inhabitants of each district, in every county, to return on oath to the Justices appointed to take the list, their taxable property, the valuation of which was fixed by* "the Board of valuation" in 1837, or † by the Court on application of the person liable to the tax, is defective. For, while it is believed that much valuable land is omitted it places the citizen in a position rarely enviable, of being in a great degree a witness and the judge in a case where he has a deep, immediate, and abiding interest. That the lands of North Carolina are not correctly assessed, is evident, from the fact under the Assessment of 1836 for State tax of 1837, the Lands of the State were valued at \$1,052,585 dollars, and actually paid a tax into the Treasury in 1837 of \$29,323 04; and since that period, several thousand acres have been entered as vacant Lands and patented, as well as a large amount purchased at the Cherokee Land sales; yet the present year the amount paid from this source amounts to only \$29,329 64; nearly the same as it was seven years ago, while the subject matter of the tax has by no means diminished, but, on the contrary, constantly increased.

These facts are stated and suggestions made only for the purpose of drawing the attention of the General Assembly to this important matter, and to secure for the State a faithful, *uniform* and fair mode as assessing the Lands of the State, which will afford a more adequate revenue for its support.

The chief embarrassments which immediately press the Treasury, as you are advised in the message of the Governor, arise from her connexion with the Rail Roads. The foregoing report will show that I have already paid for the Wilmington and Raleigh Road, as principal,

100,000

* Revised Statutes 519.

† Act 1839, ch. cxxxvi.

50,000 dollars of this by the Literary board,
For the Raleigh and Gaston Rail Road, interest, 90,374

\$194,374

There will fall due, on the 1st day of January next, for the Wil-
mington and Raleigh Rail Road, 50,000 00
For Raleigh and Gaston Rail Road (principal,) 30,000 00
Same as interest, 23,565 00

\$103,565 00

And in the course of the current years, before the next Assembly can
convene, the above sum of \$103,565 00
must be raised, and also

For the Raleigh and Gaston Rail Road, interest 1st
July '45 22,665 00
Same, interest 1st Jan. '46, 22,665 00
Same, principal, 30,000 00
Same, interest July '46 about 21,765 00
For the Wilmington and Raleigh Rail Road Jan. '46 50,000 00

\$250,660 00

Add to this amt. due Lit. and Int. Imp. Funds, if desira-
ble to be replaced, 70,954 97

Making the sum total \$321,614 97

The facts and figures are stated, the ways and means are with you.

An act was passed by your last honourable body, entitled "An
Act for the relief of the purchasers of Cherokee Land," Chapter LVI.
By this act, the further collection of the principal money now due,
was suspended for the term of two years after 1st January, 1843,
provided the interest was paid. I regret that, from circumstances
not known to this Department, the provisions of this act was not in
all cases complied with. The Act also stated that all persons failing
or refusing to make said payment within 20 days after the expiration
of the specified time, "shall and may be proceeded against under the
same rules and regulations heretofore prescribed by law."

The agent in whose hands a large portion of these bonds is, and
whose duty is to report monthly to this Department and "to guard
and protect the general interest of the State," early applied to this
office for instructions relative to the execution of this law. In or-
der to secure a faithful compliance with the law, by an apprehension
of its penalty, he was instructed that as the law protected those who
did pay the interest from suits, that the converse was to be inculca-
ted, that those who did not pay would be sued. This was attended
with salutary consequences; for his returns for one Month (March)
shows a receipt of 7,600 dollars, and in a period of three months,

11,366 dollars were collected. When the period arrived at which it was expected suits would be brought, (1st January 1844) it was represented from sources entitled to confidence and respect, that the money was not in the country; nor was there property to bring it; that if the State forced sales many would leave the State, as already some had done, with their personal property; that the State had already received a part of the purchase money, and still had the land as security for the balance; that the lands were receiving improvements of a durable and important character; that they had been sold at a most prosperous period for extravagant prices; and that, last and not least, the law was not *mandatory*, but vested discretion in this department, by stating that "the debtors shall or *may* be proceeded against under the same rules and regulations heretofore prescribed." There were no rules or regulations requiring this office to enforce a measure which could not terminate to the general welfare of the State, but must prove most disastrous to the debtors. I did not feel it to be my duty to direct that suits should be brought indiscriminately, but only in such cases where the debtors were removing, or doubtful, leaving the matter to be reported to your honourable body, to whose supervision it appropriately belongs.

The act of the last Legislature also directed me to make out a fair statement of the amounts due on each bond, the names of the debtors and the amounts due on each, with the interest calculated to 1st Jan. 1844, and the list to be forwarded to the agent for collection of Cherokee bonds. That duty has been performed, the list forwarded, the duplicate herewith transmitted marked AC.

From it you will see that there is due the State, on bonds in this office at that time, from the debtors on Cherokee bonds, sales of 1838,

Principal	\$87,771 30
Interest	24,059 06

\$211,830 36

In hands of agent, sales of 1836,	15,357 09
do do 1838,	85,891 28

\$313,078 73

To this is to be added the interest due on the bonds in the agent's hands, and the bonds formerly in Mr. Guinn's hands, and Mr. Clingman's, and from it are to be deducted sundry payments credited on the bonds. The act of 1829 required the Treasurer to furnish the Comptroller with a full list of the obligors on Cherokee bonds, and for that officer "to make out and keep up to the end of each fiscal year, in the same manner as the accounts are now in the Treasury, so as to exhibit the different amounts, principal and interest, to the time of payment heretofore made, or which hereafter may be made, and the true and actual amount of each debt, and of the balance due

the State on account thereof." These accounts have not been kept up in that office, owing to the fact that the Agent for the collection of those bonds, under the act of 1840, is required to report only to the Public Treasurer "on the first Monday in every month." I would respectfully suggest that he be required by law to make duplicate reports to the Treasurer and Comptroller quarterly, of all his collections, payments and proceedings; and as the law only authorizes a limited amount to be placed in his hands (100,000 dollars) and as there are much larger amounts to be collected or arranged, that another Agent be appointed to reside in the Cherokee country. This, is absolutely necessary, should you take any positive measures as to immediate or gradual collections.

The sale of 1838, upon which all the bonds now due in the office are founded and which occurred on 3d of September, 1838 under the direction of Samuel F. Patterson and Charles L. Hinton, was an important one.

The number of acres sold was 190,404 $\frac{1}{4}$ acres, and 8 town lots of half acre each. The assessed value of these lands, at the State price was \$86,031 45. They sold for \$332,591 93. Of this sum \$46,450 75 were received in cash by the commissioners, it being the required instalment of $\frac{1}{3}$ of the purchase money to be paid down, and such payments as the purchasers thought proper to make, and a remaining sum of \$285,371 18 $\frac{2}{3}$ was secured by bonds and security, and with the cash received was deposited in the Public Treasury. From the most accurate data afforded by both my own and the Comptroller's books, there has been about \$92,567 38 paid on these bonds of 1838.

The report of the commissioners for the sale of 1838 (dated 1 Dec. 1838) showed, that, in addition to what they sold (190,404 $\frac{1}{4}$ acres for \$332,591 93) there was already surveyed and unsold of this territory 191 tracts, containing 30,448 acres. This, as well as the lands already sold, but which must by failure of parties to pay the purchase money revert to the State, are funds belonging to the State; but since these lands cannot be entered as vacant lands, they, as well all the lands which are unsurveyed in the Cherokee Country, (the amount and number of acres of which this Department is not advised) are entirely unavailable to the Treasury; without some legislative action. The commissioners, in their report, suggested two modes as to the further disposition of these lands. The first was, to authorize another survey to a limited extent, in tracts of larger size than those in the previous survey, embracing such land only as worth 10 cents per acre; which, added to those now surveyed and remaining unsold, together with the remainder of the town lots, to form the subject of another sale, after which the balance of the territory to be subject to entry under the existing laws of the State.

The second mode was, to provide by law that the lands now surveyed may be entered for a specified time, say two years, at a price fixed by the State for each grade, and those remaining at the expiration of that period (if any) to be graduated at such price as would ensure them to be taken up within another given period:

Whatever plan may be adopted by your experience and wisdom, I would recommend most earnestly, but respectfully that cash sales only be adopted, as impressed by the experience of the General Government, and imperatively demanded by the state of our own finances. When the Government is a creditor of the citizen in heavy amounts, the collection is difficult and coercion impracticable.

The report of the Agent of the State, Jacob Siler, Esq., to this Department, throws much light on this embarrassing question. It is herewith submitted, marked A B. He is a faithful Agent, familiar with his duties, and his location among the debtors and the lands entitle his opinions to much consideration.

Connected with the Cherokee Lands, is the case of William Welsh and others. These bonds were given for lands sold in 1820, and were placed by my predecessor in a train of collection. Judgment has been obtained in favour of the State, and an injunction has been prayed in Equity and granted, and a copy served on me as Public Treasurer, enjoining the collection of these bonds, until proper assurance of title is made.

The bonds of J. L. Dillard and others, Justices of Haywood County (3 bonds for \$1,133 06 $\frac{1}{4}$ each) have been also placed in a train of collection. An error is alleged to have been committed as to the amount of land sold, and application has been made to me, to correct the error. As no such power is in the province of this Department, the parties will refer to you for relief.

The Comptroller reported to this Department in Oct. 1843, the names of the Clerks of the County Courts of Randolph, Bladen, Columbus, Northampton, Yancey, Onslow, Jones, Stokes, Catawba, McDowell and Montgomery, as failing to furnish him with the name of the Sheriff and his sureties of their respective Counties, and also as failing to return the list of taxables within the time prescribed by law. The law made it my duty to move for judgment against them by the Attorney General; which has been done.

The severe penalty of the law, which inflicts a fine of 1000 dollars, and declares the party guilty of misdemeanor, on conviction of which dismissal from office is the consequence, and ineligibility afterwards, will doubtless call for the exercise of legislative aid, without which the law will be enforced.

I am happy to say that there has been no occasion this year by the failure of any Clerk in his duty.

The Sheriffs with praiseworthy promptitude have paid their respective quota of revenue to the Treasury within the periods prescribed by law.

The Bank exhibits as required by the Charters of the Banks of the State are herewith appended, No. 1 to No. 8.

The papers herewith submitted marked A to E contain all the information required by law of this Department.

Respectfully submitted,

JNO. H. WHEELER,
Pub. Treasurer.

STATEMENT A.

Statement of cash received at the Treasury Department for additional returns of Taxes, from 31st Oct. 1842, to 1st Nov. 1844.

Sheriff's Name.	Counties.	Amount paid.
Willie Jones	Buncombe	1 58
L. B. Krimminger	Cabarrus	3 89
J. H. Gooch	Granville	87
W. W. Brickell	Halifax	10 16
Sam'l Terry	Richmond	8 18
James W. Carson	Rutherford	6 54
Leonard Ziglar	Stokes	8 11

STATEMENT B.

Statement of Treasury notes issued, as reported to the Comptroller, and put in circulation according to acts of Assembly of 1814-16-23.

Amount issued under act of	1814,	82,000 00
Do do do	1816,	80,000 00
Do - do do	1823,	100,000 00
		<hr/>
		\$262,000 00
Amount burnt by the several committees of Finance, as per resolves of the Legislature and the Comptroller's Reports,		213,096 87
Amount in vault redeemed by Treasurer,		52 87
Balance unredeemed and outstanding,		48,850 26
		<hr/>
		\$262,000 00

STATEMENT C.

Statement of the nett amount of the different Branches of Revenue
for the years 1843-44.

BRANCHES OF REVENUE	1843	1844
Tax on Land,	29,407 54	29,329 64
" " Town property,	2,353 95	2,392 66
" Polls,	31,187 53	31,856 65
" Stud Horses,	2,030 37	1,629 21
" Gates,	183 30	188 00
" Stores,	7,874 48	8,260 34
" Pedlars,	3,162 50	3,252 40
" Artificial Curiosities,	28 20	177 36
" Natural do.	28 20	56 40
" Billiard Tables,	1,410 00	470 00
" Penalties,		400 00
" Negro Traders,	122 20	
	\$77,783 27	\$78,042 66
		77,788 27
		155,830 93
BANK TAX.		
Bank of Cape Fear,	4,778 00	
Bank of the State of N. C.,	4,486 50	
Merchants' Bank of Newbern,	1,125 00	
		10,389 50
DIVIDENDS.		
Bank of Cape Fear,	120 00	
Buncombe Turnpike Co.,	570 86	
		690 86
SUNDERIES.		
Articles to K. Jones,	2 75	
Treasurer of U. S.,	23,147 14	
Do. transportation of Census,	136 82	
Jos. M. Bogle, Sheriff,	75 00	
Gov'r Morehead,	136 82	
Superintendent of Pub. Buildings,	4 00	
Same, (sale of Brick),	6 00	
Treasurer of U. S.	2,835 74	
Inter'st on Wil. & Raleigh Rail Road bonds	1,500 00	

LITERARY FUND.

DIVIDENDS.

Bank of the State of No. Ca.	62,756 50
Bank of the Cape Fear,	58,542 00
Roanoke Nav. Co.	500 00
Principal on Loans by Lit. Board,	38,370 05
Interest on same,	22,775 82
Interest on Loans by Int. Im. Board,	1,718 34
Interest on Bonds of Ral. & Gas. Rail Road,	14,877 00
Entries on Vacant Lands,	8,766 52
Tax on Auction Sales,	951 18
Tax on Retailers of Spirits,	4,731 02
Transfer by order of Gen'l Assembly (Proceeds,)	23,147 14
Interest on Bonds of Wil. & Ral. Rail Road,	17,190 00
Amercement (collected of R. W. Long, Shff.)	100
Sale of Shingles,	545 73
Notes of Geo. E. Badger and Jon. M. Mason,	890 21
Cape Fear Nav. Dividends,	2,600 00

INTERNAL IMPROVEMENT FUND.

Cherokee bonds of Jacob Siler, agent, and others, sales of 1836,	22,035 33
do sales of 1838,	614 09
J. S. Dillard and others,	400
Dividends on Bank Stock,	1,232 00
Principal on loans by Board of Int. Imp.	8,784 80

BANK STOCK.

5027 shares in capital stock in Bank of the State of N. C.
 5322 " " Bank of Cape Fear, belonging to Lit. Fund,

112 shares in same, belonging to Int. Imp. Fund,
 10 shares in same, unappropriated.

Stock in Cape Fear Navigation Company,
 " Roanoke Navigation do,
 " Buncombe Turnpike do,

Bonds belonging to the State in hands of the Treasurer other than Cherokee bonds,

To this amount of bonds found by present Treasurer not receipted for by him, among the loose papers of the office, viz:

1, A Smith, D. F. Ramsour, Wm. A. Thomas, and P. A. Summy,	102 50
Do Do, due 1 year after date, 7th Aug. 1841,	
2, Do Do, " 2 years after	102 50
3, Do Do, " 3 " "	102 50
4, Do Do, " 4 " "	102 50

1, J. L. Dilliard & others, of Haywood, 2 years after, (date) 13th Aug. 1836,		1,133 06 $\frac{1}{4}$
2, Do	3 " "	1,133 06 $\frac{1}{4}$
3,	4	1,133 06 $\frac{1}{4}$

On these bonds suits have been brought in Wake Superior Court.

R. W. Ashton's note, due 30th Oct. 1842,	79 30
R. M. Saunders' do 6th Ap. 1844,	180 00
Wm. F. Collins' do 6th Ap'l 1844,	430 00
Same do 23d Sept. 1843,	16 75
Raleigh and Wilmington Rail Road Co.	50,000 00

STATEMENT D.

Monies paid into hands of Jacob Siler, Agent for Cherokee Lands, sales of 1836, as per his returns to the Treasury Department.

District	Tract.	Persons paying.	No. of Bond.	Remarks.	Amount.
		20 Oct. 1842.			
16	58	Philip Guyer	4	In full	\$83 03
		31 Oct. 1842.			
15	160	Wm. Angel	2	"	
"	163	"	3	"	
12	61				200 43
		8 Nov. 1842			
6	13	Wm. Moss	1 2 3 4	"	13 64
15	133	Eli Woldsoon	2	"	9 49
"	137	"	3	In part	51
		24 Nov. 1842			
7	61	Patsey Kirby	1 2 3 4	In full	13 21
		14 March, 1843			
8	108	N B Thompson	1	"	17 62
"	17	Abraham Sellers	1 2 3 4	"	16 37
"	109	"	1 2 3 4	"	21 32
10	67	John Cockerham	3	"	3 91
"		"	4	"	3 70
"	65	"	4	"	3 63
		13 June, 1843			
8	91	John Crisp	3	"	3 54
"		"	4	In part	1 16
15	75	Thos Kimsey	4	"	5 00
13	39	Curtis Ledford	1 2 3 4	In full	22 17
		12 Sept. 1843			
11	105	Bradley Lawrence	2 3	In part	16 80
16	36	Michael Wikle	4	In full	8 16
11	68	John Ammons jr.	1 2 3 4	"	23 47
6	25	Alfred Wilson	1 2 3 4	In part	3 64
17	72	Jas Morgan	1 2 3 4	"	21 01
		20 Oct. 1843			
8	61	Jos. Sherell	2 3 4	"	9 40
		1 Dec. 1843			
15	135	John Clure	3	In full	1 22
9	31	Jas. Finitt	1 2 3 4	In part	8 25
1	3	Julius Garrett	3 4	"	3 67
"	66	Matthew Garrett	3 4	"	1 75
8	135	Jesse Hall	1 2 3 4	"	3 74
"	136	Elbert Hall	3 4	"	2 64
"	105	Andrew Welch	3 4	"	4 43

7	51	Tilly Osborne	1 3 4	"	2 01
14	35	Jos. Hicks	2 3 4	"	7 09
"	37	Samuel Bunds	2 3 4	"	4 74
"	36	Louis Vandike	2	"	3 92
8	129	John Messor	1 2 4	"	7 45
"	126	William Sutton Jr.	1 2 3 4	"	7 20
		Jos Davis	3 4	In part	3 08
		Thos Monteith	4 3 4	"	2 08
		Wm Bird	3 4	"	4 40
		John Ledford	1 2 3 4	"	10 47
		E McEldry		"	25 83
		Z Peak	2 3 4	"	5 22
		David Higdon	1 2 3 4	"	3 74
		Patsey Kirby	1 2 3 4	"	2 99
		Ann Brown	1 2 3 4	"	24 60
8	55	James Sherer	1 2 3 4	"	2 47
18	2	West Truitt	1 2 3 4	In full	27 01
6	8	Matthias Wike	2 3	In part	4 04
		Alex Wilson	1 2 3 4	"	3 72
		Wm Wilson		"	19 53
		David Elders		"	4 32
		27 Dec. 1843			
		Lemuel Marr		"	11 48
11	85	Wm E Mell	2	"	62
	86	"	3	"	2 75
	87	"	4	"	2 09
9	32	Jas Truitt	2 3 4	"	15 20
8	48	Susannah Truitt	2 3 4	"	1 32
14	32	Louis Vandike	3	"	3 17
6	11	Fox Robert	1 2 3 4	"	11 95
		A Hooper	1 2 3 4	"	2 89
8	60	E Elders	1 2 3 4	"	4 10
		Wm D Hart	1 2 3 4	"	9 77
17	80	Allen Sherrer	1 2 3 4	"	7 54
		Jona Forister	1 2 3 4	"	3 76
		Joshua Hall	1 2 3 4	"	3 86
10	99	Fred Raily	4	"	35 00
		John Moore	1 2 3 4	"	10 39
6	85	Geo Ro.and	3 4	"	2 57
		Joseph Roland	1 2 3 4	In part	3 87
10	124	William Young	1 2 3 4	"	3 78
		Cornelius Cooper	3 4	"	1 45
		Same	2 3 4	"	3 75
		William Farley	1 2 3 4	"	6 22
		Wm W Piercy	4	"	1 01
		Alfred Angel	4	"	1 99
16	98	Thos M Angel	4	In full	2 23
		James Angel	2 3 4	In part	11 23

		"	3 4	"	10 67
11	64	Isaiah Cook	1 2 3 4	"	4 34
		Margaret Bryson	3	"	1 75
9	37	James Truitt	1 2 3 4	"	3 10
"	18	Noah Miller	1 2 3 4	"	4 86
		Julius Dean	1 2 3 4	"	9 69
		William Williams	2 3 4	"	8 40
		William Bates	1 2 3 4	"	2 89
11	119	Thos. Ford	1 2 3 4	"	16 83
	72	James Peak	1 2 3 4	"	12 27
		James Bradly	2 3 4	"	4 26
		Martin Norton	1 2 3 4	"	7 15
		Peter Ledford	1 2 3 4	"	5 61
		Phillip Guyer	2 3 4	"	13 98
		John Hickey	1 2 3 4	"	2 82
		William Crisp	1 2	"	1 67
		"	1 2 3 4	"	10 67
		Alex. Nickels	1 2 3 4	"	14 26
		Benj. Hide	1 2 3 4	"	7 46
		Thomas Grant	1 2 3 4	"	3 04
10	112	Jasper R. Johnson	3 4	In full	13 53
		William Dewese	2 3 4	In part	4 54
		Bryant Gibbs	2 3 4	"	17 65
		Henry Dewese	3 4	"	3 52
15	75	Thomas Kimzey	4	In full	2 27
		Jacob Fouts	3 4	In part	3 08
		William Angel	4	"	35 52
		Isaac Mauney	1 2 3 4	In part	57 95
		David Carpenter	1 2 3 4	"	6 55
		Joseph Donaldson			8 94
13	48	Jacob Palmer	1 2 3 4	"	3 74
"	46	"	"	"	3 74
		Joshua Ammonds	1 2 3 4	"	8 63
15	93	Z. J. Thomas	4	In full	19 46
		James Addington	2 3 4	In part	10 50
		John Palmer	2 3 4	"	3 50
		Martin Hursts	4	"	9 72
		E. N. Hall	1 2 3 4	"	5 61
		Wm. H. Bryson	2 3 4	"	17 20
		"	2 3 4	"	6 75
		John Bryson Sr.	1 2 3 4	"	12 12
		Elijah Underwood	1 2 3 4	"	7 91
		Adam Corn	3 4	"	1 44
		Andrew Bryson	1 2 3 4	"	6 73
		Baily Kirby	1 2 3 4	"	4 86
		William Stalcup	1 2 3 4	"	12 46
		John Passmore	1 2 3 4	"	4 03
		David Morgan	1 2 3 4	"	13 50

		Buckner Guy	1 2 3 4		2 29
		Sam'l Kelly	1 2 3 4		8 72
		John Justice	1 2 3 4		14 96
		William Tatham	3 4		2 02
		Hugh White	3 3 4		14 13
		James Vermilion	1 2 3 4		6 98
		Elizabeth Drymon	1 2 3 4		10 47
		Thomas Long	1 2 3 4		13 69
		Daniel Garland]	1 2 3 4		5 61
		West Truitt	1 2 3 4		24 21
		Lewis Fore	1 2 3 4		15 95
		John Dowdle	1 2 3 4		14 96
		James Rogers	1 2 3 4		2 25
		West Truitt	1 2 3 4		8 90
		John Howard	1 2 3 4		10 45
		Richard Wilson	1 2 3 4	In part	7 41
7	52	John Howard	1 2 3 4		16 83
		Henry Wilson	3 4	In full	7 00
		Archibald Morrison	2 3 4	In part	2 90
		Matthias Wike	4		4 77
		John Zachary	1 2 3 4		11 23
		John Wild	2 3 4		8 76
		Elijah Davis	1 2 3 4		13 09
		Henry Addington	1 2 3 4		40 02
		Arch'd Vaughn	1 2 3 4		52 29
11	115	Lawrence Bradly	1 2 3 4		24 79
		Elizabeth Stiles	3 4		2 42
		Wm Cowen	1 2 3 4		3 36
1	34	Samuel Cable	1 2 3 4		5 61
		Daniel Brewster	1 2 3 4		4 49
		William G Watts	1 2 3 4		3 33
		John Huggins	4		1 58
		John Poteet	1 2 3 4		3 45
		Francis Ward	4		5 00
		Silas Green	1 2 3 4		4 83
		Rachel Messor	1 2 3 4		6 38
		Rich Jones	2 3 4		2 25
		John Long	1 2 3 4		11 28
		Jesse Saunders	1 2 3 4		4 02
		Henderson Saunders	3 4		2 05
11	19	J M Bryson	3 4		4 40
		Jesse McClure	1 2 3 4		3 74
		Hiram Gibson	4		20
		Jesse Guy	3 4		1 68
		Walter Jeffries	3 4		1 97
		John Watson	1 2 3 4		12 01
		Andrew Watson	1 2 3 4		2 99
		Margaret Bryson	2 4		3 50

11	102 95 93 92 101	John Hall	1 2 3 4		8 85
		John Dills	3 4		1 76
		James H Bryson	1 2 3 4		10 27
		Amos Ledford	1 2 3 4		3 06
		Gray Crow	1 2 3 4	In part	2 99
		Henry Hagan	1 2 3 4		3 79
		"	1 2 3 4		3 97
		"	1 2 3 4		3 78
		"	1 2 3 4		2 89
		"	1 2 3 4		2 89
		James Ledford	1 2 3 4		23 86
		David Ledford	2 3 4		25 94
		William Dodgin	1 2 3 4		3 38
		Walter Burrel	3 4		4 40
		Aaron Smith	1 2 3 4		17 37
		John Scroggs & Philips	2 3 4		3 74
		John Cave	1 2 3 4		11 22
		Risden Cooper	1 2 3 4		3 74
		Thomas Rogers	2 3 4		2 25
		"	3 4		2 05
		David Picke	1 2 3		2 98
		Lawrence Bradley	4		5 70
		Thos J Williams	1 2 3 4		8 38
		Christopher Sitser	3 4		11 46
		Elizabeth Saunders	3 4		8 80
		William Mason	4		4 00
		Osborn Beaver	1 2 3 4		2 99
		John Stilwell	1 2 3 4		4 97
		Abram Wiggins	1 2 3 4		3 86
		James Walker	3 4		11 47
		Noah Birchfield	1 2 3 4		9 35
		C R Hardin	1 2		3 81
		"	1 2 3 4		3 21
		James Ledbetter	1 2 3 4		2 99
		John Hickey	1 2 3 4		3 74
		George Shuller	2 3 4		2 83
		"	3 4		6 18
		David Shuller	1 2 3 4		10 36
		Price Shuller	1 2 3 4		6 56
		Joseph Welch	1 2 3 4		6 67
		Nathan Tabor	1 2 3 4		11 50
		Henry Morrow	1 2 3 4	Int to 1 Jan-	3 75
		James McGahak	3 4	uary 1844	1 32
		E ^d M Kirkpatrick	1 2 3 4		1 37
		E M Kirkpatrick	1 2 3 4		23 19
		John Conly	3 4	In full	12 45
		Wm Sutton, Sen.	1 2 3 4	into 1 Jan 44	7 48

		Amos Cabe	2 3 4		5 26
		Joseph Donaldson	4		2 28
		Andrew Hodgins	3 4		12 30
		Lewis Hodgins	1 2 3 4		13 07
		A. B. Donaldson	"		3 66
		J. R. Edwards	"		2 99
		"	1 2 3		2 42
		Solomon Newton	1 2 3 4		5 21
		Absalom Hooper	"		5 59
		"	"		2 89
		Andrew Hooper	"		2 99
		Watson Picklesimer	"		2 97
		"	"		4 11
		"	"		3 27
		John Hall	1 2		25 50
		Abraham Pickelsimer	3 4 4		2 68
		Benj. Stiles	2 3 4		8 12
		William Picke	3 4		1 14
		Miles Carroll	2 3 4		9 52
		William Bryson	1 2 3 4		16 83
		William White	"		2 84
		John Baker	"		8 70
		Lemuel Bird	"		2 70
		Andrew McDaniel	"		5 22
		Joseph Smith	"		5 61
		Eli Waldroop	3 4		3 29
		David Moses	"		14 07
		Benj. Duvall	2 3		11 20
		Abram Sellers	1 2 3 4		6 87
		Thos. J. Roane	"		13 48
		John Dobson	"		12 35
		Laban Long	"		10 95
		William Arnold	1 2 3 4	Int. to Jan.	7 48
		James M. Thomason	"	[1844.	2 63
		Robt. Hall	"		9 47
		Joseph Miller	"		4 49
		Benj. Duval	4		3 80
		Peter Miller	2	In full	3 01
1	54	Joseph Welch			33 50
		Robert Huggins	1 2 3 4		38 82
		David Peck	4	Interest	74
		Reuben Bearly	1 2		1 07
		Enos Scroggs	1 2 3 4		8 34
		Silas McDowell	2 3 4		4 50
		John Phillips			7 70
		David Moses			57
12	14	Washington Angel	2 3 4	In full	28 18
12	16	"	"		27 16
15	135	John Clure	3	In part	1 00
9	4	Peter Miller	4	In full	3 57

9	51	"	2	In part	2 43
10	116	James Withrow	1 2 3 4	Intto Jan '44	7 61
		William Poteet	3 4		16
8	80	C. R. Hardin	3 4		3 31
		Abraham Wiggins	1 2 3		9 90
11	67	John Amors	1	In full	4 36
11	96	John Davis	1	In part	8 00
		George Lowdermilk	1		2 00
		John Bruer	1	In full	2 24
		Andrew Hodgons	1	In part	5
		Young Amors	1 2 3 4	Int. Jan:	2 85
10	37	Daniel Gabby	1 2	In part	12 00
9	31	James Truitt	1 2 3		6 50
		ib	3 4	Total	6 02
7	54	Richard Wilson	1 2 3 4		13 82
		do	1 2	In part	2 93
8	99	Cornelius Cropper	3 4	Total	7 20
8	100	do	2 3 4		11 22
		Andrew Welch	4	ib:	17 63
		Noah Buchfield	1	part	5
		Christopher Sitzer	3		20
		Nineveh Barnes	1	In part	1 50
		Polly McDowell	3	In full	5 14
15	110	Amos Ledford	1 2 3 4	Total	12 24
		Peter Miller	3	In part	1 75

Statement of monies paid into the Public Treasury on bonds of 1836 and 1838, from 1st Nov. 1842, to 1st Nov. 1844, on Cherokee Bonds, sales of 1836 and 1838.

Jacob Siler, agent	808 98
Jacob Abernathy	40 00
Edmund Jones	150 00
Abraham Harshaw	155 73
Jacob Siler	250 00
Nelson A Strange	800 00
Jacob Siler	962 00
Edmund Jones	150 00
Jacob Siler	185 00
Jacob F Abernathy	73 00
John Sudderth	57 60
David Corpening	86 95
Same	915 05
Jacob Siler	903 35
J. L. Clingman	244 00
Edmund Jones	150 00
Jacob Siler	2,088 32
Do	7,600 60
Do	1,668 89
Do	661 68
Edmund Jones	200 00
John Tatum	477 06
Jacob Siler	350 30
Saml. Tate	1,087 79
John Sudderth	400 00
Jacob F Abernathy	450 00
T L Clingman	400 00
Jacob Siler	1,363 03
Total paid in	\$22,679 33

STATEMENT E2.

Moneys paid to Jacob Siler, Agent for Cherokee Lands, as per his returns to the Treasury Department, sales of 1838.

District	Tract.	Persons Paying.	No. of Bond.	Remarks	Amt.
3	15	Jos. Smart, 20 Oct. 1842.	2	In full	\$59 21
4	1	Griffin McMillan	1		2 60
		"	2		4 89
2	93	David Davenport 26 Oct. '42	3	In part	130 00
8	110	N. B. Thompson	1 2	In full	5 49
10	68	John Cockerham	1 2		5 47
4	134	William Watson	1		47 49
5	41	G. W. Lovinggood	1		48 90
2	124	Amos Ledford	1	In part	13 70
	93	David Davenport 27 April 1843	4		87 00
townl't	No. 9	Henry Grady	1		28 85
3	133	B. Stanridge	2		53 00
2	96	Amos Curtis	1	In full	4 68
"	146	"	2	In part	25 32
"	93	David Davenport 16 June '43	4		8 50
"	95	Milton Brown 7 June 1843	1 2	In full	130 49
9	27	Jas Colvard	1	In part	23 00
5	20	G. F. Rose	3	In full	3 05
"	"	"	4	In part	1 95
3	145	Nelson A. Strange	2	In full	324 39
"	"	"	3	In part	475 61
2	98	Jasan Ledford	2		66 15
"	141	Jas. D. Franks	2 3 4	In full	356 22
"	81	Andrew Barnard	2		214 33
	124	Amos Ledford	1	In part	10 00
3	135	Geo. Hampton	3 4		45 76
8	110	N. B. Thompson	3 4	In full	6 78
2	100	Jas. M Ledford	1 2 3 4		103 58
6	43	Jacob F. Abernathy	3 4	In part	213 00
2	140	Saml. Norriss	2		20 00
"	94	Moses Curtis	3 4		24 43
8	2	John D. Hart	1		33
"	162	"	1 2		2 19
7	40	Philip Bradley	1 2 3 4		60 70
	38	Michael Long	1 2 3 4		2 87
2	63	Sam'l Tate	1 2	In full	87 21
	65	"	1 2		509 17
2	61	Sam'l Tate	2	In part	303 62
"	137	Jas Patterson	4		6 32
"	140	Sam'l Norriss	4		6 48
6	43	Jacob F. Abernathy	3		70 00
2	147	John Wood	2 3 4	In part	11 80

	150	Andrew Barnard	2 3 4	622	61
	81	"	3 4	87	4
	93	David Davenport	4	In full	119 30
	127	Jesse Sherer	1 2 3 4	In part	5 8
	120	"	1 2 3 4		12 7
3	133	B. Stanridge	2 3 4		42 03
	139	Geo. Coleman	2		4 35
2	126	Wm. Mair	2 3 4		9 09
3	117	John Harshaw	1 2 3 4		50 91
	155	Phillip Harshaw	1 2 3 4		15 59
		Martin Baker	2 3 4		31 32
	175	Jas Crawford	1 2 3 4		20 70
12	47	Wm. E Mell	1 2 3 5		1 61
2	146	Amos Curtis	2 3 4		51 76
	96	"	2 3 4		8 69
	148	Watson Curtis	1 2 3 4		23 11
3	198	Francis McGeehe	1 2 3 4		23 29
2	77	William Sanderson	1 2 3 4	In part	13 15
	76	Same	1 2 3 4		2 88
	78	Same	1 2 3 4		3 75
3	183	Eli Sanderson	1 2 3 4		3 72
	178	Same	1 2 3 4		27 14
	196	Same	1 2 3 4		7 50
	180	Same	1 2 3 4		15 79
2	149	George Mc Clure	1 2 3 4		25 35
	150	do	1 2 3 4		41 53
	120	Marshall Mull	1 2 3 4		16 33
1	2	Joseph Chambers	1 2 3 4		6 85
8	2	John D Hart	2 3 4		1 2
	162	Same	3 4		1 45
	1	do	1 2 3 4		2 94
11	9	do	1 2 3 4		6 20
2	23	George D Davis	1 2 3 4		7 91
1	24	do	1 2 3 4		6 47
2	26	do	1 2 3 4		24 00
1	30	do	1 2 3 4		5 90
	28	William M Davis	1 2 3 4		18 15
	31	Richard Edmonston	1 2 3 4		4 24
	132	Christopher Sitser	1 2 3 4		3 27
	133	Joab L. Moore	1 2 3 4		12 09
-10	96	John Panther	3 4		3 27
	95	do	3 4		3 19
	91	do	3 4		2 64
4	2	John Derryberry	1 2 3 4		5 12
2	102	James M Ledford	1 2 3 4		68 66
	104	J. L. Moore	1 2 3 4		56 34
3	173	Robert Henry	1 2 3 4		7 52
2	67	Madison Curtis	2 3 4		43 08
5	26	Jorial Barnet	2 3 4		5 49
		John McDowel	1 2 3 4		6 70
7	65	Burch Allison	1 2 3 4		84 16

		John Beaver	1 2 3 4		8 66
		Jesse R Stalcup	1 2 3 4		35 06
		Patrick Hennessee	1 2		100 00
		Martin Norten	1 2 3 4	In part	12 79
		David Bowlin	1 2 3 4		1 62
5	40	Joseph McMullen	1 2		36 67
17	2	Henry Dewese	1 2 3 4		3 36
3	197	J L Moore	1 2 3 4		33 89
2	131	William Pruitt	1 2		116 69
2	52	Spencer Ledford	1 2 3 4		24 95
10	68	John Cockerham	3 4		66
		William Watson	2 3 4		32 37
4	135	William G Watts	1 2 3 4		3 78
		James Witherow	1 2 3		18 40
8	140	Harvey Penland	3 4		84
	147	do	3 4		55
	139	do	3 4		55
	145	do	3 4		78
	66	do	3 4		10 75
	59	do	3 4		6 63
	92	do	3 4		5 14
	91	B. S Brittain	3 4		9 44
	90	do	3 4		4 72
12	69	Same & Geo. Penland	1 2 3 4		5 95
2	84	John Ledford	1 2 3 4		145 71
3	33	David Thompson	1 2 3 4		36 74
7	67	Nelson Borgan	1 2		4 94
	63	Saul Smith	1 2 3 4		49 58
	64	do	1 2 3 4		4 43
	65	do	1 2 3 4		5 13
	26	James Colvard	1 2 3 4		15 08
	67	do	1 2 3 4		5 55
	16	John H. Kirkland	1 2 3 4		2 17
4	121	Jesse Stanridge	1 2 3 4		4 43
2	97	John H Ammons	1 2 3 4		7 73
	85	Jesse Kirby	2 3 4		5 40
	68	do	3 4		8 46
		John H Ammons	1 2 3		31 68
8	104	Jesse W Sherrer	1 2 3 4		14 41
9	98	Jesse W Sherrer	1 2 3 4		3 48
		Jan. 1844		In part in gene-	
2	121	do	1 2 3 4	ral all these pay-	17 56
8	99	Willie Sherrer	1 2 3 4	ments are for in-	4 23
	115	Enoch Burnet	1 2 3 4	terest to 1st Jan.	18 90
2	114	Sam'l Norris	2 3	1844.	12 40
	144	James Patterson	1 2 3		37 22

		Morgan B Owensby	1 2		79 92
		Dempsey Raby	1 2 3 4		1 88
		N N Russell	1 2 3 4		1 92
2	72	John A Robinson	1 2 3 4		5 18
"	73	do	1 2 3 4		32 41
"	145	do	1 2 3 4		8 27
"	3	Saml Leatherwood	1 2 3 4		1 41
"	55	Adam Low	1 2 3 4		2 90
3	169	Thos Kinzey	1 2 3 4		67 90
9	27	John Colvard	1 2	In full	2 95
"	"	do	-2	In part	2 90
5	18	John M Case	1 2 3 4		20 56
"	28	do	1 2 2 4		1 40
"	17	Lawson A Mingo	1 2 3 4		10 95
"	22	James Allen	1 2 3 4		2 16
"	21	do	1 2 3 4		3 55
"	24	do	1 2 3 4		4 50
7	33	Thos Tatham	3 4		11 18
		John Howard	1 3 3 4		12 91
		Howard & Pace	1 2 3 4		21 64
		John Wild	1 2 3 4		7 85
8	20	Jacob Stuart	1 2 3 4		2 55
		Samuel Cable	1 2 3 4		1 87
		John H Ammons	4		5 38
12	42	J W Guinn	1 2 3 4		2 13
11	88	do	1 2 3 4		2 13
12	39	do	1 2 3 4		2 13
9	59	do	1 2 3 4		13 62
"	51	do	1 2 3 4		3 20
"	70	do	1 2 3 4		3 20
9	62	J W Guinn	1 2 3 4	In part	4 36
"		Pd Jan 1 1844			
"	53	do	1 2 3 4		6 00
		J W Guinn & A Truitt	1 2 3 4		10 11
9	60	J W Guinn & R Henry	1 2 3 4		5 00
13	23	John R Allman	1 2 3 4		2 13
"	1	do	1 2 3 4		2 60
"	8	do	1 2 3 4		5 16
		Joseph Bryson	1 2 3 4		2 39
		John Loyd	1 2 3 4		12 57
		William Watson	1 2 3 4		46 49
2	90	James M Ledford	1 2 3 4		1 40
2	88	Geo W Hogshead	1 4		52 29
"	125	William Marr	1 4		7 83
"	98	Jason Ledford	3		20 75
		Hiram Ledford	1 2 3 4		1 97
		G F Rose	3 4		6 59
5	20	do	4		20

		William Kinsland	2 3 4		79
		Abram Wiggins	1 2 3 4		1 32
		Joseph Brandle	3 4		5 24
		Noah Birchfield	1 2 3 4		7 57
		Panther's Reserve			
17	3	James Wiggins	1 2 3 4		2 34
do	1	do	1 2 3 4		9 38
do	2	do	1 2 3 4		4 64
		William Marr	1 2 3 4		1 77
		John Ramsey	1 2 3 4		2 16
11	15	Robt Bryant	1 2 3 4		6 25
		Jesse F Padget	1 2 3 4		3 63
2	7	Eli Ledford	1 2 3		218 84
2	21	Jesse Cockerham	2 3 4		15 48
2	20	Same	2 3 4		130 02.
3	134	Drury Kilpatrick	1 2 3 4		2 54
		do Hugh Howk	2		21 33
		Jonathan Blythe	3		106 24
3	15	Joseph Smart	3 4		11 56
4	1	Griffin McMillan	3 5		9 67
8	7	Jonathan Simonds	1 2 3 4		5 40
4	69	Jacob Lowdermilk	1 2 3 4		
		Pd Jan. 1844.		In full Interest Int to Jan. [1844.]	16 62
4	68	do	1 2 3 4		24 57
3	74	Wm J Lowdermilk	1 2 3 4		12 48
		John Anderson	1 2 3 4		15 26
4	61	David Thompson	1 2 3 4		2 17
4	137	do	1 2 3 4		7 61
4	141	do			7 20
4	139	do			6 05
138	20	do			4 58
140	20	do			10 41
9	1	Em Kilpatrick	1 2 3 4		5 33
do	2	do			1 81
8	96	do			4 74
do	100	do			4 74
do	97	do			4 74
do	101	do			11 88
		Geo N Halcombe	2 3 4		18 00
		Darling Brown	1 2 3		30 30
town lo		H P Grinnell	2 3 4		22 66
5	49	Singleton Rhea	1 2 3 4		3 53
do	48	do			9 78
do	47	do			2 92
do	54	James Walker			11 09
		Jesse Standridge	2 3 4		4 71
		do	1 2 3		3 73

	Rich'd Edmonson	1 2 3 4	7 51
2	51 Joab L. Moore		14 20
	Rich'd Edmonson	1 2 3 4	2 39
	do		86 31
2	36 John C. Moore	1 2 3 4 In full	16 96
"	do	Interest	28 82
	Ebenezer Newton		2 68
5	56 Jorial Barnett	1 2 3 4	2 27
3	150 Joshua Harshaw		22 29
	177 do		21 29
	160 do		6 59
5	70 do		1 82
5	63 do		100 60
3	158 Joshua Harshaw	1 2 3 4 Int. to Jan.	31 94
	20th Jan. 1844.	[1844.	
"	146 do	1 3	427 41
2	155 Jason L. Hyatt	1 2 3 4	24 04
	154 do		142 89
3	195 Francis McGee		5 04
"	Andrew Ferguson		33 39
8	25 J. L. Johnson		3 24
8	24 Eli Collins		8 68
8	6 Benj. Stiles		40 64
	4 do		43 20
	5 do		4 33
	3 do		25 10
9	13 John D. Mingus		4 33
	John Redman		8 09
6	113 A. J. Russell		2 08
6	42 do		4 59
3	168 Thomas G. Kinzey		10 09
	167 do		24 93
	Amos Ledford		106 98
	Barbee Carrol	2 4	67 00
2	13 John Saunders	1 2 3 4	23 10
"	14 Joseph Kilpatrick		7 85
"	6 Francis McGee		32 84
	17 Samuel Jarvis		14 24
	18 Wm. M. Davis		16 82
3	109 John Carpenter		7 06
	Alfred White		16 98
	Samuel Bryson & Co.	1 2 3	132 17
13	7 Jesse R. Siler	2 3 4	1 75
	2 Henry Grady	1 2 3 4	9 55
2	53 Joab L. Moore		19 53
8	112 N. B. Thompson		2 05
2	105 Mm. Marr		30 52
12	38 Nathan Pilkinton		6 13
11	6 J. H. Hunter		1 29

12	3	John H. Kirkland			3	64
		James Holland			3	03
		James Tatham	1	2	3	82 00
		Barnet Burch	1	2	3	4
		Richard Parsons			Int to Jan. '44	13 78
9	98	Wm. Pace				7 59
12	20	Jno. H. Kirkland		4	In full	8 10
12	27	do	2	3	4	6 91
"	18	do				37 53
	21	do				13 67
	"	do				13 67
	25	Geo. Sherrill	1	2	3	4
6	79	Jesse R. Siler			In full	23 94
6	81	"	2	3	4	21 51
		Thos. Cabe			In full	33 84
		L. Cabe	2	3	4	1 77
		Wm. Rodgers	1	2	3	4
		M. B. Strain			Interest	11 95
		Jonathan Philips	2	3	4	3 16
		Wm. Evett	1	2	3	4
		Levi Logan				54 94
2	143	Lawrence Bradley	1	2	3	4
3	155	Geo. Hampton			In full	24 57
13	41	N. S. Jarrett	2	3	4	1 21
2	81	Andrew Barnard				7 81
12	55	Wm. Evitt	1	2	3	4
2	156	Andrew Barnard			In full	6 87
10	26	Geo. Penland	2	3	4	45 58
5	20	G. F. Rose				11 97
2	124	Amos Ledford	2	3	4	250
		Big Tom's Reserve				4 85
		Mark Coleman	1	2	3	4
		do				250
		Johnson's Reserve				102 50
16	10	W. W. Dobson				5
		Saul Smith	1	2	3	4
2	95	Milton Brown				90
		Sam'l Bryson & Co.	1	2	3	4
2	98	Jason Ledford				In full
1	47	Sam'l H. Johnson	2	3	4	15 83
7	85	Hugh Stewart				4 54
7	64	H P Grinnell	1	2	3	4
3	145	Nelson A Strange				Int. to Jan '44
		John McConnell				7 55
8	41	Enos Shields				7 61
2	131	Wm Pruitt				16 04
1	40	Eph'm Amors				66 09
7	20	James F. Ellis				11 75
						11 16
						49 23
						17 47
						500
						17 25
						6 00
						66 00
						231 09
						36 57

1	43	John Timson	1 2 3 4	Int. to Jan. 1844.	32 01
5	43	ib	1 2 3 4	In full (total)	21 80
5	42	ib	1 2	In part	37 00
5	20	G F Rose	4	In full	5 51
2	156	Andrew Barnard	2 3	In part	980 33
5	122	David Humphreys	1 2 3 4	Int. to January	19 97
5	119	Louis Truwest	1 2		4 23
8	140	Harvey Penland	3 4	Total	7 34
8	147	ib	3 4		5 08
8	139	ib	3 4		4 04
8	145	ib			7 24
8	64	ib			89 55
3	33	David Thompson	1	In part	7
11	14	Wm. Crisp	1 2	In full	4 83
		do	1 2	In full	27 25
		David McCay & Co.	1	In part	39
		Eli Ledford	4	Interest to Jan '44	37 03
3	198	Francis McGee	1	In full	21 70
1	40	E Ammons	2	In full	660 39
6	91	John Tatham	1	In full	88 41
7	45	Wm. P. Waugh	1		141 88
7	77	David A Cline	1 2 3 4	In full	20 22
5	51	Singleton Rhay		Int. to January	6 57

F

The following exhibits the number of Insolvent Polls allowed the different Sheriffs of the Counties here set forth for 1844 as follows (viz:)

Sheriffs' Names.	Names of Counties.	No of Insolvent Polls.
Burrell B Roberts	Davidson Co.	47
Pierce Roberts	Buncombe	46
Thos M Angel	Macon	11
S W Hyatt	Cherokee	45
J B Allison	Haywood	50
Haywood Edmondson	Greene	50
Wm W Brickell	Halifax	75
Amma B Chesnutt	Samson	72
John B Stamey	Lincoln	7
A H Shufford	Catawba	6
Charles Blanton	Cleveland	6
Wm D Petway	Edgecombe	41
Jno C Knight	Richmond	40
Calvin Coor	Wayne	91
Wm B Murch	Davie	71
Jas T Johnson	Iredell	146 & rem's
Nathan Bagly	Perquimons	108
George Dill	Carteret	33
Thos J A Cooper	Nash	34
James W Doak	Guilford	141
Martin Roberts	Rockingham	9
Etheldred Peebles	Northampton	260
Jno B Dawson	Craven	129
Leonard Zigler	Stokes	183
R B Davis	Washington	15
Rich'd G Cowper	Hertford	117
Abner Carmichael	Wilkes	73
Alex Johnson	Cumberland	48
Thomas Wilson	Yancy	23
James Edwards	Wake	152 & rem's
Benj M Selby	Pitt	105
Wm Wilkins	Rutherford	96
Joseph White	Anson	58
Alex Kelly	Moore	55
Allen S Ballinger	Johuston	50
Wm D Rascoe	Chowan	47
Edward Davis	Stanly	27
John L Christian	Montgomery	60
John E Hussey	Duplin	36
R W Long	Rowan	37
H G Hampton	Surry	93
Guston Perry	Franklin	103
Job Carver	Pasquotank	63

STATEMENT (F.) CONTINUED.
INSOLVENTS FOR 1843.

45

Seth W Hyatt	Cherokee County	46
T M Angel	Macon	39
J W Allison	Haywood	82
Wesley Hanks	Chatham	144 & rem's
Jno C Knight	Richmond	50
Wm B Rascoe	Chowan	40
B B Roberts	Davidson	36
Haywood Edmondson	Greene	53
W W Brickell	Halifax	146
Etheldred Peebles	Northampton	228
Rich'd G Cowper	Hertford	132
Abner Carmichael	Wilkes	87
Alex Kelly	Moore	21
Wm B March	Davie	79
E W Davis	Stanly	35
Charles Blanton	Cleveland	10
Wm Wilkins	Rutherford	64
Andrew Shufford	Catawba	18
J E Hussey	Duplin	39
J R Stamey	Lincoln	21
Martin Roberts	Rockingham	36
James T Johnson	Iredell	147
Joseph W White	Anson	92
Pierce Roberts	Buncombe	89
Guston Perry	Franklin	55
Wm D Petway	Edgecombe	190
Enoch P Daily	Camden	8
Calvin Coor	Wayne	68
R W Long	Rowan	105
Amma B Chesnut	Sampson	57
Alex Johnson	Cumberland	83
Allen Grist	Beaufort	7
Robt B Davis	Washington	32
Jno McCleese	Tyrrell	20
Benj M Lilley	Pitt	58
Job Carver	Pasquotank	41
Wm S Ballinger	Johnston	34
Nathan Bagley	Perquimons	174
Jno B Dawson	Craven	5
George Dill	Carteret	15
James Edwards	Wake	136
H G Hampton	Surry	95
A S Mooring	Martin	13
James W Doak	Guilford	

The foregoing contains the amount of *Insolvents* allowed the Sheriffs in their settlements with this office for the years 1843 and 1844.

WM. F. COLLINS, *Comp.*
Comp. Office, Nov. 22d, 1844 TO THE PUBLIC TREASURER

State of the Bank of Cape Fear on the Morning of Monday the 2nd day of January, 1843.

Capital Stock	1,500,000	Specie	331,038
Notes in circulation	735,241	Deposites in Foreign Banks	206,504
Dividends unpaid	46,250	Notes of Foreign Banks on hand	120,500
Due to Banks	13,037	Due by Banks in North Carolina	40,056
Deposites	157,165	Notes of North Carolina Banks on hand	77,910
Contingent fund	61,749	Real Estate	62,615
Profit and Loss	5,563	Bills of Exchange in suit	39,857
		Debt	1,640,525
	\$2,519,005		\$2,519,005

State of the Bank of Cape Fear on the Morning of Monday the 3d day of July, 1843.

Capital Stock	1,500,000	Specie	285,054
Notes in Circulation	829,262	Deposites in Foreign Banks	313,400
Deposites	145,112	Notes of Foreign Banks on hand	89,374
Dividends Unpaid	1,443	Due by banks in North Carolina	72,170
Due to Banks	5,722	Notes of N Carolina Banks on hand	59,531
Contingent Fund	61,749	Real Estate	62,655
Profit and Loss	46,769	Bills of Exchange in suit	35,727
		Debt	1,672,146
			<u>\$2,590,057</u>
			\$2,590,057

State of the Merchants' Bank of Newbern on Wednesday the 31st day of May, 1843.

W. W. CLARK, Cashier.

W. W. CLARK, Cashier.

BANK EXHIBIT No. 3.

General Statement shewing the condition of the Bank

Bills and notes discounted		*1,881,356 01	
Bonds of the Ral. and G R R Com. guar. by the State		83000	
Bills of Exchange		322132 97	2,286,488 98
Real Estate			45149 38
Pension Office		403 77	
Pensions under act 1836	10,003 89		
Do 1838	10,026 33	20030 22	20433 99
Due from Banks.			
Merchants' Bank Boston		14015 67	
Do New York	34,581 65		
Fulton " do	15,786 20	50367 85	
Farmers and Mechanics, Phila.	7,639 11		
B'k of N. America, do	885 91	8525 02	
Merch'ts B'k, Baltimore		2803 03	
Farmers' do Norfolk	3248 78		
Bank of Va. Petersburg	1556 88	4865 66	
Planters' and Mec. Charleston		352 69	
B'k C. Fear, Asheville	1147 35		
Do Washington	3155 91		
Do Salisbury	825	5428 31	86327 63
Notes of other Banks.			
Virginia		4013	
S Carolina		4595	
N Caro. C. Fear B'k	40480		
Merchts' do	2393	42873	51514
Treasury U. States notes and int. Specie			257 61
Silver		322961 17	
Gold Coin	206089 30		
Bullion	1555	207614 36	
Cents		101 72	530707 25
Vouchers unadjusted			312 57
Bills and checks in transitu			11395 68
			53,932,564 12

*Of this sum, (\$1,881,356 01,) there is due by Directors
Stockholders not Directors

88172 86

39157 11

\$127,629 97

BANK EXHIBIT No. 3, continued.

of the State of North Carolina, 25th Nov. 1843.

Capital Stock			1,500,000
General profit and loss	248,879 59		
Contingent Fund	278 31		240157 90
Treasurer U. S. for P. O. D. Pension Office.			21 25
Pensioners under act of 1838	266 57		
Do 1832	21778 65		
Invalid Pensioners	7321 65		
Revolutionary do	513 65		
Pensioners under act of 1843	110 86		29091 39
Public Treas'r of N. Carolina Due to Banks.			33953 33
O. J. Cammann, Cash'r N. Y. Merch's Bank do	6065 25 339 88		
Agency B'k. Fayetteville		6405 13	
Farmers' B'k Petersburg	7113	162 75	
Bank Va. Norfolk	1668 47		
Do Portsmouth	378 79		
Exchange, Norfolk	1492 01	10652 27	
B'k Cape Fear, Wilmington	5096 32		
Do do Fayetteville	19996 45	25092 77	
Notes in circulation.			42312 92
Issued by Raleigh			
Br. Newbern		248919	
" Tarborough		131828	
" Fayetteville		116353	
" Wilmington		162661	
" Elizabeth City		135096	
		148818	
Dividends unpaid			943675
Deposits by individuals			1187
			227285 34
			\$3,032,584 12

C. DEWEY, Cashier,

State of the Merchants' Bank of Newbern, on Wednesday, the 29th of November, 1843.

Note.—Of the above amount of	
Bills Receivable,	\$304,552 72
There is due from Stockholders	
not Directors	13,032
And due from Directors	13,516

W. W. CLARK, Cashr.

BANK EXHIBIT No. 5:

State of the Bank of Cape Fear, on the Morn-

	Capital Stock.	Bank Notes issued.	Depos- ites.	Divds. unpaid.	Due to banks	Conti- nent Fund.	Profit and Loss.
At Bank	1,500,000	1,183,737	43,835	1,698	14,758	63,192	49,482
Fayetteville		287,638	41,344		1,656		
Salem		18,607					
Hillsboro'			4,027				
Washington		146,849	16,550		3,378		
Salisbury		129,470	14,966		819		
Raleigh		26,299	56,682		2,208		
Asheville		44,000	2,763				
	1,500,000	1,786,600	180,167	1,698	22,819	63,192	49,482

RECAPITULATION.

Capital Stock	1,500,000
Notes in circulation	979,743
Deposites	180,167
Dividends unpaid	1,698
Due to Banks	22,819
Contingent Fund	63,192
Profit and Loss	49,482
	<hr/> 2,797,101

BANK EXHIBIT No. 5, continued.

ing of Monday, 1st January, 1844.

	Specie	Depos. in For. banks.	Notes for. lks on h'nd	Due by lks in N. C.	Notes on h'nd	Notes on h'nd	Real Estate.	Bills of exchange in suit.	Debt.
At Bank	132118	124112	15928	23426	25498	605407	19775	4317	467971
Fayetteville	108604	96136	20565	31031	18588	72624	14000	25528	434686
Salem	6827		3923		2142	2367	411		208663
Hillshoro'	3700		1078		2891	8485			118760
Washington	36412	58537	624	3190	5283	37722	10203		147726
Salisbury	43600	27685	40772		6775	4556	6552		182099
Raleigh	19701	17327	950	267	18772	65946	11937		151238
Asheville	7619	18543	1144		699	9780	3297		71183
	358281	339740	84984	57924	80648	806857	66153	29846	1779526

RECAPITULATION.

Specie	358281
Deposites in Foreign Banks	339740
Notes of Foreign Banks on hand	84984
Due by Banks in North Carolina	57924
Notes of North Carolina Banks on hand	80648
Real Estate	66153
Bills of Exchange in suit	29846
Debt	1,779,526
	\$2,797,101

REPORT OF MERCHANTS' BANK OF NEWBERN, 29th NOV., 1844. No. 6.

State of the Merchants' Bank of Newbern, on Wednesday, the 29th of November, 1844.

Gold and Silver		3,771 07	Capital Stock	225,000
Notes of the Bank of Cape Fear	5,199		Notes in Circulation	156,431
do & checks, Bank of the State N. C.	2,398 87		Deposites	47,258 37
do South Carolina Banks	70		Profit & loss 6 months [nett]	
		7,667 87	General Do [surplus]	9,159 67
Real Estate		6,968 90	Dividends unpaid	1,009 65
Bills of Exchange		28,330	Bank of C. Fear at Wilmington	10,259 28
Bills Receivable	299,432 23		do	854
Suspended Debt	4,646			
		304,078 23		4,194 75
Bank of Cape Fear at Washington	1,706 89			
Merchant's Bank, Baltimore	1,260 45			
Fulton Bank New York	30,193 99			
		33,161 33		
		\$443,977 40		\$443,977 40

W. W. CLARK, Cash.

STATEMENT OF THE BANK OF CAPE FEAR, 29th APRIL, 1844, No. 3.

State of the Bank of Cape Fear on the morning of Monday 29th April, 1844.

Capital Stock	1,500,000	Specie	411,579
Notes in Circulation	1,114,323	Deposites in Foreign Banks	474,537
Deposites	176,517	Notes of Foreign Banks on hand	42,007
Dividends unpaid	1,435	Due by Banks in N. Carolina	21,349
Due to Banks	21,837	Notes of N. C. Banks on hand	95,251
Contingent Fund	67,674	Real Estate	66,501
Profit & Loss	33,927	Bills of Exchange in suit	27,686
In Transitu	5,112	Debt	1,781,95
	<u>\$2,920,825</u>		<u>\$2,920,825</u>

BANK EXHIBIT No. 8.

State of the Bank of Cape Fear, on the morn-

	Capital Stock	Bank Notes issued	Depos- ites	Div- id's Un- p'd	Due to Banks	Contingent Fund	Profit and Loss
At Bank	1500000	1133737	44978	1474	18621	67674	11102
Fayetteville		328638	36308		1920		13219
Salem		18607					3640
Hillsborough			3614				4076
Washington		206849	18845		13342		5574
Salisbury		129470	18764		1240		5044
Raleigh		45299	45105		1891		3896
Asheville		85000	2852				1592
	1500000	1947600	170466	1474	37014	67674	48143

RECAPITULATION.

Capital Stock	1,500 000
Notes in circulation	1,141 600
Deposites	170,466
Dividends unpaid	1474
Due to Banks	37014
Contingent Fund	67674
Profit and Loss	48143
In Transitu
	<hr/>
	2,966,410

BANK EXHIBIT No. 8, continued.

ing of Tuesday, October 1, 1814.

	Specie	Deposites in Foreign Banks	Notes fo- reign bks on hand	Due by banks in N C	Notes N C bks on h'nd	Notes of this bank on hand	Real estate	Bills on suit	Debt
At Bank	184924	75708	33423	1374	24469	586722	19778	3103	467941
Fayetteville	105179	75311	106554		22578	82641	14000	22018	428213
Salem	6145		5514		2956	4660	1411		215732
Hillsborough	1750		319		314	9834			101180
Washington	39489	85949	2259	672	11073	36918	10236		134598
Salisbury	71129	24968	4 729		1000	876	7051		176806
Raleigh	29144	5863	16558	2030	16854	74707	11937		175158
Asheville	11747	51873	2111		4795	9543	3352		101101
	449507	319672	213467	4076	84037	805901	67790	25116	1800729

RECAPITULATION.

Specie	449,507
Deposites in foreign banks	319,672
Notes of foreign banks on hand	213,467
Due by banks in North Carolina	4,076
Notes of North Carolina banks on hand	84,037
Real Estate	67,790
Bills of Exchange in suit	25,116
Debt	1,800,729
In transit,	2076
	<hr/> 2,966,410

REPORT OF JACOB SILER, AGENT OF THE STATE FOR CHEROKEE LANDS.

— 48 —

AGENCY OFFICE, FOR COLLECTION
OF Cherokee Bonds, August 1, 1844. }

SIR :

In obedience to your letter of the 7th of May last, calling for certain information in relation to the Cherokee lands, I have the honor to transmit the following :

For want of proper records, it is not within the power of this Agency to give such detailed information on the subject as your letter requires. The Legislature of 1819 authorised a survey and sale of the territory obtained by the treaties of 1817 and 1819. The first sale under said act occurred in October, 1820. Subsequent Legislatures authorised additional sales. Under a resolution of the General Assembly, passed in 1835, the Treasurer of the State was required to give certain information with regard to the condition of the purchasers of Cherokee lands, [which] together with other information to be obtained from the Treasurer's report on this subject, is as follows :

“ Aggregate amount of the several sales of the Cherokee lands, \$119,545 13.

Aggregate amount of principal and interest now due, \$49,197 77.

Being a period of more than fifteen years from the first sale, which produced a large portion of this unpaid amount.

The Treasurer, speaking of the solvency of these bonds, says, “from the best information which it has been in the power of the Public Treasurer to obtain, it is believed that out of the foregoing bonds thirteen only, amounting to the sum of \$603 17 are totally insolvent. Some others are considered doubtful. But in no case, as the Public Treasurer has been assured, is the security of the debt endangered, as in every instance the lands are deemed to be worth as much or more than the amount of the respective debts now due. In

a few instances, the original purchasers have transferred their lands and left the State. But in none within the information of this Department has any of the lands been entirely abandoned or permitted to run to waste."

A small remnant of these bonds, as I am informed, is yet in the hands of Attorneys for collection, being a period of more than twenty years since they became due.

The next sale occurred in 1836, under the supervision of Col. N. Edmonston, as Commissioner; being such lands as failed to sell at former sales, together with such as were surveyed in 1827. The State price of much the larger portion of this land was twenty-five cents per acre, and but few tracts sold for more. The report of the sale is not before us; but, according to the sale book, the aggregate amount for which this land sold was \$28,076 75. All the unpaid bonds obtained by this sale are in my possession, some of which I have put in train for collection; such only, however, as are considered almost desperate. The territory obtained by the treaty of 1835, is supposed to contain about seven hundred thousand acres. Of this number, according to the report of the commissioners of sale, two hundred and fifteen thousand one hundred and eighty-six and three-fourths acres have been surveyed, leaving about four hundred and eighty-four thousand and eight hundred and fourteen acres unsurveyed. The State prices of the land surveyed amounts to the sum of \$92,726 25. Of the lands surveyed there were sold one hundred and eighty four thousand seven hundred and thirty-eight acres, which, estimated at the State price, amounts to the sum of \$86,031 45; but sold for the sum of \$323,693 76, showing a difference between the State and the sale price of \$242,662 31, being an advance on the State price of nearly *four hundred per centum*.

Eight town lots, half ten acres each, were sold for the sum of fifteen hundred and sixty-one dollars. Of the Indian reservations in Macon County, there were sold three thousand eight hundred and eighty-seven acres, amounting to the sum of \$1,733 09. Of the refuse lands of former sales in Macon, there were sold one thousand seven hundred and seventy nine acres for the sum of \$604 08. The aggregate amount of the sale of 1838, under the superintendence of Gen S. F. Patterson and Maj. C. L. Hinton, as Commissioners, was \$332,591 93; of which sum \$46,450 75 was paid down; the balance

was secured by bonds and deposited in the Treasury Department. It is, then, to be seen that the total proceeds of all the Cherokee land sales in the State amount to the sum of \$480,213 71. As to the amount of money that has been paid into the Treasury for Cherokee lands since the sale of 1838, I have no data, on which to make statements with any degree of accuracy, except such amounts as have been collected and paid over through this agency, the practical operations of which commenced in the month of June, 1841.

The following tabular statement represents the amount collected each month up to the 31st of July, 1844, and also the amounts paid into the Treasury with the dates thereof.

In June,	1841,	collected	\$226 70
July	"	do	"
August	"	do	1357 16 $\frac{1}{4}$
September	"	do	709 11 $\frac{1}{4}$
October	"	do	278 19
November	"	do	423 45
December	"	do	" "
January,	1842,	do	902 44
February	"	do	139 28
March	"	do	152 61
April	"	do	836 "
May	"	do	161 51
June	"	do	10 00
July	"	do	
August	"	do	5 00
September	"	do	28 53
October	"	do	480 16 $\frac{1}{4}$
November	"	do	36 85
December	"	do	78 62 $\frac{1}{2}$
January,	1843,	do	829 11 $\frac{1}{2}$
February	do	do	" "
March	do	do	274 59
April	do	do	28 85
May	do	do	" "
June	do	do	1148 30 $\frac{1}{2}$
July	do	do	356 22

August	do	do	224 33
September	do	do	219 21
October	do	do	269 35
November	do	do	1046 37
December	do	do	1713 02
January, 1844,	do	do	6235 11
February	do	do	725 32½
March	do	do	1720 38½
April	do	do	682 09
May	do	do	18 50
June	do	do	342 57½
July	do	do	13 13½
			<hr/>
			\$21,678 13½

Nett amount paid into the Treasury, as per Treasurer's receipts.

August	16	1841	1,536 34
February	12	1842	1,368 44
"	24	do	839 46
May	9	do	800 00
July	12	do	171 00
September	29	do	14 55
November	21	do	808 98
April	13	1843	250 00
June	5	do	962 00
August	15	do	185 00
December	8	do	903 35
February	12	1844	2,088 32
March	18	do	7,600 60
April	10	do	1,568 90
"	13	do	661 68
May 1844, should be May 1843,			800 00
July	13	1844	350 30
Cash on hand			18 87
			<hr/>
Aggregate amount receipts and cash			21,027 79
Comission at 3 per cent. retained			650 34
			<hr/>
			\$21,678 13

You refer me to the act of Assembly of 1840, and ask me to give a clear and decided report of the condition of the debtors as solvent, doubtful or otherwise. In my report to you on this subject, under date of May, 1843, I represented some bonds as totally insolvent, which have since been assumed by solvent men, and in some instances full payment has been made; others reported to be good, have since become doubtful; so that the changes in this way are so very frequent as to make it exceedingly difficult to report any thing definite on this subject. I would, however, be safe in expressing the belief that many of the bonds may be considered doubtful. Yet there is but little if any land that has been entirely abandoned or permitted to run to waste. Some of the original purchasers have left the State, and in some instances failed to introduce warrantable endorsers to their bonds. Many have transferred their lands to such as are able to pay the State, and have subjected themselves so to do.

To present the result of long and careful observation and enquiry on this subject, would be to give it as my opinion that much the greater portion of these bonds should be regarded as good.

Under the influence of the Act of 1842, on the subject of the payment of interest, it was predicted that many of the debtors would leave the State and abandon the land rather than stand suits on so many debts, made by others for whom they stood security. The prediction was not verified in but few if any cases; though had the belief generally prevailed that all who failed to pay the interest would have been sued, then likely the prediction would have proved true.

Without wishing to be considered obtrusive, I would most respectfully suggest whether it would not be to the interest of the State and greatly contribute to the prosperity of the debtors, for the Legislature to entirely release all the securities. For we may recollect that the debtors are not one sort of men having another for their security, but they are both the same; and few are more than able to pay the bonds to which they are principal; it must happen that where one fails, his debt must fall on his security, who, probably, owes already as much as they are able to pay, and with this additional debt they must fail also; whereas if only the principal were bound in this case, the first failure would not have affected any oth-

er debtor, and only the land of one would have reverted to the State, while the others would have paid for theirs.

With regard to the surveyed unsold Cherokee lands such as were obtained by the treaties of 1817 & 1819, and the Indian reservations in said Territory, I would suggest the propriety of the Legislature permitting them to be entered at the price now fixed by law for vacant lands. For information in regard to the quality of these lands, see report of Commissioners of Sale to the Legislature in 1838.

So far as regards the territory obtained by the treaty of 1835, there is, according to the aforesaid report, surveyed and remaining unsold, thirty thousand and four hundred and forty eight acres. As the Legislature convenes but once in two years, I would ask whether it would not be to the interest of the State for the next Legislature to authorize an additional survey of all such lands as might be considered worth fifty cents per acre, in tracts of not less than one hundred acres, which, added to those now surveyed and remaining unsold, may form the subject of another sale. As to the time of sale, it might be necessary to secure it to the Executive discretion. That one other survey and sale should precede the opening of any entry office will not be denied by any one acquainted with the history of these lands.

You ask my opinion relative to the most feasible plan to collect the amount due to the state, and in case the land falls upon the State by reason of the insolvency of the purchasers and securities, what steps I would recommend. In answer to which, I would say, with all due deference to conflicting opinions, that the true interest of the State, having in view too the prosperity of the Cherokee land purchasers, requires that the ensuing Legislature pass a law on the subject of collection susceptible of but one construction; and that each principal debtor be required to pay some portion of his debt by stated times, and in case of failing to pay, that suit at once be instituted. The State by such measures would at an early period make and thus keep up a sensible test of the solvency of the bonds. Unless the State's necessity for money be more than ordinarily urgent, I would recommend that but a small portion of the debts be required at the stated times; until such times, at least, as property will command cash at prices not ruinous to the debtor.

In relation to the lands that might fall back to the State in reas-

on of the insolvency of the purchasers, two or three modes suggest themselves. The one most advisable perhaps, is that they again be sold as an item constituting the beforenamed subject for a land sale. The deferring of sales with a view to prospective increased value of the land to the detriment of sources for revenue to the State, might be considered at least doubtful policy.

In guarding and protecting the interest of the State, in connection with these lands, whether sold or unsold, I deem it my duty to state that divers individuals have applied to this Agency for permission to operate on the unsold lands in search of gold and other minerals. But as their applications were made in absence of any defined authority on the part of the agent to grant permission, no definite bargain could be made. There are some, however, cultivating, and some others working in search of minerals, the unsold lands. To what extent the labors of the latter are rewarded the agent has no means by which to know. But from the best information which it has been in the power of the agent to obtain, it is believed that there are but few mines yet discovered within Cherokee county, that do more than compensate those who work them.

I am, sir, with great respect,

Your obedient servant,

JACOB SILER, Ag't.

JOHN H. WHEELER, Esq. Pub. Treas'r, }
 Raleigh, N. C. }



