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PRIVATE LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1860-'61.

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RALEIGH:

JOHN SPELMAN, PRINTER TO THE STATE.

1861.



PRIVATE LAWS  
OF  
NORTH-CAROLINA.

1860-'61.

ACADEMIES.

AN ACT TO INCORPORATE BELLEVUE ACADEMY, IN THE COUNTY *Chap. 52.*  
OF BEAUFORT.

SECTION 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 Thomas Crawford, Benjamin Patrick, Benj. F. Tupp, Henry Harding and B. F. Harding, and their successors, be constituted a body politic and corporate, in the county of Beaufort, as an institution of learning, by the name and style of the "Bellevue Academy," and that they be invested with all the privileges and rights, and be subject to the rules, regulations and restrictions in the twenty-sixth chapter of the Revised Code, entitled "Corporations," so far as they are applicable to corporations of this nature. Trustees incorporated.

SEC. 2. *Be it further enacted,* That said company shall have Powers. power to hold personal and real estate to an amount not exceeding three thousand dollars, and to open books for subscription.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

*Chap. 53.* AN ACT FOR THE PROTECTION OF THE HAYWOOD MALE AND FEMALE ACADEMIES.

Sale of liquors prohibited.

SECTION 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 no person shall erect, keep, maintain, or have at the Haywood Male and Female Academies, or within two miles thereto, any tippling house, establishment or place for the sale of wines, cordials, spirituous or malt liquors.

Provision as to students.

SEC. 2. *Be it further enacted,* That no person shall sell, or offer to sell or deliver to any student of said institutions, or to any other person or persons whatsoever, any wines, cordials, spirituous or malt liquors, for the purpose of being used at said institutions, or within two miles thereof, unless prescribed by a physician, or for mechanical purposes.

Licenses void.

SEC. 3. *Be it further enacted,* That any license that may hereafter be granted to retail spirituous liquors, wines, cordials or malt liquors at the aforesaid institutions, or within two miles thereof, shall be utterly void.

Penalties.

SEC. 4. *Be it further enacted,* That if any white person or free person of color, shall offend against any of the before-mentioned provisions of this act, he or she shall be deemed guilty of a misdemeanor, and upon conviction or submission, either before the courts of pleas and quarter sessions, or the superior courts of law for the county of Chatham (or any other county of this State), shall, if a white person, be fined at the discretion of the court, and if a free person of color, shall be fined at the discretion of the court, and receive not exceeding thirty-nine lashes on his or her bare back; and if any slave shall offend as before stated, and be convicted before any justice of peace of the county of Chatham, he or she shall receive not exceeding thirty-nine lashes on his or her bare back, and that the master or owner of such slave shall pay all cost expended or incurred in the case; *Provided always,* That the master or owner shall have the right to appeal to the county or superior court of the county of Chatham.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 10th day of February, 1861.*]

AN ACT TO INCORPORATE THE HILLSBORO' MILITARY ACADEMY. *Chap. 54.*

SECTION 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 Charles C. Tew, and those who may be associated with him, be incorporated into a company, under the name and style of the *Hillsboro' Military Academy*, for the purpose of establishing a military and scientific educational institution of a high grade near the town of Hillsboro', Orange county. Trustees incorporated.

SEC. 2. *Be it further enacted,* That the said company be empowered to hold property in real estate, not exceeding the value of sixty thousand (\$60,000) dollars, and that so much of such real estate as shall be occupied for purposes directly connected with the educational institution aforesaid, be exempt from taxation. Powers.

SEC. 3. *Be it further enacted,* That the academic body of the said institution be empowered to confer degrees upon students completing the prescribed course of study as is now done by the faculties of other institutions of learning. Degrees.

SEC. 4. *Be it further enacted,* That it shall be lawful for the governor to grant a commission to the superintendents of the said military institution: *Provided,* the rank thus conferred be no higher than that of *colonel*; that it shall be lawful for the governor to grant commissions to such other officer of the said military institution as may be recommended by the superintendent: *Provided,* The rank so conferred be no higher than that of captain. Rank of superintendent.

SEC. 5. *Be it further enacted,* That officers commissioned as herein provided for, shall take rank according to date of commission, with officers in the line of the North Carolina State militia. [*Ratified the 20th day of February, 1861.*] Rank of commission.

AN ACT TO INCORPORATE THE JEFFERSON ACADEMY, IN THE COUNTY OF ASHE. *Chap. 55.*

SECTION 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 James M. Gentry, E. C. Bartlet, Trustees incorporated.

James Wagg, N. H. Waugh, David Smith, James W. Hardin and David Worth, and their successors, be and they are hereby constituted a body politic and corporate, to be known and designated by the name and style of "The Trustees of the Jefferson Academy," and by that name shall have succession and a common seal, and shall sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall have direction and control of the property real and personal, belonging to said academy, or which may be held in trust by any person for the benefit of said academy, and shall be capable in law to hold lands, tenements and chattels sufficient for the purposes of said academy.

Powers.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to make such rules, regulations and orders concerning the management of the property, the employment of teachers, and all other things as may be necessary to the good government and success of said academy, and shall have all rights, powers and privileges of like corporations in this State, and no other.

Quorum.

SEC. 3. *Be it further enacted*, That a majority of said trustees shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 56. AN ACT TO INCORPORATE OAK HILL MILITARY ACADEMY, IN THE COUNTY OF GRANVILLE.

Trustees incorporated.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same*, That W. G. Thomas, M. T. Smith, B. P. Tharp, Richard Tharp and Peterson Tharp, and their successors be, and they are hereby incorporated and made a body politic, under the name and style of the Trustees of Oak Hill Military Academy," in the county of Granville, with the usual rights, powers, privileges and duties of such corporations.

Spirituos liquors prohibited.

SEC. 2. *Be it further enacted*, That it shall not be lawful for the county court of Granville to grant license to any person to retail spirituos liquors within one mile in any direction

from the said academy, and any license so granted shall be null and void, unless the trustees of said academy shall have first given to the applicants for such license a recommendation in writing to that effect.

SEC. 3. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO AMEND AN ACT PASSED BY THE GENERAL ASSEMBLY *Chap. 57.*  
OF THE STATE OF NORTH CAROLINA, AT ITS SESSION OF 1848  
AND '9, TO INCORPORATE PERQUIMONS MALE AND FEMALE  
ACADEMY.

SECTION 1. *Be it enacted by the General Assembly of the* Trustees incor-  
porated *State of North Carolina, and it is hereby enacted by the au-  
thority of the same*, That Willis H. Bagley, Joseph G. Gran-  
bery, Joseph M. Cox, Dr. Caleb Winslow, Mathew O. Jordan,  
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 Perquimons Male and Female Academy," and  
by that name shall have perpetual succession and a common  
seal, and shall be able and capable in law of holding lands,  
tenements and chattels sufficient for the use and purposes of  
said school, and of suing and being sued, and of pleading and  
being impleaded.

SEC. 2. *Be it further enacted*, That the said Willis H. Bag- Powers.  
ley, Joseph G. Granbery, Joseph M. Cox, Dr. Caleb Winslow,  
and M. O. Jordan, shall continue in office as trustees aforesaid,  
with full power to make such rules and regulations, not incon-  
sistent with the constitution of the State of North Carolina,  
and of the United States, as may be necessary for the good  
government of said school, and the management of the prop-  
erty and funds belonging to the same, until their successors  
shall be elected, as herein after provided, and that they and  
their successors in office shall have full power to supply all va-  
cancies in the board happening between the times of holding  
the election of trustees.

SEC. 3. *Be it further enacted*, That an election for five Trustees'  
successors.  
trustees to succeed the said W. H. Bagley, Joseph G. Gran-

bery, J. H. Cox, Dr. Caleb Winslow and M. O. Jordan, shall be held on the first Thursday in March, A. D. 1804, or upon any day in said year upon which an election for commissioners for the town of Hertford may be held, and every three years thereafter, upon the day of said election for commissioners of said town of Hertford, and that the voters of the town of Hertford qualified to vote for commissioners of said town, shall be the qualified voters for electing said trustees, and that the persons receiving the greatest number of votes at such election, shall be the duly elected trustees of said academy under this act.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws inconsistent with this act be, and are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 58. AN ACT TO INCORPORATE THE TRUSTEES OF TALLY HO FEMALE ACADEMY, IN THE COUNTY OF GRANVILLE.

Trustees incor-  
porated.

SECTION 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 John L. Jones, Samuel D. Ferrill, John W. Booth, John Flemings and James A. Russel, their associates and successors, be, and they are hereby declared a body politic and corporate, to be known and designated by the name of the "Trustees of Tally Ho Female Academy," situated at Tally Ho, in the county of Granville, and by that name shall have perpetual succession, and shall hold, acquire, receive and hold such moneys, chattels and lands as may be necessary to accomplish the purposes of the institution.

Powers.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO INCORPORATE THE RICHLAND INSTITUTE, IN THE *Chap. 59.*  
COUNTY OF HAYWOOD.

SECTION 1. *Be it enacted by the General Assembly of the* Trustees incor-  
*State of North Carolina, and it is hereby enacted by the au-* porated.  
*thority of the same,* That Jacob Smith, Samuel Swayngim, P.  
W. Edwards, Dillard E. Jones, James B. Fitzgerald, John W.  
Killian, Robert H. Pendland, Thomas Furguson, W. G. B.  
Garrett, W. A. Wilson, and A. C. Morrow, be, and they are  
hereby declared to be a body politic and corporate, to be  
known and designated by the name of the "Trustees of Rich-  
land Institute, of Haywood county," and by that name shall  
have succession and a common seal, and shall be invested with  
power and authority to sue and be sued, plead and be im- Powers.  
pleaded, in any court of law or equity in this State, and to  
hold such lands and tenements, goods and chattels and moneys,  
sufficient for all the purposes of said institute.

SEC. 2. *Be it further enacted,* That said corporation shall Powers.  
have power to make all laws, rules and regulations that shall  
be necessary for the good government of said institute and the  
management of the property and finances of the same, not in-  
consistent with the constitution of this State, or of the United  
States; and also to fill vacancies among the trustees from time  
time, occasioned by death, resignation, or other causes, and to  
appoint such officers as they shall think proper.

SEC. 3. *Be it further enacted,* That said trustees shall have Powers.  
power to appoint all teachers in said institute, to affix the rates  
of tuition, and to do and perform all such acts as are incident  
to and usually exercised by bodies politic, for the accomplish-  
ment of the object contemplated.

SECTION 4. *Be it further enacted,* That it shall not be law- Sales of spirit-  
ful for any person or persons to set up or continue any gaming uous liquors  
or billiard tables, or any other game of chance or hazard, by prohibited.  
whatever name called, or to sell any intoxicating liquors, to be  
used as a beverage, within one mile of said institute, without  
permission of the faculty or trustees; and any person or per-  
sons who shall offend against the provisions of this act, shall  
forfeit and pay the sum of fifty dollars, to be recovered in any  
court of record having cognizance of the same, one-half to the  
informer, and the other half to the use of said institute.

Quorum.

SEC. 5. *Be it further enacted*, That not less than five of the trustees shall constitute a quorum for the transaction of business connected with said institute.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

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## AGRICULTURE.

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Chap. 60. AN ACT TO INCORPORATE THE UNION AGRICULTURAL, MECHANICAL AND COMMERCIAL SOCIETY AT NEWBERN.

Incorporated.

SECTION 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 Union Agricultural, Mechanical, and Commercial Society at Newbern, be, and the same is hereby incorporated into a body politic and corporate, and in that name may sue and be sued, have and exercise any and all the powers and rights of other corporations in this State; may pass all such by-laws, rules and regulations as they may regard as necessary for the purposes of this corporation; may take and hold real and personal estate, not exceeding fifty thousand dollars' worth of real estate; may acquire the same by deed, devise, or in any other mode, and may use the same only for the purposes hereinafter specified.

Officers.

SEC. 2. *Be it further enacted*, That the said society shall annually elect a president, and such other officers as the society may from time to time find necessary, all of whom shall hold their offices until successors are appointed.

Rules and by-laws.

SEC. 3. *Be it further enacted*, That the Union Agricultural, Mechanical and Commercial Society at Newbern, as heretofore organized by a voluntary association at Newbern, be, and the same is hereby incorporated, and the rules and by-laws adopted by said association, and the election of officers made by them, shall be and continue in force until the same are altered or superseded by the corporation hereby created, and that the Union Agricultural, Mechanical and Commercial Society at Newbern, herein incorporated, shall succeed to all the rights and privileges of said society. [*Ratified the 19th day of February, 1861.*]

AN ACT TO PROTECT THE FAIR GROUND OF THE UNION AGRICULTURAL, MECHANICAL, AND COMMERCIAL SOCIETY AT NEWBERN. *Chap. 61.*

SECTION 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 if any person, maliciously or intentionally, deface, injure or destroy any house, stand, fence, or other fixtures belonging to "The Union Agricultural, Mechanical and Commercial Society," located on their fair ground near the town of Newbern, in the county of Craven, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof in the county or superior court, shall be fined not exceeding fifty dollars, or imprisoned not exceeding six months, at the discretion of the court. Penalty.

SEC. 2. *Be it further enacted,* That it shall not be lawful for white boys, unless accompanied by their parents or guardians, to visit or pass through the fair ground of said society, under the penalty of one dollar for each offence, to be collected by warrant out of the parent or guardian of boys so offending; and should any negro slave violate the provisions of this section, he or she, upon conviction before any justice of the peace of said county, shall receive not more than thirty-nine lashes on the bare back, at the discretion of the justices of the peace aforesaid: *Provided,* That the provisions of this section shall be inoperative and of no effect during and for the time any fair or other public exhibition may be held on said fair ground. [*Ratified the 23d day of February, 1861.*] Trespass.

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BANKS.

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AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH THE BANK OF COMMERCE." *Chap. 62.*

SECTION 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 sections 8th, 19th, 20th and 21st of an act of the General Assembly of the State of North Carolina, passed at the sessions 1858-'9, chapter 71, entitled "An Repeal parts of act of 1858-'9.

act to establish the Bank of Commerce," be, and the same are hereby repealed; and in lieu of said sections, the said act be amended as follows:

Closing books  
for stock.

SEC. 2. *Be it further enacted*, That the directors of said bank shall have power to close the books for subscriptions, at such terms [times] as to them shall seem best, and shall have further power at such times and places, under the superintendence of such persons as to them shall seem best, to re-open said books for subscription to said capital stock, and to keep the same open until the whole [or] part of the said stock unsubscribed for shall be taken; and if a part only of said remaining stock be taken, they shall have further power from time to time, as aforesaid, to re-open said books, until the whole of the capital stock of six hundred thousand dollars shall be subscribed for; and if it shall so happen when said books shall at any time, as aforesaid, be re-opened for subscription, that a greater number of shares than is necessary to make up the deficiency of said stock shall have been subscribed for, it shall be lawful for said directors to reduce said subscriptions to a scale by them established for said purpose: *Provided*, That no subscription of ten shares or under shall be scaled until all larger subscriptions shall first be reduced to an equality with them.

Subscriptions  
may be scaled.

Circulation.

SEC. 3. *Be it further enacted*, That the said bank shall at no time have in circulation more than twice the amount of its capital stock actually paid in, and that the rate of interest to be charged by said bank upon its loans and discounts, shall not be more than one-half of one per centum for thirty days, which interest may be received, and in advance, at the time of the said loans or discounts.

When act to  
take effect.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force immediately after the stockholders of said bank in a general meeting agree thereto, and signify their assent by writing, duly authenticated, and deposited in the office of the secretary of State of this State.

Branches.

SEC. 5. *Be it further enacted*, That branches of said bank may be, in the discretion of the directors, established in the towns of Goldsboro' and Concord, in the counties of Wayne and Cabarrus, or at other points in the State of North Carolina: *Provided*, That not less than fifty thousand dollars shall be subscribed on the books at the places thus selected by the directors aforesaid.

SEC. 6. *Be it further enacted*, That whenever said bank shall suspend specie payment, unless under the advice of the governor and council, it shall pay into the State treasury at the rate of four per cent. per annum on the amount in circulation at and during the time of suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State. Suspensions.

SEC. 7. *Be it further enacted*, That the provisions of this act shall extend to the Bank of North Carolina, and also the Bank of Lexington, and the Miners and Planters' Bank of Murphy, and that the charters of said banks be amended in the same particulars as are herein provided for the Bank of Commerce at Newbern, without reference to the numbers of the several sections in said charter: *Provided*, That the Bank of North Carolina, Bank of Lexington, and Miners and Planters' Bank of Murphy, shall have no further power respecting the establishment of agencies and branches than is conferred in their original charters. [*Ratified the 16th day of February, 1861.*] Provisions to extend to other banks.

AN ACT TO AMEND THE CHARTER OF THE FARMERS' BANK OF NORTH CAROLINA. Chap. 63.

SECTION 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 fourth section of the charter of the Farmers' Bank of North Carolina, passed at the session 1852, be so altered and amended as to make Greensboro', in the county of Guilford, the place at which the next and all future meetings of the stockholders in said bank shall be held from and after this date. Place of meeting of stockholders.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its acceptance by the stockholders in said bank, or a majority of them, at their meeting in Greensboro' aforesaid. [*Ratified the — day of February, 1861.*]

## Chap. 64.

## AN ACT TO INCORPORATE THE BANK OF ROXBORO'.

SECTION 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 a bank shall be established in the town of Roxboro', the capital stock whereof shall not exceed two hundred thousand dollars, divided into shares of fifty dollars each, and that, for the purpose of receiving subscription for said stock, books shall be opened on the first Monday in March, A. D. 1861, and remain open for sixty days, at Roxboro', under the superintendence of Edwin G. Reade, Green D. Satterfield, Chesley Hamlen, William H. Smith, John H. Jones, George W. Norwood and John H. Hurt, and at such other places, under the superintendence of such persons, as said commissioners at Roxboro' may direct.

Capital stock. Payments. SEC. 2. *Be it further enacted,* That one-tenth of such shares shall be paid in gold and silver to the commissioners above-named at the time of subscribing; that another tenth shall be paid within ninety days; that another tenth shall be paid within one hundred and twenty days, and that the remainder shall be paid as the president and directors, hereafter provided to be elected, may direct; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay the interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficit instalment, and he shall be held responsible for the same, at the option of the bank, and the balance, if any, to be paid over to the subscriber.

Incorporated. Powers. SEC. 3. *Be it further enacted,* That when one thousand shares are subscribed, and the sum of twenty-five thousand dollars actually paid to the commissioners, the subscribers to the said bank, their successors and assigns, shall be and are hereby created a body politic, in law and in fact, by the name and style of "The Bank of Roxboro'," and shall so continue until the first day of January, 1891; and by the name and style aforesaid, they shall be and are hereby made able and capable in law to have, purchase, receive, possess and enjoy and retain, to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same

to grant, alien and dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws or ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and for making whereof general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all matters, acts and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereinafter prescribed and declared.

SEC. 4. *Be it further enacted*, That as soon as one thousand shares shall be taken in the stock of said bank, and twenty-five thousand dollars paid to the commissioners who keep the books, notice shall be given, a meeting of the subscribers shall be called, to be held at least thirty days after the date of the notice; if at this meeting they or their agents who have a majority of votes according to the rates hereinafter described be present—if not, another meeting shall be called—they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation; said directors shall remain in office until the first Monday in March, 1862, or until their successors shall be appointed; and on the first Monday in March in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Roxboro', for the purpose of electing directors, enquiring into the affairs of the institution, and making such other regulations as may be deemed fit and necessary.

When to go  
into operation.

SEC. 5. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation. A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of a majority of the votes which may be present; every stockholder holding one share and not more

Rules, &c.

Vote of stock-  
holders.

than two shares, shall be entitled to one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten, and not exceeding one hundred, one vote; and for every four shares above one hundred, one vote; after the first meeting, no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of voting; stockholders may vote at the general meetings and elections by proxy, the proxy himself being a stockholder; no president, cashier, director, agent or clerk of the bank shall be permitted to vote as proxy for another; none but a stockholder, who is a citizen of the State, shall be eligible as a director; the directors, when appointed, shall choose one of their number, which shall always be seven, to be president of the bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the president and directors shall be granted at the pleasure of the stockholders; not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, nominate any other director to supply his place; a number of stockholders, not less than ten, who, together, shall be the owners of two thousand shares and upward, shall have power at any time to call a general meeting of the stockholders, for the purposes relating to the institution, giving at least twenty days' notice, in the town of Roxboro', and specifying the object or objects of such meeting; the directors shall annually elect [such] officers as may be deemed necessary to perform the business of the bank, and may renew [remove] them, or either of them, at pleasure. These officers shall be required to give bond, with two or more sureties, in sums not less than ten thousand dollars, with condition for good behavior and faithful performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting, and shall record the ayes and nays on any question, when asked for by a director; this book shall be evidence in courts of justice. On entering on discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of the

President.

General meet-  
ing.

Officers—their  
duties, &c.

clerk of the county court of Person, viz: "I, A. B., do solemnly swear or affirm (as the case may be), to keep a just and true record, without alteration or erasure, of the transactions of the board of directors of the Bank of Roxboro', in a book to be kept by me for that purpose." The said corporation shall purchase and hold such lands, tenements, rents and hereditaments as shall be required for the transaction of its business, or shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in course of its dealing, or purchased at sale upon judgment, which shall have been obtained upon such debts; the said corporation shall neither, directly nor indirectly, trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands, mint certificates, and the public debts of the State: *Provided*, The investments in such stock shall not exceed one-half the capital stock of the bank; neither shall said corporation take more than the rate of six per cent. per annum for or upon its loans or discounted [discounts], which interest may be taken in advance at the time of discount; the total amount of debts which said corporation shall at one time owe shall not exceed twice the amount of stock actually paid in. If a vacancy in the directory shall occur by death, resignation or otherwise, the remaining directors shall fill such vacancy, until the succeeding annual meeting of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the by-laws and ordinances of the same. The officers at the head of the treasury department of the State shall be furnished, once in six months, with a statement of the amount of the capital stock of said corporation and debts due the same, and the money deposited therein, of the notes in circulation and of the cash in hand, and shall have the right to inspect such general accounts in the books of the bank as shall relate to statements: *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the bank, except the directors. The bills obligatory and of credit under seal of said corporation, which shall be made to any person or persons, shall be assign-

Oath of cashier.

Powers of corporation.

Proviso.

Stock transferable.

Condition of bond.

Proviso.

Bills assignable.

able by endorsements thereon, under the hand or hands of such person or persons and of his or her assignee or assignees, and so as absolutely to transfer and vest the property therein, and each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their name or names; and bills or notes which may be issued by order of such corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in like manner and with the like force and effect as upon any private person or persons; that is to say, those which shall be payable to any persons, his, her or their order, shall be assignable, by endorsement, in like manner and the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable by delivery only.

Payment of  
notes refused.

SEC. 6. *Be it further enacted*, That [if] any person or persons holding a note or notes of said bank, shall present the same for payment, and if payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holders of the notes of said bank, if not paid on demand, may bring an action of assumpsit against one or all of the directors who may have consented to issue more than twice the stock paid in: *Provided*, The bank be unable to pay the amount.

Remedy.

Insolvency.

SEC. 7. *Be it further enacted*, That in case of insolvency of the bank hereby created, or ultimate inability on the part of the corporation to pay, the individual stockholders shall be liable to creditors in the sum double the amount of stock by them respectively held in said corporation.

Books when  
closed.

SEC. 8. *Be it further enacted*, That the directors shall be required to keep open the subscription books until the whole of the stock is taken.

Embezzlement,  
&c.

SEC. 9. *Be it further enacted*, That if any director, or any other officer, agent or servant of said corporation, shall embezzle any of the funds belonging to said bank, with intent to

defraud said corporation or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of a felony, and upon conviction thereof, by due course of law, shall be punished by fine, at the discretion of the court, and imprisonment not exceeding five years.

SEC. 10. *Be it further enacted*, That the president or Tax on stock. cashier of said bank shall annually pay into the treasury of the State fifteen cents on each share of said capital stock which has been subscribed for and paid in; and the first payment of said tax shall be made twelve months after said stock shall have been subscribed and paid, and the General Assembly reserves to itself the powers, whenever it shall be deemed necessary, to increase said tax to a sum not exceeding fifty cents on each share of said capital stock: *Provided*, Provido. That the tax in this case shall not be greater than imposed on shares in such other banks as may be chartered at this or some other succeeding session of the General Assembly: *And provided further*, That this or any other General Assembly shall have power to tax the dividends belonging to individuals and incorporations; said tax shall not exceed the tax on the interest of money loaned.

SEC. 11. *Be it further enacted*, That the directors of said Dividends. bank may declare, semi-annually, dividends of profits thereof; and if at any time more than the real profits are divided, the directors assenting thereto shall be responsible, in their private capacities, to the creditors who have claims against said institution.

SEC. 12. *Be it further enacted*, That the president of this Condition of the bank. bank shall, on the first day of March and September in each and every year, transmit to the public treasurer a full statement of the condition of the bank, exhibiting the amount of the capital stock, notes in circulation, debts due to other banks and what banks, deposits, and all other particulars necessary to explain the debit side of the account; also, specie on hand, notes of other banks and what banks, bills of exchange, debts or bonds, and notes discounted; specifying, in one item, the amount due from stockholders, and, in another, the amount due from directors, (not however using any person's name in either case,) and real estate, and publish the same in two newspapers, one of which shall be in Raleigh.

False returns.

SEC. 13. *Be it further enacted*, That if any president, cashier, clerk or other officer of the aforesaid bank, shall knowingly, wilfully, and with intent to deceive, make or cause to be made, or connive at making, any false returns, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the General Assembly, or to the board of directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature or by the stockholders to receive the same, such president, cashier, clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for misdemeanor in the superior court, and, upon conviction, shall be fined at the discretion of the court, or imprisoned not exceeding one year.

Penalty.

Stock to be scaled.

SEC. 14. *Be it further enacted*, That if it shall happen, when books shall be opened as aforesaid, that a greater sum than two hundred thousand dollars shall be subscribed by individuals or by bodies corporate, it shall and may be lawful for the commissioners to reduce such subscriptions, according to a scale by them to be established for that purpose, to the aforesaid sum of two hundred thousand dollars: *Provided*, That no subscription of two shares or under shall be scaled until all larger subscriptions shall be reduced to an equality with them.

To make loans to the State.

SEC. 15. *Be it further enacted*, That the said bank shall, from time to time, when called on, after two months' notice in writing, make loans of money to the State of North-Carolina, whenever the same shall be applied for by authority given by the General Assembly: *Provided*, That the amount loaned shall at no time exceed the sum of eight per cent. on the capital stock subscribed.

No issues less than \$5.

SEC. 16. *Be it further enacted*, That no bill, promissory note, check or certificate of deposit shall be issued or re-issued by the corporation for a less amount than five dollars; and all bills, notes, checks, or certificates of deposits, intended for circulation, over five, shall be ten, or the multiple of ten.

Gifts, &amp;c., to officers.

SEC. 17. *Be it further enacted*, That no officer or director of said bank shall, at any time, receive any gift, gratuity or reward from any person or persons obtaining a discount or other accommodation at such bank, on account of or by reason

of said accommodation; and no officer or director of said bank shall, at any time, purchase any note, bill, or other evidence of debt with his own funds, and afterwards place the same in said bank as the property of the same, or to the use of the same; and all persons so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined and imprisoned, at the discretion of the court trying the same: *Provided*, That the said offence shall be cognizable in the superior courts only. Penalty for receiving them.

SEC. 18. *Be it further enacted*, That no director or other officer of said bank shall, directly or indirectly, receive any compensation for any agency in negotiating any business with the bank or its agencies, in procuring discounts, renewing notes, or receiving moneys for individuals, or notes discounted; and any such director or other officer thus receiving compensation shall be removed from office, and be disqualified from thereafter holding any office in said bank or any of its agencies. Compensation to directors, &c.

SEC. 19. *Be it further enacted*, That the bank shall at no time have a circulation more than twice the amount of its capital actually paid in, nor more than three times the amount of specie on hand. Circulation.

SEC. 20. *Be it further enacted*, That whenever said bank shall suspend specie payment, unless under the advice of the governor and council, it shall pay into the State treasury five per cent. on the amount in circulation at the time of suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State. Suspensions.

SEC. 21. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO INCORPORATE THE BANK OF THOMASVILLE. Chap. 65.

SECTION 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 a bank be established in the town of Thomasville, the capital stock of which shall not exceed three hundred thousand dollars, divided into shares of fifty dollars each, and for the purpose of receiving subscriptions for said Incorporated.

Commissioners. stock, books shall be opened on the 15th day of February, 1861, or within twenty days after the ratification hereof, and remain open for the space of sixty days at Thomasville under the superintendence of Jesse Shelly, David Loftin, D. W. C. Johnson and David Helper; and at Lexington under the superintendence of Samuel Hargrave, Ben. Kittrell, Alfred Hargrave, E. D. Hampton and J. Anderton, or a majority of them; in Greensborough, under the direction of C. P. Mendenhall, Ralph Gorrell and J. M. Morehead, or a majority of them; at Ashborough, under the direction of Jonathan Worth, B. F. Hoover and J. M. Worth, or a majority of them; at Gold Hill, under the superintendence of Moses Holmes, Brantley Harris and Reuben Holmes, or a majority of them; at Clemons ville, under A. C. Whorton, Lewis Hains and B. C. Douthitt.

Payment of stock.

SEC. 2. *Be it further enacted*, That one-fifth of such shares shall be paid in gold or silver to the commissioners above named, or those appointed by them, at the time of subscription; that another fifth shall be paid within sixty days thereafter; that another fifth shall be paid within one hundred and twenty days thereafter; that another fifth shall be paid within three months after the time appointed for paying the third instalment; and the remaining fifth shall be paid within three months after the time of paying the fourth instalment; and if any subscriber fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited, and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficient instalment, and he shall be held responsible for the same at the option of the bank, and the remainder, if any, of such sale to be paid over to the subscriber: *Provided*, That after the bank shall have been organized, as hereinafter provided, the remaining unpaid instalment shall be paid to the directors, or their agents; and it shall be lawful for any subscriber to pay the whole of his subscription, or any greater part than is hereby required, before the time limited for the same, and every subscriber so paying in advance shall have a discount at the rate of six per cent. per annum on each advance, computing the same from the time when payment is made to the time when it is required to be made.

Proviso.

SEC. 3. *Be it further enacted*, That when one thousand

shares are subscribed, and the sum of twenty-five thousand dollars actually paid to the commissioners aforesaid, the subscribers to the said bank, their successors and assigns, shall be, and are hereby created a body-politic in law and in fact, by the name and style of the Thomasville Bank, and shall so continue until the first day of January, 1890; and by the name and style aforesaid, they shall be able and capable in law to have, purchase, receive, possess and enjoy, and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, devise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended unto, in courts of record, or in any place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish and put into execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and for the making whereof general meetings of the stockholders may be called in the manner hereinafter specified; and generally to do, execute all acts, matters and things which a corporation and body-politic in law may or can fully execute, and be subject to the rules, regulations and provisions hereinafter prescribed and declared.

When to go into operation.

Powers.

SEC. 4. *Be it further enacted*, That if it shall happen when the books shall be opened as aforesaid, that a greater sum than three hundred thousand dollars shall have been subscribed by individuals or by bodies corporate, it shall be lawful for the commissioners to reduce such subscriptions according to a scale to be by them established for that purpose to the aforesaid amount of three hundred thousand dollars: *Provided*, That no subscriptions of two shares or under shall be scaled until all larger subscriptions shall first be reduced to an equality with them, and if one thousand shares should not be subscribed within the sixty days aforesaid, the commissioners may keep open the books for subscription twelve months longer, unless the sum be sooner subscribed; and the directors elected as hereinafter prescribed, should be allowed to keep open the subscription-books until the whole of the stock shall be taken; and open and close the same previous thereto at their discre-

Stock to be scaled.

tion; the commissioners appointed to receive subscription at Lexington, Greensborough, Asheborough, Gold Hill, Clemons-ville and other places, shall pay over to the commissioners herein appointed to receive subscription at Thomasville, in the county of Davidson, all moneys paid to them on stock subscribed immediately after receiving the same.

SEC. 5. *Be it further enacted*, That as soon as one thousand shares shall be taken in the stock of said bank, and twenty-five thousand dollars paid to the commissioners who keep the books, notice shall be given in the Greensborough Patriot, published in the town of Greensborough, or in some other public manner, and a meeting of the subscribers, to be held ten days at least after the date of the notice, shall be called, and if at this meeting those or their agents who have a majority of votes, according to the rules hereinafter described, be present, if not another meeting shall be called, they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank into operation. The said directors shall remain in office until the time which shall be prescribed in the by-laws of the said corporation for the annual meeting of the stockholders, or until their successors shall be appointed. At the time which shall be prescribed as aforesaid in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Thomasville for the purpose of electing directors, inquiring into the affairs of the institution, and making such regulations as may be deemed fit and necessary.

SEC. 6. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation: a meeting of the stockholders cannot be held unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of the majority of the votes which may be present; every stockholder holding one share and not more than two, shall be entitled to one vote; for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding forty, one vote; for every six shares above forty and not exceeding one hundred, one vote; for every ten shares above one hundred not

Notice of meet-  
ing.

Election of di-  
rectors.

Term of office.

Rules, &c.

Vote of stock.

exceeding two hundred, one vote; for every twenty shares above two hundred, one vote; after the first meeting no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of voting; stockholders may vote at general meetings and elections by proxy, the proxy himself being a stockholder; none but a stockholder who is a citizen of the State shall be eligible as a director, and the stockholders shall appoint annually seven directors to manage the bank, and when appointed, they shall choose one of their number to be president of the bank, and shall manage the institution as shall seem best, unless otherwise directed by the stockholders; not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, nominate any other director to supply his place. If a vacancy in the directory shall occur by death, resignation, or otherwise, the remaining directors shall fill such vacancies until the succeeding annual meeting of the stockholders—a number of stockholders not less than ten, who, together, shall be owners of five hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twenty days' notice in public gazette, and specifying the object or objects of such meeting. The directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them or either of them at pleasure; those officers shall be required to give bonds with two or more securities, in sums in not less than fifteen thousand dollars, with a condition of good behavior and faithful performance of duty; they shall be allowed by the directors such compensation for their services as shall be deemed reasonable, but compensation to the president and directors shall be granted at the pleasure of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the laws and ordinances of the same.

Directors, how appointed.

Quorum.

General meetings.

Bonds of officers.

Stock assignable.

SEC. 7. *Be it further enacted*, That the said corporation shall neither directly nor indirectly trade in anything except

What the bank may trade in.

bills of exchange, promissory notes, and bonds expressing on the face of them to be negotiable and payable at said bank, gold and silver bullion, or in sale of goods, really and truly pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands, or in mint certificates and the public debts of the United States and of this State: *Provided*, The investment in such stocks shall not exceed one-half of the capital stock of this bank. The said corporation shall purchase and hold only such lands, tenements as shall be required for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it in satisfaction of debts previously contracted in course of its dealings, or purchased at sale upon judgments which shall have been obtained for such debts.

Proviso.

Rate of interest.

SEC. 8. *Be it further enacted*, That the said corporation shall not take more than six per cent. per annum for or upon the loans or discounts, which interest may be received in advance at the time of discount; and the said bank shall at no time have in circulation more than twice the amount of its capital actually paid in.

Bills obligatory and of credit.

SEC. 9. *Be it further enacted*, That bills obligations (obligatory) and of credit under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property therein each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereon in his or her or their name or names; and bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same in the like manner, and with the like force and effect, as to say, those which shall be payable to any person or persons, his, her or their order shall be assignable by endorsement in like manner and with like effect, as foreign bills of exchange now are,

and those which are payable to the bearer shall be negotiable and assignable by delivery.

SEC. 10. *Be it further enacted*, That no note shall be issued by said bank under the denomination of five dollars, and if over five dollars, none unless it be of the denomination of ten or its multiple; and that if any person or persons holding any note or notes of said bank shall present the same for payment, and payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of said note or notes of said bank, not paid on demand, may bring an action of assumpsit against one or all of the directors who may have consented to issue more than twice the capital stock paid in cash, [if] the bank be unable to pay the amount: *Provided always*, That if any note or notes of the said bank shall be presented for payment by or for any bank or banks or agency of any bank, either directly or indirectly, it shall be lawful to pay the same or any part thereof with the note or notes of the bank, by or for which the demand shall have been made, whether made at the instance of the principal bank, its branch or agency, without regard to the place.

Not to issue notes less than \$5.

Refusal to pay notes, &c.

Remedy.

Proviso.

SEC. 11. *Be it further enacted*, That the directors of said bank may declare semi-annually dividends of the profits thereof: *Provided*, That no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver; and if at any time more than the real profits are divided, the directors thereto assenting shall be responsible in their private capacity to creditors who have claims against the said institution.

Dividends.

SEC. 12. *Be it further enacted*, That in case of any insolvency of the bank hereby created, or ultimate inability to pay, the individual stockholders shall be liable to creditors in sums double the amount of stock by them respectively held in said corporation.

Insolvency.

SEC. 13. *Be it further enacted*, That the officer at the head of the Treasurer Department of the State shall be furnished, once in three months, with the statement of the amount of the capital stock of said corporation, and the debts due to the same,

Condition of the bank.

of the moneys deposited therein of the notes in circulation, and of the cash on hand, and shall have a right to inspect such general accounts in the books of the bank as shall relate to said statements, and shall publish the same in two newspapers, one of which shall be in the city of Raleigh: *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the bank except the directors; and it shall be the duty of the president of the bank, in the first week in December in each and every year, to transmit to the General Assembly a full statement of the condition of the bank, exhibiting the amount of capital in circulation, debts due to other banks, and to what banks, deposits, and all other particulars necessary to explain the debit side of the accounts; also the specie on hand, notes on other banks, and what banks, bills of exchange, debts or bonds, and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from directors, not, however, using any person's name in either case, and the real estate, and shall publish similar statements in two papers of the largest circulation, one in the city of Raleigh, and one in the town of Thomasville, on the first day of January of each year, and every three months thereafter.

Forging, counterfeiting, &c

SEC. 14. *Be it further enacted*, That if any person falsify [falsely] make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, and willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the president and directors of the Bank of Thomasville, or any order or check upon said bank or corporation or the cashier thereof, or shall falsely alter, or willingly aid or assist in falsely altering any bill or note issued by order of the said corporation, or any order or check on said bank or cashier thereof, or shall pass or receive with intent to pass, alter or publish as true any false, forged or counterfeited bill or note purporting to be a bill or note issued by order of said corporation, or any false, forged or counterfeit check or order upon the said bank or the cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass or receive with intent to pass off, or publish as true, any falsely altered check

or order on said bank or the cashier thereof, or falsely alter [any] bill or note issued by order of said bank, knowing the same to be falsely altered, with intent to defraud said corporation or any other body-politic, or person or persons, every such person shall be deemed guilty of felony, and being thereof convicted, by due course of law, shall be imprisoned not exceeding ten years, and be fined not exceeding five thousand dollars. Penalty.

SEC. 15. *Be it further enacted*, That the president or cashier shall annually pay into the Treasury of the State fifteen cents on each share of said capital stock, which may have been subscribed and paid in, and the first payment of said tax shall be made twelve months after [the] bank shall have commenced operations, which tax may be increased at any time not exceeding fifty cents per share, as the General Assembly may direct, or exigencies of the State require in equalizing taxation: *Provided*, That nothing herein contained shall be so construed as to prevent the legislature from taxing dividends due private stockholders or corporations in said bank. Tax on stock.  
Proviso.

SEC. 16. *Be it further enacted*, That if any president, cashier, clerk, or other officer of the aforesaid bank shall knowingly, wilfully, and with intent to deceive, make or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the legislature, or to the board of directors of the bank, or to the stockholders, or to any other person or persons that may be authorized by the legislature, or by the stockholders, to receive the same, such president, directors, cashier, clerk, or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for a misdemeanor [in] the superior court, and upon conviction shall be fined at the discretion of the court, and imprisoned not exceeding one year. False returns.  
Penalty.

SEC. 17. *Be it further enacted*, That if a director or any other officer, agent or servant of said corporation shall embezzle any of the funds belonging to said bank, with the intent to defraud said corporation or make false entries upon the books of said bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of felony, and upon conviction thereof Embezzlements, &c.

Penalty.

by due course of law, shall be punished by fine, at the discretion of the court, and imprisoned not exceeding five years.

Violation of charter.

SEC. 18. *Be it further enacted*, That whenever the legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, it may be lawful by joint-resolution to direct the attorney general, with such assistant counsel as the governor or legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the judge of the supreme court, calling upon said corporation to show cause why the charter hereby granted shall not be forfeited, subject to the same proceedings as are now prescribed by law in cases of a corporation.

Books to be kept.

SEC. 19. *Be it further enacted*, That the cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting; and shall record the yeas and nays on any question when asked for by any director; this book shall be evidence in courts of justice, and on entering on the discharge of his duties the cashier shall take the following oath before some justice of the peace, by whom it shall be returned to the office of the county court: "I, A B, do solemnly swear to keep a just and true record, without alteration or erasures, of the transactions of the board of directors of the Bank of Thomasville, in a book kept by me for that purpose."

Oath of cashier.

Suspension of specie payment.

SEC. 20. *Be it further enacted*, That whenever said bank shall suspend specie payment, unless under the advice of the governor and council, it shall pay into the State Treasury, at the rate of four per cent. on the amount in circulation at the time of suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State.

Branches.

SEC. 21. *Be it further enacted*, That the board of directors be, and they are hereby authorized and required to establish a branch of said bank at the town of Concord, in Cabarrus county: *Provided*, The sum of fifty thousand dollars be subscribed at that place to the capital stock of said bank.

Branches.

SEC. 22. *Be it further enacted*, That the board of directors be, and they are hereby authorized and required to establish a branch of the said bank at Beaufort or Morehead City, in Carteret county, of fifty thousand dollars to the capital stock thereof, at Beaufort or Morehead City.

SEC. 23. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

AN ACT TO INCORPORATE THE BANK OF WESTERN NORTH CAROLINA. Chap. 66.

SECTION 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 a bank shall be established, either in the town of Franklin, Webster or Waynesville, with agencies, known as the Bank of Western North Carolina; the capital stock of which shall not exceed four hundred thousand dollars, divided into shares of one hundred dollars each; and that for the purpose of receiving subscriptions for said stock, books shall be opened on the 4th Monday of September, 1861, and remain open for thirty days at Franklin, under the superintendence of N. G. Allman, Jackson Johnston, J. M. Lyle, W. Trotter, J. R. Siler, and Dilliard Love. Incorporated.

SEC. 2. *Be it further enacted*, That one-tenth of such shares shall be paid in gold and silver to the commissioners above named, at the time the commissioners meet for organizing the bank; that another tenth shall be paid within ninety days; that another tenth shall be paid within one hundred and twenty days, and that the remainder shall be paid as the president and directors hereafter provided to be elected may direct; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay the interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficit instalment, and he shall be held responsible for the same at the option of the bank, and the balance, if any, to be paid over to the said subscriber. Payment of stock.

SEC. 3. *Be it further enacted*, That when one thousand shares are subscribed, and the sum of fifty thousand dollars actually paid to the commissioners, the subscribers to the said bank, their successors and assigns, shall be and are hereby created a body politic in law and in fact, by the name and style of the Bank of Western North Carolina, and shall so continue To go into operation.

Powers.

until the first day of January, one thousand eight hundred and ninety-one, and by the name and style aforesaid, they shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatsoever, and also to make, have and use a common seal, and the same break, alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation; and for making whereof, general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all matters, acts and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations and restrictions and provisions hereinafter prescribed and declared.

Notice of meeting of stockholders.

SEC. 4. *Be it further enacted*, That as soon as one thousand shares shall be taken in the stock of said bank, and fifty thousand dollars paid to the commissioners who keep the books, notice shall be given in the newspapers published in the town of Franklin. A meeting of the subscribers shall be called to be held at least thirty days after the date of the notice; if at this meeting they, or their agents, who have a majority of the votes, according to the rates hereafter described, be present, if not, another meeting shall be called, they shall proceed to the election of nine directors, who shall take charge of the bank and money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation; said directors shall remain in office until the fourth Monday in September, eighteen hundred and sixty-two, or until their successors shall be appointed; and on the fourth Monday in September in each year, or at any time thereafter, meetings of the stockholders shall be held in the town where the same is located, for the purpose of electing directors, enquiring into the affairs of the institution, and making such other regulations as may [be] deemed fit and necessary.

Directors to be elected.

Term of office.

SEC. 5. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held unless those who have a majority of the number of the votes be present, and every act shall require the sanction of the majority of the votes which may be present. Every stockholder holding one share, and not more than two shares, shall be entitled to one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten, and not exceeding one hundred, one vote; and for every four shares above one hundred, one vote. After the first meeting, no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of voting; the stockholders may vote at the general meetings and elections by proxy, the proxy himself being a stockholder. No president, cashier, director, agent or clerk of the bank, shall be permitted to vote as proxy for another; none but a stockholder who is a citizen of the State shall be eligible as a director. The directors, when appointed, shall choose one of their number (which shall always be seven) to be president of the bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the president and directors shall be granted at the pleasure of the stockholders; not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may in writing appoint another director to supply his place. A number of stockholders, not less than ten, who together shall be the owners of two thousand shares and upward, shall have power at any time to call a general meeting of the stockholders for purposes relating to the institution, giving at least thirty days' notice in a newspaper published in the town of Franklin, and specifying the object or objects of such meeting or meetings. The directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them, or either of them, at pleasure; these officers shall be required to give bonds, with two or more sureties, in sums not less than ten thousand dollars, with condition of good behavior and faithful

Rules, regulations, &amp;c.

Vote of the stockholders.

Proxies.

President, &amp;c.

General meetings.

Officers.

performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the date and day of each meeting, and shall record the ayes and nays on any question, when asked for by any director; this book shall be evidence in courts of justice. On entering on the discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of clerk of the county court of the county where the bank is located, viz:

Proceedings of the board, Oath of cashier. "I, A. B., do solemnly swear or affirm (as the case may be) to keep a just and true record, without alteration or erasure, of the transactions of the board of directors of the Bank of Western North Carolina, in a book to be kept for that purpose."

Powers of the bank. The said corporation shall purchase and hold such lands, tenements, rents and hereditaments as shall be required for the transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in course of its dealings, or purchased at sales upon judgments which shall have been obtained on such debts. The said corporation shall neither directly nor indirectly trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands, mint certificates, and the public debt of the State: *Provided*, That the investment in such stock shall not exceed one-half of the capital stock of said bank; neither shall said corporation take more than the rate of half per cent. for thirty days, for or upon its loans or discounts, which interest may be taken in advance at the time of discount. The total amount of notes which said corporation shall at any time [have] in circulation, shall not exceed twice the amount of stock actually paid in. If a vacancy in the directory shall occur by death, resignation or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the by-laws and ordinances of the same. The officers at the head of the treasury department of the State shall be furnished once in six months with a statement of the amount of the capital

What it may deal in.

Proviso.

Circulation.

Vacancies.

Stock transferable.

Condition of the bank.

stock of said corporation, and debts due the same, and the money deposited therein, of the notes in circulation and of the cash in hand, and shall have a right to inspect such general accounts in the books of the bank as shall relate to the statement: *Provided*, That this shall not be construed into a right Proviso. of inspecting the account of any private individual with the bank, except the directors. The bills obligatory and of credit Bills obligatory and of credit. under seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsements thereon under the hand or hands of such person or persons, and of his or her assignee or assignees, and so as absolutely to transfer and invest the property therein, and [in] each and every assignee or assignees successfully [successively], and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their name or names; and bills or notes which may be issued by order of such corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said incorporation, shall be binding and obligatory on the same in like manner and with like force and effect as upon any private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable by delivery only.

SEC. 6. *Be it further enacted*, That any person or persons Refusal to pay notes, &c. holding a note or notes of said bank, shall present the same for payment, and if payment shall be refused, the said note or notes shall draw interest at the rate of twelve per centum per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes of said bank, if not paid on demand, may bring an action of assumpsit against one or all of the Penalty. directors who may have consented to issue more than twice the amount of stock paid in: *Provided*, The bank be unable to pay the amount.

SEC. 7. *Be it further enacted*, That in case of insolvency Insolvency. of the bank hereby created, or ultimate inability on the part of the corporation to pay, the individual stockholders shall be

liable to creditors in the sum double the amount of the stock by them respectively held in said corporation.

Books of stock  
may be kept  
open.

SEC. 8. *Be it further enacted*, That the directors may keep open the subscription books until the whole of the stock shall be taken: *Provided*, That if the sum of fifty thousand dollars is not subscribed and paid in within two years after the ratification of this act, then the whole of this act shall be null and void.

Embezzlement.

SEC. 9. *Be it further enacted*, That if any director, or any other officer, agent or servant of said corporation shall embezzle any of the funds belonging to said bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of a felony; and upon conviction thereof, by due course of law, shall be punished by fine at the discretion of the court, and imprisoned not exceeding five years.

Penalty.

Tax on stock.

SEC. 10. *Be it further enacted*, That the president or cashier of said bank shall annually pay into the treasury of the State, thirty cents on each share of said capital stock which has been subscribed for and paid in, and the first payment of said tax shall be paid twelve months after said stock shall have been subscribed and paid; and the General Assembly reserves to itself the power, whenever it shall be deemed necessary, to increase said tax to a sum not exceeding one dollar on each share of said capital stock: *Provided*, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding session of this General Assembly: *And provided further*, That this or any other General Assembly shall have the power to tax the dividends belonging to individuals and incorporations. Said tax shall not exceed the tax on the interest of money loaned.

Proviso.

Proviso.

Dividends.

SEC. 11. *Be it further enacted*, That the directors of said bank may declare semi-annual dividends of profits thereof; and if at any time more than the real profits are divided, the directors assenting thereto shall be responsible in their private capacities to creditors who have claims against said institution.

Condition of the  
bank.

SEC. 12. *Be it further enacted*, That the president of this bank shall, on the first day of March and the first day of September in each and every year, transmit to the public trea-

surer a full statement of the condition of the bank, exhibiting the amount of the capital stock, notes in circulation, debts due to other banks, and what banks, deposits, and all other particulars necessary to explain the debit side of the account; also specie on hand, notes of other banks, and what banks, bills of exchange, debts or bonds, and notes discounted; specifying in one item the amount due from stockholders, [*and in another the amount due from stockholders,*] and in another the amount due from directors, not, however, using any person's name in any case, and real estate; and the said corporation shall publish, at its own expense, a copy of said statement quarterly, in one newspaper published in the city of Raleigh.

SEC. 13. *Be it further enacted,* That if any president, cashier, clerk, or other officer of the aforesaid bank, shall knowingly, and with intent to deceive, make, or cause to be made, or connive at making, any false return, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the General Assembly, or to the board of directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature or by the stockholders to receive the same, such president, cashier, clerk, or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for misdemeanor in the superior courts, and upon conviction, shall be fined at the discretion of the court, or imprisoned not exceeding one year. False returns. Penalty.

SEC. 14. *Be it further enacted,* That if it shall happen, when books shall be opened as aforesaid, that a greater sum than four hundred thousand dollars shall be subscribed by individuals, or by bodies corporate, it shall and may be lawful for the commissioners to reduce such subscription by them to be established for that purpose, to the aforesaid amount of four hundred thousand dollars: *Provided,* That no subscription of — shares, or under, shall be scaled, until a larger subscription shall be reduced to an equality with them. Stock may be scaled. Proviso.

SEC. 15. *Be it further enacted,* That the said bank shall, from time to time, when called on, after two weeks' notice in writing, make loans of money to the State of North Carolina whenever the same shall be applied for, by authority given of the general assembly: *Provided,* That the amount loaned shall at no time exceed the sum of five per cent. on the capital stock subscribed. To loan to State.

No note to be issued less than \$3.

SEC. 16. *Be it further enacted*, That no bill, promissory note, check or certificate of deposit, shall be issued or re-issued by the corporation for a less amount than three dollars, nor shall the said bank pay out the bills or notes of other banks, of a less denomination, unless it be in settlement with other banks.

Gifts to officers.

SEC. 17. *Be it further enacted*, That no officer or director of said bank shall at any time receive any gift, gratuity or reward from any person or persons obtaining a discount or other accommodation at said bank, on account of or by a reasonable accommodation; and no officer or director of said bank shall at any time purchase any note, bill, or other evidence of debt with his own funds, and afterwards place the same in said bank as the property of the same, or to the use of the same; and all persons so offending shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined and imprisoned, at the discretion of the court trying the same: *Provided*, That the said offence shall be cognizable in the superior courts only.

Penalty for receiving such.

Compensation to officers.

SEC. 18. *Be it further enacted*, That no director, or other officer of said bank, shall directly or indirectly receive any compensation for any agency in negotiating any business with the bank, or agencies, in procuring discounts, renewing notes, or receiving monies for individuals or notes discounted; and any such director or other officer thus receiving compensation, shall be removed from office, and be disqualified from hereafter holding any office in said bank, or any of its agencies.

Suspensions.

SEC. 19. *Be it further enacted*, That whenever such bank shall suspend specie payment for ninety days, unless under the advice and consent of the governor and council, it shall pay to the public treasurer four per cent. on the amount in circulation at the time of said suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State.

Usury.

SEC. 20. *Be it further enacted*, That in any suit to which said bank is a party in interest, in which the question of usury is involved, the cashier, agent or other officer of said bank, shall be a competent witness against said bank, notwithstanding said cashier, agent or other officer may be the payee, drawer, endorser or acceptor of the bond, note or bill sought to be avoided or impeached for usury, or which is alleged to be usurious.

SEC. 21. *Be it further enacted*, That said bank shall at no time have in circulation more than twice the amount of the capital stock actually paid in.

SEC. 22. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

## CAMP GROUNDS.

Chap. 67.

AN ACT TO ESTABLISH THE BALLS CREEK CAMP GROUND, IN THE COUNTY OF CATAWBA, STATE OF NORTH CAROLINA, AND TO INCORPORATE THE TRUSTEES THEREOF.

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Body politic.</sup> *State of North Carolina, and it is hereby enacted by the authority of the same*, That George S. Hooper, Henry Cline, Elias Smyer, Henderson Sherill, and John F. Pain, and their successors, 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 Balls Creek Camp Ground," situated and lying in Catawba county, in this State, on the land now conveyed for that purpose in fee simple to George S. Hooper, Henry Cline, Elias Smyer, HEND. Sherill and John F. Pain, in trust, for the use of the Methodist church, containing by estimation forty acres, be the same more or less; and the said trustees shall have succession and a common seal, and <sup>Powers.</sup> be capable in law to sue and be sued, plead and be impleaded, in all courts of law and equity in this State; and they may take, demand, receive and possess all lands and tenements, moneys, goods and chattels which may be given to them by will or otherwise, for the use of said camp ground; also to demand, ask and receive any rents or profits arising from said land for the purpose aforesaid.

SEC. 2. *Be it further enacted*, That the said trustees shall <sup>Powers.</sup> have power to grant, bargain and sell any or all such lands, rents, tenements and hereditaments, as aforesaid, to any purchaser, for the purposes of this act, and shall have power to establish such rules and regulations for the observance of order, decorum, and the removal of all nuisances from said

camp ground, while occupied for worship, and at other times, not inconsistent with the constitution of the land and laws of this State.

Vacancy in  
board of  
trustees.

SEC. 3. *Be it further enacted*, That in case of death, resignation, or refusal to act, or removal from the State, the remaining trustees shall have power to fill the vacancy: *Provided*, Their number shall not exceed ten nor [be] less than five trustees.

SEC. 4. *Be it further enacted*, That this act shall be in effect from and after its ratification, and that this act may continue in force for the term of sixty years. [*Ratified the 20th day of February, 1861.*]

Chap. 68. AN ACT TO INCORPORATE SULPHUR SPRINGS CAMP GROUNDS IN THE COUNTY OF CLEVELAND.

Body politic.

SECTION 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 Dr. W. J. T. Miller, A. J. Hardin, Rufus Roberts, David Whisnant and James James Roberts, and their successors, be, and they are hereby constituted a body politic and corporate, by the name of the "Trustees of Sulphur Springs Camp Ground," and by that name shall have perpetual succession, and a common seal, may sue and be sued, acquire and transfer property, and pass all such by-laws, rules and regulations, for the good government of said camp ground, as shall not be inconsistent with the constitution and laws of this State and of the United States; and in case of vacancy by death, resignation or otherwise, the remainder, or a majority of them, or the conference of the Methodist Episcopal Church in that circuit, and according to the Discipline and rules of said church, may appoint successors, who shall have the same power and authority, as are conferred on the trustees created by this act.

SEC. 2. *Be it further enacted*, That this act shall be in force from and immediately after its ratification, and may continue in force for the term of sixty years. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE SALEM CAMP GROUND IN LINCOLN *Chap. 69.*  
COUNTY.

SECTION 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 Bartlett Stroup, and William Garrison and Thomas R. Shuford, and their successors, be, and are hereby declared a body politic and corporate, to be known and distinguished by the name and style of the "Trustees of the Salem Camp Ground," situated in Lincoln county, in North Carolina, on the land now conveyed for that purpose in fee simple to Bartlett Stroup, in trust, for the use of the Baptist Church, containing four acres of land. That the said trustees shall have succession and a common seal, and be capable in law and equity to sue and be sued in all courts in this State; and they shall have power to receive all such rents and perquisites that may arise from said lands.

SEC. 2. *Be it further enacted,* That said trustees shall have power to sell all such lands, tenements, and hereditaments as aforesaid, to any purchaser for the purposes of this act; and shall have the power to establish such regulations and rules for the observance of order and decorum, and the removal of all nuisances from said camp ground, while occupied for worship and at other times: *Provided,* Such rules and regulations shall not be inconsistent with the laws of the State.

SEC. 3. *Re it further enacted,* That in case of death, resignation, refusal to act, or removal from the State, the remaining trustees shall have power to fill the vacancy: *Provided,* That the number shall at no time exceed five. [*Ratified the 22d day of February, 1861.*]

## COLLEGES.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE BASCOM COLLEGE IN THE TOWN OF LEICESTER, BUNCOMBE COUNTY," PASSED AT THE SESSION OF THE GENERAL ASSEMBLY IN THE YEAR 1858-9. *Chap. 70.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the au-*

Number of trustees may be increased.

*thority of the same*, That the trustees of said college may increase their number to not more than twenty; and said corporation may acquire, own and hold, for the purposes of education, all necessary real and personal estate, and may make all such by-laws and regulations as may be necessary for the good government of the college.

Powers.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any person or persons to sell or barter any spirituous liquors within two miles of said "Bascom College;" and if any person or persons shall violate the provisions of this section, such person or persons shall be deemed and held guilty of a misdemeanor and indictable for the same, and on conviction shall be imprisoned at the discretion of the court, or fined not less than ten dollars.

Sale of spirituous liquors prohibited.

SEC. 3. *Be it further enacted*, That this act shall take effect as soon as the trustees of said college, or a majority of them, shall signify their acceptance of the same on the minutes of their proceedings.

When act to take effect.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

Chap. 71.

## AN ACT FOR THE RELIEF OF DAVIDSON COLLEGE.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same*, That the State of North Carolina hereby remits and releases any and all claim whatsoever due her for the collateral tax upon the estate devised and bequeathed to Davidson College by virtue of the last will and testament of the late Maxwell Chambers, dec'd: *Provided*, That all costs and fees shall be paid by the college.

Remits tax on the Chambers bequest.

SEC. 2. *Be it further enacted*, That this act shall take effect from and immediately after its passage. [*Ratified the 22d day of February, 1861.*]

AN ACT TO INCORPORATE JUDSON FEMALE COLLEGE IN THE TOWN *Chap. 72.*  
OF HENDERSONVILLE.

SECTION 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 N. Bowen, James Blythe, A. M. Hawkins, V. Bibly, W. D. Whitted, J. P. Jordan, D. Stradly, William Patten, J. H. Allen, T. A. Allen, D. King, Joseph King, S. K. Stansel, W. D. Justice, David Gallen, Benjamin King, Thomas Stradly, T. B. Justus, T. Davis, C. P. Mingus, B. H. Moody, N. Edmonston, E. B. Herron, J. Franks, J. M. Hamilton, A. J. Cansler and M. Dickey be, and the same are hereby constituted a body corporate, for the purpose of educating females, and for no other purpose whatever, by the name and style of "Judson Female College," and by that name shall have a perpetual succession and a common seal, and shall be able and capable in law or equity to sue and be sued, plead and be impleaded, and shall take, demand, receive, and possess all goods and chattels, lands and tenements which may be given, and all donations made shall be applied according to the wish of the donor to the purpose hereinafter declared; and by purchase or otherwise to take, hold and possess to them and their successors forever, any lands sufficient for the purposes of the college, and may purchase and hold for the purposes of the institution such chattels and personal property as they may deem necessary: *Provided,* That the amount of real and personal estate shall not exceed at any one time three hundred thousand dollars.

Trustees incorporated.

Powers.

SEC. 2. *Be it further enacted,* That the estate, real and personal, received or controlled by the trustees of Judson College shall be for the use and purposes of the Baptist church of North Carolina.

Purposes of estate held.

SEC. 3. *Be it further enacted,* That the president and professors of said college, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of distinction as are usually conferred in colleges or universities.

Power to confer degrees.

SEC. 4. *Be it further enacted,* That the said trustees and their successors, or a majority of them present, shall have the power of appointing a president and such professors and tutors as to them shall appear necessary and proper for said college,

Appointment of president and professors.

- Removals. whom they may remove for misbehavior, inability or neglect of duty, and may from time to time make such by-laws and regulations for their own government and that of the college as to them may appear expedient: *Provided*, That the same are not inconsistent with the laws or constitution of the State: *Provided, further*, That if a majority of said trustees shall not convene for the purpose aforesaid, it shall and may be lawful
- Quorum. for five of the trustees and their successors to form a quorum to do business, and may from time to time make such by-laws and regulations [as may be deemed necessary.]
- Vacancies, &c. SEC. 5. *Be it further enacted*, That upon the death or resignation of any of the trustees, or a vacancy from any other cause, or if the trustees desire to increase their number, then in any of the above events the Western North Carolina Baptist Convention shall fill the vacancies or increase the number.
- SEC. 6. *Be it further enacted*, That this act shall take effect from and after its ratification. [*Ratified the 11th day of February, 1861.*]

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Chap. 73. AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE MARS HILL COLLEGE, PASSED AT THE SESSION OF 1858-59.

- Body politic. SECTION 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 J. W. Anderson, T. S. Denver, E. Carter, T. W. Ray, P. Anderson, T. J. Rollins, E. S. Carter, G. D. Ray, J. A. Keeth, Robert Patterson, John Rodford, Stephen Ammons, John Ammons, J. W. Rooker, Sam'l Smith, D. G. Carter, T. D. Carter, J. C. James, L. W. James, B. B. Whittington, R. N. Edwards, E. Jarvis, B. Duck, A. J. Cansler, T. B. Justice, J. C. Grayson, L. McCurry, A. M. Hawkins, N. Bowen, J. R. Duckworth, N. Edmonston, F. Stradley W. M. Porter, John Parham, J. W. Dickson, Tilmore Blalock, D. Beane, and G. M. Green 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 "Mars Hill College," and by that name shall have succession and a common seal, and continue for the term of fifty years; and that the said trustees and their successors, or a majority of them, by the name afore-
- Corporate title.

said, shall be able and capable in law to receive and possess all moneys, goods and chattels, and choses in action, that shall be given them for the use of the college; and by gift, purchase or devise, may take and hold to them, and their successors, any lands, rents, tenements and hereditaments of whatever kind, nature or quality soever, in special trust and confidence, that the sum and the profits thereof shall be applied to and for the use and benefit of said college, and the said trustees shall have such other powers and enjoy such other privileges and rights as are usually incident to corporate bodies of a like charter [character].

Powers of trustees.

SEC. 2. *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 and convey to the purchaser, any such lands, rents, tenements and hereditaments to which they may be entitled as aforesaid; and further, that the said trustees, or a majority of them, and their successors, for the term aforesaid, shall be able and capable to sue and be sued, plead and be impleaded, in all courts whatsoever, either of law or equity, of record or otherwise.

Powers.

SEC. 3. *Be it further enacted*, That there shall not be less than thirty nor more than forty trustees for said college at any time, and that on the death, resignation, or refusal to act of any of the trustees for the time being, or the removal from office, by the concurrence of two-thirds of the trustees, for the neglect of duty or other cause, the vacancy so happening shall be filled by the Western North Carolina Baptist Convention, with the concurrence and approval of the said board of trustees, and the trustees so appointed shall be vested with the same powers, rights, trust and authority as those appointed by this act.

Number of trustees.

Vacancies.

SEC. 4. *Be it further enacted*, That the trustees and their successors shall have the power of appointing a president and such other professors and tutors as to them shall appear necessary and proper for said college, whom they may remove at any time for misbehavior, inability or neglect of duty, and may from time to time make such by-laws and regulations as they may deem necessary for the government of the college: *Provided*, The same are not inconsistent with the constitution or laws of the State: *Provided, further*, That if a majority of

Appointment of President and Professors.

Removals.

the said trustees shall not convene for the purpose aforesaid, it shall be lawful for five of the trustees, or their successors, to form a quorum for the transaction of business, and may from time to time make all necessary by-laws and regulations.

Quorum.

Amount of estate to be held.

SEC. 5. *Be it further enacted*, That the whole amount of real and personal estate belonging to said college shall at no time exceed fifty thousand dollars in value.

Tippling houses.

SEC. 6. *Be it further enacted*, That it shall not be lawful for any person to erect, keep or maintain at Mars Hill College, or within four miles of Mars Hill College, in the county of Madison, any tippling house or establishment whatsoever for the management [manufacture] or sale of spirituous liquors, or wines, nor shall it be lawful for any person to sell any wines or spirituous liquors within four miles of said college.

Penalties.

SEC. 7. *Be it further enacted*, That any person or persons who shall violate the provisions of the sixth section of this act, shall be deemed guilty of a misdemeanor, and may be prosecuted and punished as for other misdemeanors, in any court having cognizance thereof; and moreover shall be subject to a penalty of fifty dollars, to be sued for and recovered before any justice of the peace, in the county of Madison; one-half of said penalty to accrue to the person who shall sue for the same, the other half to the use and benefit of said college.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

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Chap. 74. AN ACT TO INCORPORATE YADKIN COLLEGE IN THE COUNTY OF DAVIDSON.

Trustees incorporated.

SECTION 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 Alson Gray, Henry Walser, A. W. Sineberry, David Weisner, Jordan Reminger, John A. Davis, David Michael, George W. Hege, Benjamin F. Smith, Thomas Pegram, Alexander Robbins, and their successors duly elected, be, and they are hereby made, constituted and declared, a body corporate, in the name and style of the "Trustees of Yadkin College," for the instruction of youth in the various

Corporate title.

branches of science, literature and art, with perpetual succession, with the privileges and immunities and subject to all the restrictions prescribed in chapter 26 of the Revised Code, entitled "Corporations."

SEC. 2. *Be it further enacted*, That the president and professors of said college, by and with the consent of the trustees, shall have power to confer such degrees or marks of literary distinction as are usually conferred by colleges or universities. Power to confer degrees.

SEC. 3. *Be it further enacted*, That it shall not be lawful for any person or persons to set up or continue any gaming or billiard-table, or any device whatever for playing at any game of chance or hazard, or to exhibit any sleight-of-hand, theatrical or equestrian performance, dramatic recitation, rope or wire dancing, or other natural or artificial curiosities, or to receive or use any license to retail spirituous, or otherwise sell, give or convey to the students of said college any intoxicating liquors, within three miles of said college, without the special permission in writing of the faculty of said college. Gaming tables, &c., prohibited.

SEC. 4. *Be it further enacted*, That any person or persons who shall offend against the provisions of the third section of this act shall forfeit and pay the sum of two hundred dollars, to be recovered in any court of record having cognizance of the same,—one-half to the use of the informer, and the other half to the use of the said college. Penalties.

SEC. 5. *Be it further enacted*, That said college shall be located on the site where Yadkin Institute is now located, in the county of Davidson and State of North Carolina. Location of college.

SEC. 6. *Be it further enacted*, That said corporation may take, hold, bargain and sell such real, personal or mixed estate as may be necessary for the transaction of its business and the carrying out the purposes of its creation, not to exceed in value two hundred thousand dollars. Corporate powers.

SEC. 7. *Be it further enacted*, That said college shall go into operation so soon as the trustees shall meet together and elect a president of the board of trustees—a majority of them being present—and accept this charter, unless the same shall be rejected by the Methodist Protestant Conference at its first session after its adoption by the board of trustees. When college to go into operation.

SEC. 8. *Be it further enacted*, That all property belonging to said college, real or personal, shall be exempt from taxation. Property exempt from taxation.

for county or State purposes during its existence. [*Ratified the 22d day of February, 1861.*]

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## COUNTIES.

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*Chap. 75.* AN ACT TO RESURVEY AND ESTABLISH THE COUNTY LINE BETWEEN THE COUNTIES OF SURRY AND WILKES.

Commissioners  
to run line.

SECTION 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 Elisha Banner, of the county of Surry, and Fletcher Harris, of the county of Wilkes, be and they are hereby appointed commissioners to run and establish the line between the counties of Surry and Wilkes; and the said line, when so run, shall be deemed and considered the established line between said counties.

Chain carriers.

SEC. 2. *Be it further enacted,* That the said commissioners shall have power to employ chain carriers to aid them in making said survey.

Compensation.

SEC. 3. *Be it further enacted,* That said commissioners shall be allowed two dollars per day for their services, and the chain carriers one dollar per day, to be paid, one-half by the county of Wilkes, and the other half by the county of Surry.

Commissioners  
to report.

SEC. 4. *Be it further enacted,* That it shall be the duty of said commissioners to report in full to their respective county courts, the survey of said dividing line between the counties aforesaid, and the same shall be entered on the minutes of said court, and ordered to be registered.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

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*Chap. 76.* AN ACT TO RUN AND ESTABLISH THE DIVIDING LINE BETWEEN THE COUNTIES OF WAYNE AND GREENE.

Commissioners  
to run line.

SECTION 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 Benjamin Aycock, J. M. Caho,

Haywood Edmundson and William A. Darden, Jr., be and they are hereby appointed commissioners to run and establish the dividing line between the counties of Wayne and Greene, beginning at the corner in the north prong of Bear Creek (or at a point as near said corner as may be established), and run a north course to Great Contentnea Creek, according to an act of the General Assembly, passed at the session of 1779, entitled an act for dividing the county of "Dobbs," and that the line thus established by said commissioners shall be held and considered as the dividing line between the said counties of Wayne and Greene.

SEC. 2. *Be it further enacted*, That should said commissioners be unable to agree upon said line, that they shall have the power to choose a fifth person, who shall act as an umpire, and the decision of a majority shall be final: *Provided*, A report of said decision be returned to the next term of the court of pleas and quarter sessions, for each of said counties, succeeding the agreement, and confirmed by the same.

In case of disagreement.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

## COURTS.

AN ACT TO AUTHORIZE THE HOLDING OF A COURT OF OYER AND TERMINER IN CASWELL COUNTY. *Chap. 77.*

SECTION 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 of this State shall issue a commission of oyer and terminer to one of the judges of the superior court of law, to try all slaves that may be now confined in the jail of Caswell county, charged with rape or any other felony, which said court shall be held forthwith; and the judges shall be clothed with all the powers necessary for the trial.

Governor to issue commission.

SEC. 2. *Be it further enacted*, That the said court shall be held at Yanceyville under the same rules, regulations, powers and restrictions as govern the courts of oyer and terminer

Court—where held.

appointed to try slaves for insurrection, rebellion, or conspiracy.

Jury.

SEC. 3. *Be it further enacted*, That the clerk of the county court, and sheriff, assisted by two justices of the peace, shall draw a jury of thirty-six persons, who shall be summoned by the sheriff, from which shall be made the grand jury and petit jury; and the court shall have power to order a special venire, as in other cases of felony.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of January, 1861.*]

Chap. 78. AN ACT TO RESTORE TO THE COUNTY OF CHEROKEE JURY TRIALS.

Vote of justices  
as to jury  
trials.

SECTION 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 at the first court to be held in the town of Murphy, Cherokee county, a majority of the justices of said county being present, a vote shall be taken for and against the establishing of jury trials in said county; and if a majority of the justices present shall vote in favor of jury trials, then and in that case the court presiding shall proceed to have the usual numbers of jurors drawn, and the sheriff shall summon the same to be and attend in the town of Murphy, on the first Monday in June next, when and where they may sit, hear and determine all such cases as is [are] now allowed by the laws of North Carolina, to be heard and determined in other counties in this State where the intervention of a jury is necessary.

Time of holding  
jury courts.

SEC. 2. *Be it further enacted*, That the jury courts of said county shall be held on the first Monday in June and December in each and every year.

When this act  
valid.

SEC. 3. *Be it further enacted*, That none of the provisions of this act shall be valid unless a majority of the acting justices of the peace for Cherokee county shall vote in favor of jury trials in said county.

In case of jury  
trials, duty of  
superior court  
clerk.

SEC. 4. *Be it further enacted*, That in case a majority of the justices of said Cherokee shall vote in favor of jury trials,

then and in that case the clerk of the superior court be, and he is hereby directed to return to the clerk of the county court all such cases, with all papers pertaining to said cases, that have been transferred from the county to the superior court, back to the county court, which shall stand upon the docket of the county court in the same way and manner as they did before the same was transferred to the superior court.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 25th day of February, 1861.*]

AN ACT TO GIVE TO THE COUNTY OF CLEVELAND AN ADDITIONAL SUPERIOR COURT. *Chap. 79.*

SECTION 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 addition to the superior courts now held for the county of Cleaveland, the said county shall have two additional superior courts, to be held on the twelfth Monday after the fourth Monday in March and September in every year. Two extra courts.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT CONCERNING COUNTY COURTS IN THE COUNTY OF COLUMBUS. *Chap. 80.*

SECTION 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 and may be lawful hereafter for fourteen justices of the peace, including the special court in and for the county of Columbus, to transact all county and other business which now requires, by law, a majority of all the acting justices to be present. Fourteen justices may transact county business.

SEC. 2. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent all the justices from

acting, whenever present. [*Ratified the — day of February, 1861.*]

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Chap. 81. AN ACT TO AUTHORIZE THE HOLDING OF A COURT OF OYER AND TERMINER IN NORTHAMPTON COUNTY.

Governor to  
issue commis-  
sion.

SECTION 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 of this State shall issue a commission of oyer and terminer to one of the judges of the superior courts of law to try the slaves that may be now confined in the jail of Northampton county, charged with the murder of one Lucius Woodroof, late of said county, which said court shall be held forthwith, and the judges shall be clothed with all the powers necessary for their trial.

Where to be  
held.

SEC. 2. *Be it further enacted,* That the said court shall be held at the court-house in Jackson, under the same rules, regulations, powers and restrictions as govern the courts of oyer and terminer appointed to try slaves for insurrection, rebellion or conspiracy.

Jury.

SEC. 3. *Be it further enacted,* That the clerk of the county court, and sheriff, assisted by two justices of the peace, shall draw a jury of thirty-six persons, from which shall be made the grand jury and petit jury, who shall be summoned by the sheriff, and the court shall have power to order a special venire as in other cases of felony.

SEC. 4. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 26th day of January, 1861.*]

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Chap. 82. AN ACT TO CHANGE THE PLACE OF HOLDING THE COURT OF WARDENS OF NORTHAMPTON COUNTY.

Where court  
may be held.

*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 section 3rd, chapter 86 of the Revised Code, be so altered as to read as follows, to wit: The court of wardens for the county of Northampton shall be held at the court-house, or

at the poor-house of said county, or at either or both of said places, at the office of the court of wardens aforesaid. [*Ratified the 11th day of February, 1861.*]

AN ACT TO REPEAL SO MUCH OF THE 10TH, 11TH, 12TH, 13TH, *Chap. 83.*  
14TH AND 15TH SECTIONS OF 107TH CHAPTER OF THE RE-  
VISED CODE AS RELATES TO THE COUNTY OF WASHINGTON.

SECTION 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 so much of the 10th, 11th, 12th, 13th, 14th and 15th sections of the 107th chapter of the Revised Code, as relates to the county of Washington, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO ALLOW LESS THAN A MAJORITY OF MAGISTRATES TO *Chap. 84.*  
TRANSACTION THE COUNTY BUSINESS OF IREDELL AND CHATHAM  
COUNTIES.

SECTION 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 twenty-one of the acting justices of the peace, in and for the counties of Iredell and Chatham, shall have power to levy taxes, allow claims, elect such officers as courts of pleas and quarter sessions are allowed to elect, and to transact all other county business in and for the counties of Iredell and Chatham, which may now by law require the presence of a majority of all the justices of said counties to transact.

Twenty justices  
may transact  
county busi-  
ness.

SEC. 2. *Be it further enacted,* That all laws and clauses of laws, conflicting with the provisions of this act be, and the same are hereby repealed, so far as their application to the counties of Iredell and Chatham are concerned.

Repealing  
clause.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

## ELECTIONS.

- Chap. 85.* AN ACT TO ALTER THE TIME OF OPENING THE POLLS IN ELECTIONS AT THE PRECINCTS OF SALISBURY, WILMINGTON, ASHEVILLE AND LEXINGTON.

Time of opening  
polls.

*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, in all elections held at the precincts of Salisbury, in Rowan county, Wilmington, in New Hanover county, Asheville, in Buncombe county, and Lexington, in Davidson county, the polls shall be opened at 8 o'clock, A. M.: Provided, That nothing in this act contained, shall be construed to extend to corporation elections in Salisbury and Asheville. [Ratified the 26th day of January, 1861.]*

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- Chap. 86.* AN ACT TO CHANGE THE TIME OF CLOSING THE POLLS OF ELECTIONS IN WASHINGTON COUNTY.

Time of closing  
polls.

*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 and may be lawful to close the polls of elections in the counties of Washington and Rockingham, at 5 o'clock, P. M., instead of sunset, as now required by law. [Ratified the 22d day of February, 1861.]*

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## GAS COMPANIES.

- Chap. 87.* AN ACT TO INCORPORATE THE CITIZENS' GAS LIGHT COMPANY OF NEWBERNE.

Body politic.

*SECTION 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 Johnson H. Bryan, T. J. Hughs, A. G. Hubbard, Wm. H. Oliver, Amos Wade, and Wm. H. Peace, and their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Citizens' Gas Light Company of Newberne."*

SEC. 2. *Be it further enacted*, That the said Citizens' Gas Rights, &c. Light Company shall be entitled to all the rights, privileges, and immunities, and be subject to all the restrictions contained in chapter 26th of the Revised Code, entitled "Corporations."

SEC. 3. *Be it further enacted*, That the capital stock of Capital stock. said company shall be ten thousand dollars, in shares of fifty dollars each, and the same may be increased to the sum of twenty-five thousand dollars, by a majority of the stockholders in said company.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE FAYETTEVILLE GAS LIGHT *Chap. 88.*  
COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic. *State of North Carolina, and it is hereby enacted by the authority of the same*, That Archibald McLean, John D. Williams, Ed. J. Hale, Aug's W. Steel, Benj. W. Robinson, Edward L. Pemberton, and George B. Waterhouse, their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Fayetteville Gas Light Company."

SEC. 2. *Be it further enacted*, That the said Fayetteville Rights, &c. Gas Light Company shall be entitled to all the rights and privileges, and be subject to all the restrictions contained in chapter 26th of the Revised Code, entitled "Corporations."

SEC. 3. *Be it further enacted*, That the capital stock of Capital stock. said company shall not exceed fifty thousand dollars, in shares of one hundred dollars each, to be paid in such manner as the president and directors of said company shall prescribe.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification, and may continue in force for the term of sixty years. [*Ratified the 20th day of February, 1861.*]

*Chap. 88.* AN ACT TO INCORPORATE THE GREENSBORO' GAS LIGHT COMPANY.

Body politic.

SECTION 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 Peter Adams, A. P. Eckel, C. P. Mendenhall, and Charles E. Shober, and their associates, successors, and assigns, be, and they are hereby created, a corporation and body politic, in law and in fact, by the name and style of "The Greensboro' Gas Light Company," for the purpose of manufacturing and selling gas for lighting the town of Greensboro' and its vicinity, and fitting up houses for the use and consumption of the same; and by that name may sue and be sued, plead and be impleaded, and shall possess and enjoy for thirty years, all the rights, privileges and immunities of a corporation or body politic in law, and make all rules, by-laws, and regulations, not inconsistent with the constitution of this State, or of the United States, as shall be deemed necessary and judicious for the well-ordering and conducting the affairs of said company.

Powers.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed thirty thousand dollars, in shares of fifty dollars each, to be paid in such manner and under such rules and regulations as the officers of said company shall prescribe.

Officers.

SEC. 3. *Be it further enacted,* That the first meeting of said corporation may be called by the persons named in this act, or either of them, at such time and place as they may agree upon; and at such meeting, the stockholders in said company may elect such officer or officers as they may deem necessary for its purposes, who shall continue in office until their successors shall be elected; and the future meetings of the company may be held at such time and place, and at such intervals as the company, by its by-laws, may determine. And at all meetings of the company, a majority in interest of the stockholders shall control its proceedings, and a majority of the stock represented, in person or by proxy, shall constitute a quorum.

Term of office.

Corporate powers.

SEC. 4. *Be it further enacted,* That the said corporation shall have full power and authority to manufacture, make, and

sell gas of rosin, coal, oil, turpentine, or any other material, in such quantities as may be required in the town of Greensboro' and its vicinity; to fit up houses for the use and consumption of the same; to purchase and hold such lots as may be necessary and convenient for the erection of all such suitable buildings or improvements as may be required in the manufacture of gas, or in the retention or distribution thereof; to erect in such lots all such buildings and improvements as may be necessary or convenient for the purposes aforesaid; to lay pipes or other conductors for conveying gas through, upon, or under, any or all the streets, alleys, or public lots, or squares of the town of Greensboro': *Provided*, Such streets, alleys, public squares, or lots shall be left in as good condition as they were in before the time of laying such pipes or conductors; also, to hold such personal property of any nature or kind whatever as may be necessary in carrying on the business aforesaid. And also, from time to time to repair, reconstruct, maintain and preserve all such works, fixtures, machines, or other property held by them as often as may be required.

SEC. 5. *Be it further enacted*, That if any person or persons, shall wilfully, by any means whatsoever, injure, impair or destroy any conduct pipes, cock, machine, or anything appertaining to the works of said company, the person or persons so offending shall be subject to indictment for a misdemeanor in the superior or county courts of Guilford. Damage to property.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its passage, and shall have a corporate existence for thirty years. [*Ratified the 18th day of February, 1861.*]

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## INSURANCE COMPANIES.

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AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE  
THE ATLANTIC MUTUAL FIRE AND MARINE INSURANCE COM-  
PANY. Chap. 89.

SECTION 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 said company shall hereafter

Corporate name. be known by the name of the "Atlantic Mutual Fire, Marine and Life Insurance Company," and it shall be lawful for said corporation to insure their respective lives, and to make all and every insurance appertaining to or connected with life risks, of whatsoever kind or nature, as well of the sound in health as the infirm and invalid.

Married women may insure own lives.

SEC. 2. *Be it further enacted*, That it shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use the life of her husband for any definite period, or for the term of his natural life; and, in case of her surviving her husband, the sum or nett amount of insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors.

Husband may insure own life for benefit of wife.

SEC. 3. *Be it further enacted*, That the husband may insure his own life, for the sole use and benefit of his wife and children, or their guardians (if under age) for her or their own use, free from the claims of the representatives of the husband or any of his creditors.

Insured taken as members.

SEC. 4. *Be it further enacted*, That all persons who shall at any time hereafter insure in or within said corporation, for the whole continuance of life, shall, while they continue so insured, be deemed and taken as members of said corporation, entitled to all the rights and privileges of said corporation: *Provided*, that all receipts of said life department shall be kept separate and distinct from the fire and marine departments, and the directors shall be authorized and empowered to issue certificates of dividends accruing from said receipts, or otherwise dispose of them for the benefit of said members, as they may choose, according to the by-laws of the company.

When policies to be issued.

SEC. 5. *Be it further enacted*, That no life policy shall be issued by this corporation until application be made for insurance for forty thousand dollars at least.

SEC. 6. *Be it further enacted*, That nothing in this act shall be so construed as to affect any rights and privileges granted to the company in the former act of incorporation.

SEC. 7. *Be it further enacted*, That this act shall take effect immediately after its ratification. [*Ratified the* — day of —, 1861.

## MANUFACTURING COMPANIES.

AN ACT TO INCORPORATE "THE BUNCOMBE POWDER MANUFACTURING COMPANY," LOCATED IN BUNCOMBE COUNTY. *Chap. 91.*

SECTION 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 Nicholas W. Woodfin, William F. McKenan and ——— Crockford be, and they are hereby appointed commissioners, with power and authority to open books and receive subscriptions to the amount of fifteen thousand dollars, which shall constitute the capital stock of the company hereby incorporated for the purpose of the manufacture of powder.

SEC. 2. *Be it further enacted,* That the said capital stock shall be divided into shares of one hundred dollars each, and as soon as two thousand dollars shall be subscribed, it shall be the duty of said commissioners, or any one of them, to notify the stockholders, by advertisement, to attend at such time and place as may be designated, and if a majority of the shares subscribed shall be represented at such meeting, then it shall be lawful for the stockholders 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 president and directors, when so appointed, and their successors in office, shall constitute a body corporate and politic in law, by the name and style of "The Buncombe Powder Manufacturing Company," and may sue and be sued, plead and be impleaded, and as such shall have a corporate existence for thirty years, shall have a common seal, and have all other and necessary powers incident to corporate companies, which may be necessary to effectuate the object had in view by this act.

SEC. 3. *Be it further enacted,* That said company, at a general meeting of the stockholders, in pursuance of the provisions of the last section of this act, shall fix upon such regulations, in reference to the payment of the stock subscribed and the representation of the same, as they may deem proper, and they shall have power to make all necessary by-laws and regulations, for the government of said company, not inconsistent with the constitution of this State and the United States.

SEC. 4. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification. [*Ratified the 22d day of February, 1861.*]

Chap. 92. AN ACT TO INCORPORATE "THE GREEN SWAMP COMPANY."

Body politic. SECTION 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 Thos. B. Nichols, Henry B. Short, Wm. Bagley, Levi S. Yates, Samuel Batton, Benjamin M. Richardson, Amos R. Harrell, and D. W. Bagley, and such other person or persons as may hereafter associate with them, they, their successors, associates, heirs, or assigns, be, and they are hereby created a body politic and corporate, under the name and style of "The Green Swamp Company," for the purpose

Powers. of getting, manufacturing and shipping lumber, farming, merchandizing, owning, buying or selling real or personal estate, or building and improving in either of the counties of Brunswick, Columbus or New Hanover, and by that name they and their successors and associates shall have a common seal, and shall be capable of suing and being sued, plead and being impleaded, in all the courts of this State and the United States.

Capital stock. SEC. 2. *Be it further enacted*, That the capital stock of said company shall be \$80,000, in shares of \$1,000 each, of which the shares in said company are now owned as follows: Thomas B. Nichols, ten; Henry B. Short, ten; Wm. Bagley, ten; Samuel Batton, ten; Benjamin M. Richardson, fifteen; Levi S. Yates, five; Amos R. Harrell, five; D. W. Bagley, ten; and the heirs of John W. Kieling, five; and the said company may enlarge the capital thereof to two hundred thousand dollars, and may divide the capital into shares of \$100 each, and all the property now owned or hereafter acquired by said company, shall be deemed and held to be personal estate.

Powers of company. SEC. 3. *Be it further enacted*, That said company shall have power and authority to make any rules, regulations and by-laws for its government, not inconsistent with the laws of the State, to provide for the appointment of officers, directors or laborers of and for said company, the mode of transfer and

representation of stock, the penalties and forfeitures, how to be imposed upon delinquents, and to do any and all other things for the furtherance of said company's objects.

SEC. 4. *Be it further enacted*, That it shall be the duty of said company to keep a full record of their proceedings in a book provided for the purpose. Duty of company.

SEC. 5. *Be it further enacted*, That the corporation hereby created, shall exist for thirty years, and this act shall be in full force and effect after its ratification and acceptance by two-thirds of the stockholders. [*Ratified the 16th day of February, 1861.*]

AN ACT TO INCORPORATE THE NORTH CAROLINA FIBRE COMPANY. *Chap. 93.*

SECTION 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 Joseph R. Blossom, Henry Lowe and John Judge, or a majority of them, their associates, successors and assigns, be, and they are hereby created and constituted a body politic and corporate, by the name and style of the "North Carolina Fibre Company," with power to establish branches, as hereinafter defined, and as such shall have perpetual succession, and may have and use a common seal, and change the same at pleasure, may sue and be sued, plead and be impleaded in any court of law and equity, have power to make all such by-laws and regulations (not inconsistent with this act, or with the laws and constitution of this State, or of the United States,) as may be deemed necessary for the government of said company, which shall be binding thereon, and shall have and enjoy all the rights and privileges of a body corporate, necessary to carry on the business of manufacturing paper stock from any and all fibrous materials, and making therefrom paper and other fabrics, and of transporting and vending their products, and of purchasing and erecting suitable mills and machinery whenever and wherever they may see fit, and also to purchase and hold any and all such patent rights and inventions, or licenses to use the same, and such real estate, mills and machinery as may be useful to

them in their business, and may give in payment thereof any part of their capital stock which may remain untaken at time of such purchase, and have full power and authority to sell and convey any real estate by them held, owned or occupied, with usual covenants of warranty.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company may be divided in such number of shares, and of such amount for each share as the board of directors may direct; and said board may at discretion increase the number of said shares, by declaring, from the net earnings of the company, dividends payable in stock, the proceeds of which (viz., the portion of nett earnings reserved for such purpose,) may be used in extending the business of the company, improving their works, or in such other way as will most benefit the general interest: *Provided*, That the capital stock shall not exceed five hundred thousand dollars, the shares in which, as also in the branches hereinafter mentioned, shall be considered as personal property, and certificates therefor may be issued and the same be made transferable and assignable, and liable to assessment, forfeiture and sale by the board of directors, in such manner as the by-laws of the corporation shall prescribe; and all subscriptions to the capital stock shall be made under the superintendence, and at the discretion of the board of directors for the time being, and the company may go into operation any time after the sum of ten thousand dollars is actually paid in.

Officers.

SEC. 3. *Be it further enacted*, That the property and affairs of said company shall be managed by a board of directors, (one of whom shall be a citizen of this State, who must be a stockholder,) composed of such number, and elected by the stockholders in such manner as the by-laws shall direct, and they shall choose one of their number to be president of the board of directors; — shall be a quorum to transact business; they shall have power to fill any vacancies that may happen in their body, and appoint and remove at their pleasure such other officers as they may deem necessary; and until the first election of directors shall be held by the stockholders, the said Joseph R. Blossom, Henry Lowe and John Judge shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

SEC. 4. *Be it further enacted*, That meetings of the stock-<sup>Meetings.</sup> holders in said company may be called and held as the by-laws shall prescribe. To constitute a meeting, there must be present, in person, or by proxy, (the proxy being a stockholder,) those who hold a majority of the stock, and each stockholder shall be entitled to the number of votes which the by-laws of the company may prescribe: *Provided, however*, That at the first general meeting, each share of stock shall entitle the holder to one vote, and at all meetings every act shall require the sanction of a majority of the votes which may be present.

SEC. 5. *Be it further enacted*, That said company shall <sup>Branches.</sup> have power to establish such branch or branches of its business, at any point or points in this State as the board of directors may see fit, and with such amount of capital as may be deemed necessary: *Provided*, That such capital shall be advanced by the company and by individuals in such proportion as the board of directors may decide, on the payment of which said branch may commence business, and carry on the same in such manner and subject to such regulations as the by-laws of the company, made in pursuance of this act, may prescribe: *Provided, further*, That the certificates issued to individuals, in the capital stock which may be created by the money or capital invested by them for the organization, establishment and carrying on said branch or branches, shall entitle the holders only to their proportion of nett profits declared on the particular business thereof, which shall be plainly expressed in said certificates, and such stockholders shall be interested in and responsible to the extent of their investment for only such contracts and transactions as may be made in reference to the business of such branches respectively.

SEC. 6. *Be it further enacted*, That it shall and may be <sup>Dividends.</sup> lawful for said company to guarantee to the holders of stock in any of said branches certain or particular annual dividend on any or all such stock, for one or more years, and for such purpose, said company is hereby authorized to execute its bond to such stockholders, in such manner and at such time as the by-laws may prescribe, when such guarantee shall become and is hereby declared to be a lien on all the profits accruing on the business of said company: *Provided*, That nothing herein shall be construed as giving such a lien the preference over

any creditor of said company at the date of the execution of said bond.

Powers.

SEC. 7. *Be it further enacted*, That said corporation is hereby authorized, in its corporate capacity and name, to make, execute and deliver to any person or persons, trustee and body corporate or politic, bonds, notes, contracts, or agreements, for the payment of money at any rate of interest that may be agreed upon; or for the delivery or purchase of paper, paper stock, chemicals, or other personal property, and to sell and dispose of any such bonds, notes, contract, or agreement, for such price or consideration as the board of directors may see fit, any law on the subject of usury in this State, or any other State where such transactions may be had, to the contrary notwithstanding.

Conveyances of real estate.

SEC. 8. *Be it further enacted*, That all conveyances of real estate by said company shall be signed by the president, and countersigned by the secretary, or other proper officer, and have affixed thereto the corporate seal, and a copy of the resolution of the board authorizing the conveyance, which shall be certified by the secretary of the board and form part of the record, and all deeds so executed, acknowledged and registered according to law, shall be deemed valid and binding in all courts of law and equity whatsoever, any previous act or acts to the contrary notwithstanding.

No banking privileges.

SEC. 9. *Be it further enacted*, That this act shall not be so construed as to give to the said company any banking privileges, or any right to issue notes, payable to order or bearer, for circulation as bank notes, or to exempt the lands and other property of the corporation from taxation, except as hereinbefore provided.

SEC. 10. *Be it further enacted*, That this act shall be favorably construed in all courts and places whatever, and shall be in force for sixty years from and after its ratification. [*Ratified this 23rd day of February, A. D., 1861.*]

AN ACT TO INCORPORATE THE NORTH CAROLINA SHOE MANUFACTURING COMPANY, IN THE TOWN OF CHARLOTTE. *Chap. 94.*

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.  
*State of North Carolina, and it is hereby enacted by the au-*  
*thority of the same,* That William A. Shepard, John A. Young,  
 William Johnson, James H. Carson, James W. Osborne, Moses  
 B. Taylor, Joseph H. Wilson and W. R. Myers, a majority of  
 them, their associates, successors and assigns, are hereby con-  
 stituted and declared to be a body politic and corporate, by  
 the name of "The North Carolina Shoe Manufacturing Com-  
 pany," and by that name shall be capable in law and equity of  
 purchasing, holding, selling, leasing and conveying estate, real,  
 personal and mixed, and of acquiring the same by gift or  
 otherwise, so far as shall be necessary for the purposes em-  
 braced in their charter, and may sue and be sued by their cor-  
 porate name, plead and be impleaded in any court of law and Powers.  
 equity in the State of North Carolina, or any other State hav-  
 ing competent jurisdiction, and may have and use a common  
 seal, which they may alter or renew at pleasure.

SEC. 2. *Be it further enacted,* That said corporation shall  
 have, use and enjoy all the rights, powers and privileges for  
 manufacturing boots and shoes, either by machinery or other-  
 wise, together with all other rights and privileges which other  
 corporate bodies may and do exercise, and which may be  
 necessary for carrying on said business in the town of Char-  
 lotte and county of Mecklenburg, N. C.

SEC. 3. *Be it further enacted,* That the capital stock of said Capital stock.  
 company shall consist of shares, the par value of the whole of  
 which shall not exceed five hundred thousand dollars, the num-  
 ber and the value of which shares to be fixed and regulated by  
 the persons named in the first section of this act, and their asso-  
 ciates, or a majority of them; and the stock of said company shall  
 be personal estate, and be transferable in such manner as the  
 by-laws of said company may direct; and at all meetings of the  
 stockholders of said company, each stockholder shall have one  
 vote, either in person or by proxy, for each share held by him.

SEC. 4. *Be it further enacted,* That the affairs of said com- Officers.  
 pany shall be managed by a board of directors of not less than  
 three or more than five, as the stockholders may determine,

three of whom shall reside in this State; which board of directors shall be chosen annually by the stockholders, and said directors shall choose one of their number to be president. In the event, however, at any time, that an election of the directors of said corporation shall not be made at the time appointed therefor in any year, the corporation shall not be dissolved, but it shall be lawful at any other time to hold an election for such directors as the by-laws may provide; and upon failure to make such election at the time appointed for the same, the directors then in office shall continue in office until another election is made, and all their acts shall be valid until their successors shall be elected.

Liability.

SEC. 5. *Be it further enacted*, That the stockholders shall be individually liable for all debts due to workmen, officers, and other hands of said corporation.

SEC. 2. *Be it further enacted*, That the rights, powers and privileges hereby granted shall be enjoyed and exercised by said corporation for the term of sixty years, and this act shall be in force and take effect from and after its ratification. [*Ratified the 23d day of February, 1861.*]

Chap. 95. AN ACT TO INCORPORATE THE TOKAY WINE COMPANY OF FAYETTEVILLE.

Body politic.

SECTION 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 William T. Home, Henry L. Myrover, Nathan A. Stedman and James C. Stedman, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Tokay Wine Company," and shall have succession and a common seal for a period of thirty years from the first day of January, 1861, and as such may sue and be sued, plead and be impleaded, and have and possess all the powers incident to corporations and necessary and proper to carry on the business and effect the objects contemplated by this act.

Corporate name.

Stock.

SEC. 2. *Be it further enacted*, That said corporation may divide their stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said

corporation shall from time to time deem expedient; and in all meetings of stockholders of said corporation, each share shall entitle the holder thereof to one vote; and upon such division of stock, the lands, cellars, presses, houses, fixtures, or other property of any stockholder or stockholders, shall constitute a part, at such price as may be agreed upon between the owner thereof and those who may be associated with him or them, and constitute the aforesaid corporation, by purchasing or subscribing for stock in the same.

SEC. 3. *Be it further enacted*, That the business of said Powers. corporation shall be that of raising and purchasing grapes, and the making and vending of wine, and the other produce of their lands and property; and said corporation shall have power to purchase and hold all such real and personal property as may be required for the convenient transaction of the business of the corporation, and the same to sell and exchange at pleasure: *Provided*, That said corporation shall at no time hold over five thousand acres of land.

SEC. 4. *Be it further enacted*, That said corporation may Officers. transact its business by and under the direction of a board of directors, and such other officers and servants as may be determined by the stockholders, and may make all needful rules and regulations for the government of the same.

SEC. 5. *Be it further enacted*, That said corporation may May establish a trade mark. establish a trade mark, under which they may sell wine by the bottle, package, gallon, pipe or hogshead, and which trade mark may be a paper label, or other device, stamped, graven or moulded, upon wood or glass; and if any person or persons shall assume or vend any other wine than that made or sold by this corporation, under said trade mark, they shall be held liable on damages, to be recovered by said corporation, in any of the courts of law of this State.

SEC. 6. *And be it further enacted*, That this act shall be in force from and after the ratification thereof, and may continue in force for the space of thirty years. [*Ratified the 22d day of February, 1861.*]

## MILITIA.

*Chap. 96.* AN ACT TO AUTHORIZE THE ORGANIZATION OF AN ARMED POLICE FORCE FOR THE DEFENCE OF THE CITIZENS OF THE TOWN OF WASHINGTON.

Intendant may accept volunteers.

SECTION 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 intendant of police of the town of Washington be, and he is hereby empowered to accept the service of such of the residents of said town over the age of forty-five years, as will form themselves into a company, and engage to serve under his orders, or those of a majority of the acting commissioners of the said town, for the safety of the lives and the property of the inhabitants thereof.

Acceptance of members.

SEC. 2. That in order to the formation of the said company, an engagement in writing, made by such persons to serve as members of said company, and by them subscribed, and also the acceptance by the said intendant of all such as do subscribe the same, shall be sufficient to constitute such persons members of the said company, and shall bind each and every of them to serve therein for the term of five years next ensuing the date of such acceptance: *Provided,* such persons do continue to reside in said town.

Members to procure arms.

SEC. 3. It shall be the duty of each member of said company to procure the following arms at least, viz: one good and sufficient musket and bayonet and one pair of belt or horseman's pistols, or one double barrel shot gun, and one pair of said pistols; which said arms, together with twelve rounds of powder and buck-shot cartridges for each barrel of said arms, he shall at all times keep at his residence in good order, and prepared for immediate use upon any and every emergency that may require their use during the term of his service.

Arms to be inspected.

SEC. 4. That the power and authority of the said intendant of police, or of a majority of the acting commissions [commissioners] of said town, shall be and extend to the ordering such officers as shall be chosen by ballot by the members of said company to have a meeting of the members thereof once in every month for the inspection of the arms and cartridges

hereby required, and to perform such duties as are hereinafter mentioned.

SEC. 5. That the said company, a majority of the members Captain. being present, shall have power to elect, and proceed to elect upon an order of the said intendant to that effect, one member to act as captain, and two others to act as lieutenants of the said company, each of whom shall have power to order and direct an inspection of the arms and cartridges, to see that each member is at all times provided therewith, and that the same is kept in readiness in their respective residences; and it shall be the duty of the captain so chosen to notify the said intendant of the persons so chosen as officers of said company.

SEC. 6. Upon an order of the said intendant, or of a ma- Intendant to have power to call out men. jority of said commissioners, issued to the officers of said company, or such of them to whom such order is directed, it shall be their duty to assemble the said company, or such portion of it as they deem necessary, to give assistance to the said intendant or commissioners aforesaid, in case of any conspiracy against the public peace and order of the said town being by him or them apprehended; and the said company, or such portion of them as are detailed therefor, shall promptly render obedience to such order: *Provided*, That no watch, guard or patrol duties shall, on ordinary occasions, be required to be performed by said company.

SEC. 7. That the said company be, and they are hereby em- By-laws. powered to make such by-laws and regulations as shall be by them deemed to be fit and proper for enforcing and carrying into effect the purposes mentioned in this act, and to enforce the same by such penalties and fines as they shall deem proper: *Provided*, the said by-laws [laws] and regulations be not inconsistent with the constitution and laws of this State and the United States.

SEC. 8. That all fines and penalties adjudged against offend- Fines, &c. ers against the provisions of this act, or any by-law or regulation adopted by the said company, shall be cognizable and determinable by the intendant of police for the said town, and be recoverable in the name of said intendant, and payable into the town treasury.

SEC. 9. That the pistols worn upon their persons, and used

by the members of said company, be, and the same are exempt from taxation. [*Ratified the 25th day of February, 1861.*]

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Chap. 97. AN ACT TO INCORPORATE THE "GRANVILLE INDEPENDENT GREYS."

Incorporated.

SECTION 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 company of volunteer infantry, in the county of Granville, commanded by Captain George L. Wortham, be, and the same is hereby incorporated by the name and style of the "Granville Independent Greys," and shall have full powers and authority to make such by-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 the company.

Fines.

SEC. 2. *Be it further enacted,* That all fines and ameracements which shall be collected by said company, shall enure to the use of the same.

Length of service to exempt.

SEC. 3. *Be it further enacted,* That after a faithful discharge of the duty of such company for the term of twelve years, by a regular drill at least six times in each year, the members thereof shall be exempt from militia duty, except in case of insurrection or invasion.

SEC. 4. *And be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

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Chap. 98. AN ACT TO INCORPORATE THE "INDEPENDENT GRAYS," THE "TOPSAIL RIFLEMEN," THE "FRANKLIN RIFLES," "ALBEMARLE GUARDS," AND THE "SHARON RIFLEMEN."

Incorporated.

SECTION 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 company of infantry in the town of Elizabeth city, commanded by J. T. P. C. Cohoon, known as the "Independent Grays;" the "Topsail Rifle-

men," commanded by Stephen D. Pool; the "Franklin Rifles," commanded by Wm. F. Green; "Albemarle Guards," commanded by T. L. Skinner, and the "Sharon Riflemen," commanded by Caleb Norwood, be, and the same are hereby constituted and declared to be bodies politic and corporate, by the above mentioned names, and shall have all the powers, Powers, &c. privileges and immunities, and be subject to all the liabilities, usually incident to bodies of a like nature.

SEC. 2. *Be it further enacted*, That all moneys collected Fines, &c. by authority of this act, shall inure to the sole use and benefit of the said companies.

SEC. 3. *Be it further enacted*, That these companies shall Parades. be mustered for drill and parade at least six times every year, and go into encampment at least two days every year.

SEC. 4. *Be it further enacted*, That all persons who may become members of these companies, and serve in them for the space of ten years, shall be exempt from military duty, except in cases of war, insurrection, or invasion.

SEC. 5. *Be it further enacted*, That the provisions of the Extension of provisions. bill to incorporate the "Independent Grays," "Albemarle Guards," "Topsail Riflemen," "Franklin Rifles, and "Sharon Riflemen," be and the same are hereby extended to the military company known as the "Cape Fear Riflemen," commanded by Captain William S. Anderson; to the "Burke Mounted Riflemen;" the "Cleveland Guards;" "Cabarrus Guards," "The Black Boys," both in Cabarrus county; "Old Topsail Rifles;" "Northampton Home Guards;" the "Yanceyville Grays," commanded by John A. Graves; the "Rocky Mount Cavalry;" the "State Guards of Pasquotank," commanded by W. F. Martin, and the "Junaluska Zouaves," and "Jackson Rifle Company."

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE "BUNCOMBE RIFLEMEN." *Chap. 99.*

SECTION 1. *Be it enacted by the General Assembly of the* Body corporate. *State of North Carolina, and it is hereby enacted by the authority of the same*, That W. W. McDowell, W. M. Hardy,

Powers. Thomas L. Clayton and J. M. Israel, and their associates and successors, be, and they are hereby constituted and appointed a body corporate and politic, under the name and style of the "Buncombe Riflemen," and as such shall have continual succession, sue and be sued, plead and be impleaded, contract and be contracted with, and have a common seal. Said corporation may adopt such constitution and by-laws, rules and regulations for their government as they may deem proper, not inconsistent with the constitution and laws of the United States, or of this State; and that all fines and amercements, imposed by a court-martial of said company, shall be placed in the hands of any constable selected by said company, and collected in the same manner as amercements and fines issuing from a court of civil jurisdiction.

Patrol. SEC. 2. *Be it further enacted*, That it shall be the duty of the captain of said company to detail a force of four members of said company, whose duty it shall be to patrol the said town of Asheville, at such times as the captain may direct.

Service to exempt. SEC. 3. *Be it further enacted*, That members of said company, after serving in said company for the space of five years, shall thereafter be exempt from military duty, except in cases of invasion or insurrection.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be, and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 19th day of February, 1861.*]

Chap. 100. AN ACT TO INCORPORATE THE ORANGE LIGHT INFANTRY.

Body corporate. SECTION 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 volunteer company in the town of Chapel Hill, commanded by Captain R. J. Ashe, be, and the same is hereby incorporated and made a body corporate and politic, by the name and style of "Orange Light Infantry," and shall by that name and style [shall] have succession, and be able and capable to sue and be sued, plead and be impleaded, in any court in the State; and may adopt such constitution,

Powers.

by-laws, rules and regulations for their good government as they may deem proper, not inconsistent with the constitution and laws of the United States, or this State.

SEC. 2. *Be it further enacted*, That all fines and amerce-<sup>Fines.</sup>ments that may be imposed and collected by said company from its members, shall inure to its own uses and benefits.

SEC. 3. *Be it further enacted*, That all persons who can produce a certificate from the orderly sergeant, countersigned by the captain of said company, setting forth continuous membership for seven consecutive years, shall be exempt from military duty, except in case of invasion or insurrection.<sup>Service to exempt.</sup>

SEC. 4. *Be it further enacted*, That in time of peace said company shall be subject to the orders of its own officers only, or the orders of the governor of the State.

SEC. 5. *Be it further enacted*, That this act shall take effect from the day of its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE WILMINGTON HORSE ARTILLERY *Chap. 101.*  
COMPANY.

SECTION 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 may be formed in the county of New Hanover a troop of horse artillery, to consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, one quarter-master sergeant, one color sergeant, three sergeants, four corporals, two artificers, one saddler, one farrier, two buglers, and not exceeding one hundred privates; which troop, when formed, shall be and is hereby invested with corporate powers to them and their successors, in the name and style of the "Wilmington Horse Artillery Troop," with power to make all necessary rules, by-laws and regulations for its own government, and to do, perform and contract in all ways whatever within the scope and intent of this charter.<sup>What to form company.</sup>

SEC. 2. *Be it further enacted*, That said troop shall be armed, equipped and drilled as riflemen, cavalry and artillery.<sup>Drill.</sup>

SEC. 3. *Be it further enacted*, That whenever thirty names shall be enrolled, the said troop shall be considered as formed,<sup>When formed.</sup>

Officers. and they may proceed to the election of all proper officers, agreeably to their own by-laws and regulations; that the captain and lieutenants shall receive their commissions from the governor of the State, and the non-commissioned officers their warrants from the captain of the troop; the captain of the troop certifying the governor of its enrollment and formation as aforesaid.

Arms to be furnished by State.

SEC. 4. *Be it further enacted*, That whenever the said troop shall be formed, commissioned, and properly and fully uniformed, upon application to the governor, he shall, at the expense of the State, procure and furnish to said troop the proper arms, accoutrements, sabres, pistols, carbines or rifles, and a battery of six pounder brass guns, not to exceed six in number, with all carriages, harness and appendages thereto appertaining. The captain or other members of said troop to give to the governor a bond, with good securities, for the safe keeping and re-delivery of the said articles on demand.

Command.

SEC. 5. *Be it further enacted*, That the captain of said troop and all the members thereof shall be directly subordinate to the chief of artillery to the State, and shall be subject to the orders of and make their reports and returns to that officer; and if there be no such officer, then to the adjutant general of the State.

Subject to call of governor.

SEC. 6. *Be it further enacted*, That the members of said troop shall be exempt from militia duty, but shall be subject to a call of the governor, in the service of the State, equally with the other volunteer companies of North Carolina.

SEC. 7. *Be it further enacted*, That this act shall be in operation from and after its ratification. [*Ratified the 18th day of February, 1861.*]

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Chap. 102. AN ACT TO INCORPORATE THE VOLUNTEER COMPANY IN THE TOWN OF KENANSVILLE, DUPLIN COUNTY.

Body corporate.

SECTION 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 volunteer company in the town of Kenansville, commanded by John J. Whitehead, be, and the same is hereby incorporated and made a body corporate and

politic, by the name and style of the "Duplin Riflemen," and by that name and style shall have succession, and shall be able and capable to sue and be sued, plead and be impleaded in any court in this State, and may adopt such constitution and by-laws, rules and regulations for their government as they may deem proper, not inconsistent with the constitution and laws of the United States, or of this State, and that all fines and amercements imposed and collected by said company, shall enure to the use and benefit of said company.

SEC. 2. *Be it further enacted*, That the members of said company, while they continue to act as members of said company, shall be exempt from serving on juries in the county and superior courts, and from working on the public roads.

SEC. 3. *Be it further enacted*, That members of said company, after serving in said company for the space of seven years, shall thereafter be exempt from military duty, except in case of invasion or insurrection.

SEC. 4. *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 this act shall go into effect from and after its ratification. [*Ratified the 18th day of February, 1861.*]

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## MINING COMPANIES.

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AN ACT TO INCORPORATE THE CHATHAM MINING COMPANY. Chap. 103.

SECTION 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 John Wilkes, Lawrence P. Bayne, and Charles Wilkes, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of "The Chatham Mining Company," for the purpose of exploring, working and mining for copper and other metals and minerals, and for mining, smelting and vending the same; and shall enjoy all the privileges and powers incident to mining corporations in this State, and may also purchase, hold and convey real and

personal estate to an amount not exceeding the value of one million of dollars.

By-laws.

SEC. 2. *Be it further enacted*, That the first meeting of said corporation may be called by the parties herein named at such time and place as may be agreed upon by them, and at such and all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not inconsistent with the constitution and laws of the State and the United States.

Stock.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall not exceed one million of dollars, which may be divided into such shares, and sold and transferred in such manner and form as said corporation may deem expedient; and said corporation may declare and pay dividends in such manner as their by-laws may direct.

Legal representatives.

SEC. 4. *Be it further enacted*, That two of the directors of said company shall always be residents of the State of North Carolina, and that service on them, any director or officer of said company, shall be valid and sufficient in law and equity for process and proceeding returnable before any judicial tribunal in this State; and it shall be the duty of the directors of said company to have regular books of record and transfer kept by the secretary or treasurer thereof, and at all times open to the inspection of stockholders, or any one of them.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its passage, and continue in full force for the term of thirty years. [*Ratified the 19th day of February, 1861.*]

Chap. 104. AN ACT TO INCORPORATE VALLEY RIVER MINING COMPANY.

Body politic.

SECTION 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 William Warne, D. T. Ramsour and E. Dimmoch, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "Valley River Mining Company," for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for

mining, vending, smelting and working the same, and for working and manufacturing; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend Powers. in any court of law or equity whatsoever, and in all suits and actions, contracted [contract] and be contracted with, and may have and use a common seal and the same alter at pleasure; and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending of metal or chemicals; and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate, with a capital not to exceed one million dollars.

SEC. 2. *Be it further enacted*, That the said corporation Stock. may divide their stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeitures, and sell delinquent shares in such manner as the by-laws may direct; and shall issue scrip for the shares of stock; and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for Directors. the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be actual residents of this State.

SEC. 4. *Be it further enacted*, That it shall be lawful for the aforesaid W. Warne, D. T. Ramsour, and E. Dimmoch to manage the affairs of said corporation as directors, until others are elected or appointed; shall meet and organize by choosing from their own body a president and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years, and this act shall be in force from its passage. [*Ratified the 20th day of February, 1861.*]

Chap. 105. AN ACT TO INCORPORATE THE CARROLTON COPPER MINING COMPANY OF BALTIMORE.

Body politic.

SECTION 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 E. B. Wilder, F. H. Gruphy, Adam Dermead, Charles Hatch, W. J. McConnell and Wm. B. Tyson, and their associates, successors, and assigns, are hereby created and constituted a body politic and corporate, by the name, style, and title of the "Carrolton Copper Mining Company," for the purpose of exploring for copper, gold, lead, iron and other metals or minerals, and for mining, vending, smelting and working the same; and by this name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever in all suits and actions; may have a common seal, and the same alter at pleasure; and may enjoy all the privileges incident to mining corporations, and may hold, purchase and convey real and personal estate to an amount not exceeding two millions of dollars.

Powers.

SEC. 2. *Be it further enacted,* That the first meeting of said corporation may be called by the persons named in this act, or any two of them, at such time and place as they may agree upon, and at such meeting, and all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of the said corporation as a majority of the stockholders may direct, not repugnant to the constitution and laws of this State and of the United States.

By-laws.

SEC. 3. *Be it further enacted,* That it shall be the duty of the directors of said company (two of whom shall reside continually in this State) to have regular books of record and transfer, kept by the secretary or the treasurer thereof, at all times open to the inspection of the stockholders.

Books to be kept.

SEC. 4. *Be it further enacted,* That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as the by-laws may direct.

Stock.

SEC. 5. *Be it further enacted*, That the corporation shall exist for thirty years, and this act [shall] be in force from and after its passage. [*Ratified the 18th day of February, 1861.*]

AN ACT TO INCORPORATE THE DAVIDSON COPPER MINING COM- *Chap. 106.*  
PANY.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.  
*State of North Carolina, and it is hereby enacted by the au-*  
*thority of the same*, That Samuel Sutton Clayton, Thomas C.  
Harris, Jos. Wilkins, Patrick Henry Sullivan, Thos. W. Hall,  
jr., and John Endey, their associates, successors and assigns, are  
hereby created and constituted a body politic and corporate,  
by the name, style and title of the "Davidson Copper Mining  
Company," for the purpose of working, mining and exploring Powers.  
for copper, lead, gold, silver, and other metals and minerals, and  
for mining, vending, smelting and working the same; and by  
that name may sue and be sued, plead and be impleaded,  
appear, prosecute, and defend in any court of law or equity  
whatsoever in all suits and actions; may have a common seal  
and the same alter at pleasure; and may enjoy all the privi-  
leges and powers incident to mining, smelting and manufac-  
turing corporations; may purchase, hold, and convey real and  
personal property or estate, as capital stock, to the amount of  
one million of dollars; may divide such capital stock into such  
number of shares, and provide for the sale and transfer thereof  
in such manner and form as the said corporation may from  
time to time deem expedient; may levy and collect assess-  
ments, and forfeit and sell delinquent shares, and make and  
enact such by-laws and regulations as they may deem necessary,  
not inconsistent with the laws of this State and of the United  
States.

SEC. 2. *Be it further enacted*, That it shall be lawful for Powers.  
the affairs of said corporation to be managed by three or more  
directors, two of whom at least shall be citizens of the State of  
North Carolina, who shall be chosen annually—shall have  
power to fill vacancies in their own body, shall continue in  
office until others are elected or appointed in their stead, and  
shall exercise all such powers as by this act are granted and  
conferred.

Powers.

SEC. 3. *Be it further enacted*, That the said Samuel Sutton Clayton, Thomas C. Harris, Joseph Wilkins, Patrick Henry Sullivan, Thomas W. Hall, jr. and John Endey, or a majority of them, shall meet and organize by choosing from their own number a president, appoint a secretary and other servants and agents; make such by-laws as for the time being they shall deem expedient, and manage the affairs of the corporation as directors, until others are selected or appointed in their stead.

SEC. 4. *Be it further enacted*, That the said corporation shall exist for thirty years, and this act shall be in force from its passage. [*Ratified the 15th day of February, 1861.*]

Chap. 107. AN ACT TO INCORPORATE THE SILVER VALLEY MINING COMPANY IN THE COUNTY OF DAVIDSON.

Body politic.

SECTION 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 Thomas W. Hall, jr., Thomas C. Harris, S. S. Clayton, Benjamin F. Tallmadge and Joseph Wilkins, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style of the "Silver Valley Mining Company," for the purpose of working, mining and exploring for silver, gold, lead, copper, iron and all other metals and minerals, and for mining, vending, smelting and working the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges and powers incident to mining and smelting corporations, and may also purchase, hold and convey, any real and personal property or estate as capital stock, to the amount of one million of dollars.

Powers.

Stock.

SEC. 2. *Be it further enacted*, That the said corporation may divide their stock into such number of shares and may provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, and may make, alter and repeal such by-laws and regulations as said

corporation may deem necessary, not repugnant to the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for <sup>Powers</sup> the said corporation to be managed by three or five directors, two of whom at least shall be residents of this State, who shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed, and shall exercise all such rights as by this act are conferred and granted; but the stockholders shall have the right to elect said directors annually.

SEC. 4. *Be it further enacted*, That the aforesaid Thomas <sup>Directors.</sup> W. Hall, jr., Thomas C. Harris, S. S. Clayton, Benjamin F. Tallmadge and Joseph Wilkins shall manage the affairs of said corporation as directors until others are elected or appointed.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years, and that this act shall be in force from and after its ratification. [*Ratified the 15th day of February, 1861.*]

AN ACT TO INCORPORATE THE GIBSON HILL MINING COMPANY, *Chap. 108.*  
IN THE COUNTY OF GUILFORD.

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Body politic.</sup> *State of North Carolina, and it is hereby enacted by the authority of the same*, That Francis A. Garrett, Obed C. Anthony, Samuel P. Heir, James W. Dick, James M. Garrett, Joseph C. Manning and D. P. Heir, and their associates, successors and assigns, be, and they are hereby created and constituted a body politic and corporate, by the name and style of the "Gibson Hill Mining Company," for the purpose of <sup>Powers.</sup> working, mining and exploring for gold, copper and all other metals, minerals and ores; for mining, smelting, working and vending the same; and by that name [may] sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity; contract and be concluded with; and may have and use a common seal, and alter the same at pleasure; and may enjoy all the rights, privileges and powers necessary or incident to mining, smelting, manufacturing and vending metals or chemicals; and may also purchase, hold, sell, mort-

gage, bind or convey real or provisional [personal] property or estate, with a capital not to exceed one million dollars.

Stock. SEC. 2. *Be it further enacted*, That said corporation may divide their stock into such number of shares of not less than five dollars value, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient; and may levy and collect assessments, forfeits, and sell delinquent shares in such manner as the by-laws may direct; and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in the meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the constitution of this State and the United States.

Directors. SEC. 3. *Be it further enacted*, That it shall be lawful for the corporation to be managed by three or five directors, two of whom shall be actual residents of this State, who shall continue in office until others are regularly elected or appointed, and exercise all such rights and powers as by this act is granted; but the stockholders shall have the right to elect said directors annually.

SEC. 4. *Be it further enacted*, That this corporation shall exist for thirty years, and this act shall be in force from and after its ratification. [*Ratified this 31st day of January, A. D. 1861.*]

Chap. 109.

AN ACT TO INCORPORATE "THE GARDNER VALLEY."

Body politic. POWERS. SECTION 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 Henry E. Johnston, Franklin Osgood, John Gilmer, and their associates, successors and assigns, are hereby created and constituted a body corporate and politic, by the name, style and title of "The Gardner Valley," for the purpose of exploring for copper, lead, gold, iron and other metals and minerals, and for mining, vending and smelting the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever in all suits and actions; may have a

common seal and the same alter at pleasure, and may enjoy all privileges incident to mining corporations; and may purchase, hold and convey real and personal estate to an amount not exceeding two millions of dollars.

SEC. 2. *Be it further enacted*, That the first meeting of <sup>By-laws, &c.</sup> said corporation may be called by the persons named in this act, or any of them, at such time and place as they may agree upon; and at such meetings, and at all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not repugnant to the laws of this State or of the United States.

SEC. 3. *Be it further enacted*, That the said corporation <sup>Stock.</sup> may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as the by-laws shall direct.

SEC. 4. *Be it further enacted*, That it shall be the duty of <sup>Duty of directors.</sup> the directors of said company, a majority of whom shall reside continually in the State, to have regular books of record and transfer thereof at all times open to the inspection of the stockholders.

SEC. 2. *Be it further enacted*, That this corporation shall be in force thirty years, and this act shall continue in force from and after its passage. [*Ratified this — day of December, 1860.*]

AN ACT TO INCORPORATE THE VALLEY RIVER GOLD MINING AND *Chap. 110.*  
AQUEDUCT COMPANY OF CHEROKEE COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Body corporate.</sup> *State of North Carolina, and it is hereby enacted by the authority of the same*, That Elisha Hathaway, G. W. Coffin, Hezekiah Kelley, and their associates, successors and assigns, are hereby created and constituted a body corporate, by the name and style of the "Valley River Gold Mining and Aque-

Powers.

duct Company," for the purpose of exploring for gold, silver and other metals and minerals, and for mining, vending, smelting and working the same, and also for the purpose of turning the waters of Vengeance and Taylor's creeks and their tributaries, in said Cherokee county, by ditches or aqueducts of any kind, so as to be used for mining purposes, according to the process known as the hydraulic mining process; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatever in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations; and may purchase, hold and convey real and personal estate to an extent not exceeding one million of dollars.

Powers.

SEC. 2. *Be it further enacted*, That said company shall have the right to conduct the waters of said Vengeance and Taylor's creeks, and their tributaries, by means of ditches, canals and aqueducts, through and over all such land as may be necessary, in order to accomplish said mining purposes, and to make such dams, ditches, &c., as the security and permanence of said work may require: *Provided*, Said company shall pay the owners of any and all lands so used such damages as said land owners and said company may agree upon.

Right of way.

SEC. 3. *And be it further enacted*, That if the owners of said land over which it may become necessary for said company to conduct said water, and upon which to construct said dams, ditches, &c., and said company shall fail to agree upon the amount of damages sustained or contemplated, then, upon application of said company, and after five days' notice that said application will be made, the sheriff of said Cherokee county shall summon three freeholders of said county, upon the warrant of the clerk of the county court; said freeholders thus summoned shall be sworn by the sheriff, on the premises without unnecessary delay, fairly to estimate and award such damages, and shall enter upon and view such land, and assess and award the same in writing, the concurrence of any two in an award being sufficient; said award being thus made, shall be returned to be filed and recorded in the clerk's office of the county court of said county, and the payment or tender of the damages thus assessed by said company shall vest in it

all the rights contemplated by the several sections of this act: *Provided*, That if either party shall be dissatisfied with said award, the dissatisfied party may, within ten days after the same is filed in said clerk's office, enter an appeal therefrom, which appeal shall be tried before a jury at the next succeeding term of the superior court; and *Provided, also*, That said company shall have the right, pending such appeal, upon filing in said clerk's office its bond, with satisfactory security, to pay all such damages as may be finally assessed, to prosecute its works through and upon the land necessary to be used as aforesaid: *And be it further enacted*, That said commissioners shall be entitled to two dollars per day while engaged in assessing the damages, and that the clerk of the county court shall receive for recording the same the sum of one dollar—these expenses to be paid by the company.

SEC. 4. *And be it further enacted*, That if said company, Right of way. in the prosecution of the work contemplated by this act, shall find it necessary to pass over, use and appropriate any lands the owner or owners of which are to them unknown, or any lands belonging to the State, said company shall have the right to enter upon and use said lands, and if the owner or owners should afterwards present their claims for damages, the same shall be assessed and paid as provided in the third section of this act, said freeholders basing the award upon the condition of said land prior to the improvements of said company thereon, and said damages and value shall in no event be enhanced or increased thereby.

SEC. 5. *And be it further enacted*, That if any person or Damage to company's works. persons shall willfully and maliciously destroy or in any manner hurt, damage, injure or obstruct, or shall council, aid, assist or advise any person or persons in any manner to hurt, damage, injure or obstruct said works, or any of the appurtenances or appendages thereto belonging or appertaining, such person or persons so offending shall be liable to be indicted for Penalty. a misdemeanor, and, on conviction, shall be fined or imprisoned in the common jail of said county, at the discretion of the court, and shall further be liable to the company for said trespass.

SEC. 6. *Be it further enacted*, That the first meeting of First meeting. said corporation may be called by the persons named in this

act, or any two of them, at such time and place as may be agreed upon by them, and at such meeting, and at all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of the said corporation as the stockholders representing a majority of the stock, either in person or by proxy, may direct, not repugnant to the laws of this State or those of the United States.

Stock.

SEC. 7. *Be it further enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner or form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, and declare and pay dividends on the shares.

Books to be kept.

SEC. 8. *Be it further enacted*, That it shall be the duty of the directors of said company, two of whom shall reside in this State, to have regular books of record and transfer, kept by the Secretary or Treasurer thereof, at all times open to the investigation of the stockholders.

SEC. 9. *Be it further enacted*, That this corporation shall exist for thirty years, and this act to be in force from and after its passage. [*Ratified the 18th day of February, 1861.*]

Chap. 111. AN ACT TO INCORPORATE CHEROKEE MINING COMPANY.

Body politic.

SECTION 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 M. Fain, E. J. Fain and T. J. Craft, and their successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "Cherokee Mining Company," for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for mining, vending, smelting and working the same, and for working and manufacturing; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatever and in all suits and actions, contract and be

Powers.

contracted with, and may have and use a common seal, and the same alter at pleasure, and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending of metals or chemicals; and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate, with a capital not to exceed six hundred thousand dollars.

SEC. 2. *Be it further enacted*, That the said corporation <sup>Stock.</sup> may divide their stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeits, and sell delinquent shares, in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for <sup>Directors.</sup> the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be actual residents of this State.

SEC. 4. *Be it further enacted*, That it shall be lawful for <sup>Directors.</sup> the aforesaid M. Fain, T. J. Craft and E. J. Fain to manage the affairs of said corporation as directors until others are elected or appointed; shall meet and organize by choosing from their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years, and this act shall be in force from its passage. [*Ratified 23rd day of February, 1861.*]

Chap. 112. AN ACT TO INCORPORATE THE CONUAGAH MINING COMPANY.

Body politic.

SECTION 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 William Warne, W. H. Calhoun, Joseph Nash, Wm. N. Bilbo and James H. Warne, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "Conuagah Mining Company," for the purpose of working, mining and exploring [for] gold, silver, copper and all other minerals, and for mining, vending, smelting and working the same, and for working and manufacturing; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatever and in all suits and actions, contract and be contracted with, and may have and use a common seal and the same alter at pleasure; and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending the same; and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate, with a capital not exceeding one million of dollars.

Powers.

Stock.

SEC. 2. *Be it further enacted,* That the said corporation may divide the stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeits, and sell delinquent shares, in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

Directors.

SEC. 3. *Be it further enacted,* That it shall be lawful for the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own numbers, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be actual residents of this State.

SEC. 4. *Be it further enacted*, That it shall be lawful for <sup>Officers.</sup> the aforesaid Wm. Warne, Wm. H. Calhoun, Joseph Nash, William N. Bilbo and J. H. Warne to manage the affairs of said corporation as directors until others are elected or appointed; shall meet and organize by choosing from their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for sixty years, and this act shall be in force from its passage. [*Ratified the 12th of day February, 1861.*]

AN ACT TO INCORPORATE CAROLINA GOLD AND COPPER COMPANY. *Chap. 113.*

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Body politic.</sup> *State of North Carolina, and it is hereby enacted by the authority of the same*, That E. Dimmock, D. F. Ramsour, W. Warne and T. J. Craft, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "North Carolina Gold and Copper Company," for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for mining, vending, smelting and working the same, and for working and manufacturing; and by that <sup>Powers.</sup> name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law and equity whatsoever and in all suits and actions, contract and be contracted with, and may have and use a common seal, and the same alter at pleasure, and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending of metals or chemicals; and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate, with a capital not to exceed one million of dollars.

SEC. 2. *Be it further enacted*, That the said corporation <sup>Stock.</sup> may divide their stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeitures, and sell delin-

quent shares, in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

Directors.

SEC. 3. *Be it further enacted*, That it shall be lawful for the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be actual residents of this State.

Officers.

SEC. 4. *Be it further enacted*, That it shall be lawful for the aforesaid E. Dimmock, D. F. Ramsour, W. Warne and T. J. Craft to manage the affairs of said corporation as directors until others are elected or appointed; shall meet and organize by choosing from their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years, and that this act shall be in force from its passage. [*Ratified the 22nd day of February, 1861.*]

Chap. 114. AN ACT TO RELEASE AND REMIT ANY PENALTIES OR FORFEITURES INCURRED BY THE CORPORATION CREATED BY ACT ENTITLED "AN ACT TO INCORPORATE THE LAGRANGE MINING, MANUFACTURING AND TRANSPORTATION COMPANY."

Body politic.

SECTION 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 any and all penalties or forfeitures incurred by the corporation or body politic created by an act of the General Assembly passed at the session of 1850-51, entitled "An act to incorporate the Lagrange Mining, Manufacturing and Transportation Company;" be, and the same are hereby remitted and released.

SEC. 2. *Be it further enacted*, That any organization by said corporation in the State of New York which would have been a legal and effectual organization of said company under said act of incorporation and the laws of this State, except as to the time thereof, be, and the same is hereby declared to be as good and effectual to all intents and purposes, without regard to the time thereof, as if the said organization had taken place in this State, and within the time specified by law. Organization in New York.

SEC. 3. *Be it further enacted*, That said corporation shall continue to exercise the corporate privileges and powers heretofore granted by said act of incorporation, and shall hereafter be subject only to such penalties and forfeitures as would attach to a corporation created by like acts of incorporation passed at the present session of the General Assembly. Corporate privileges.

SEC. 4. *Be it further enacted*, That this act shall be in force from and immediately after its ratification. [*Ratified the 25th day of February, 1861.*]

AN ACT TO INCORPORATE THE LINCOLN COPPER AND GOLD MINING COMPANY. Chap. 115.

SECTION 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 Henry Cansler, John F. Hoke, Francis Hoke, Daniel Seagle and Wm. J. Hoke, and their associates, successors and assigns, be, and they are hereby created and constituted a body corporate and politic, by the name and style of the "Lincoln Copper and Gold Mining Company;" and as such shall and may have and use a common seal, and change the same at pleasure; may sue and be sued, plead and be impleaded in any court of law and equity; have power to make all such by-laws and regulations, not inconsistent with the laws and constitution of this State, as may be deemed necessary for the government of said company, which shall be binding thereon; and shall have, exercise and enjoy all the rights and privileges of a body corporate necessary to carry on the business of mining, smelting and manufacturing, and of transporting and vending their products; and Body politic. Powers.

shall have the power to purchase, lease, hold, dispose of and convey any estate, real, personal or mixed.

Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company may be divided into such number of shares, and of such amount for each share as the stockholders thereof may in general meeting direct: *Provided*, That the capital stock shall not exceed three hundred thousand dollars, which shares shall be considered as personal property, and certificates therefor may be issued, and the same be made transferable and assignable, and liable to assessment, forfeiture and sale by the board of directors, in such manner as the by-laws of the corporation shall prescribe.

Directors.

SEC. 3. *Be it further enacted*, That the affairs of the said company shall be managed by a board of directors, who must be stockholders, composed of such number and elected by the stockholders in such manner as the by-laws shall direct, and they shall choose one of their number to be president of the board and of the company; three of the board of directors shall be a quorum to transact business, of whom the president, or one appointed by him to fill his place, shall always be one; they shall have power to fill any vacancy that may happen in their body, and until the first election of directors shall be held by the stockholders, the said Henry Cansler, John F. Hoke, Francis Hoke, Daniel Seagle and William J. Hoke shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

Meetings.

SEC. 4. *Be it further enacted*, That general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe; to constitute a meeting, there must be present, in person or by proxy, (the proxy being a stockholder,) those who hold a majority of the stock, each share of which shall entitle the holder to one vote, and every act shall require the sanction of a majority of the votes which may be present.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and shall continue in force for the period of thirty years. [*Ratified the 20th day of February, 1861.*]

AN ACT TO INCORPORATE CONCORD COPPER MINING COMPANY. *Chap. 116.*

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Body politic.</sup> *State of North Carolina, and it is hereby enacted by the authority of the same,* That George C. Irwin, John L. Donnel, W. J. McConnel, L. G. Coffin, R. C. Hoffman, and their associates, successors and assigns, be, and they are hereby created and constituted a body corporate and politic, by the name and style of the "Concord Copper Mining Company," and as such <sup>Powers.</sup> shall have perpetual succession, and may have and use a common seal and change the same at pleasure, may sue and be sued, plead and be impleaded in any court of law and equity; have power to make all such by-laws and regulations, not inconsistent with [the] laws and constitution of this State and the United States, as may be deemed necessary for the government of said company, which shall be binding thereon, and shall have, exercise and enjoy all the rights and privileges of a body corporate, necessary to carry on the business of mining, smelting and manufacturing, and of transporting and vending their products; and shall also have the power to purchase, lease, hold, dispose of and convey any estate, real, personal or mixed: *Provided,* That the said company shall at no time hold more than two thousand acres of land.

SEC. 2. *Be it further enacted,* That the capital stock of <sup>Stock.</sup> said company may be divided into such number of shares, and of such amount for each share, of not less than five dollars, as the stockholders thereof may in general meeting direct: *Provided,* That the capital stock shall not exceed one million of dollars, which shares shall be considered personal property, and certificates therefor may be issued, and the same be made transferable and assignable, and liable to assessment, forfeitures and sale by the board of directors, in such manner as the by-laws of the corporation shall prescribe.

SEC. 3. *Be it further enacted,* That the affairs of said <sup>Directors.</sup> company shall be managed by a board of directors, two at least of whom shall reside in this State, who must be stockholders, composed of such number and elected by the stockholders in such manner as the by-laws may direct, and they shall choose one of their number to be president of the board and of the company. Three of the board of directors shall be a quorum to

transact business, of whom the president, or one appointed by him to fill his place, shall always be one. They shall have power to fill any vacancy that may happen in their body, and until the first election of directors shall be held by the stockholders, the said George C. Irwin, John L. Donnel, W. J. McConnel, L. G. Coffin, R. C. Hoffman shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

Meetings.

SEC. 4. *Be it further enacted*, That general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe. To constitute a meeting there must be present, in person or by proxy—the proxy being a stockholder—those who hold a majority of the stock, each share of which shall entitle the holder to one vote, and any act shall require the sanction of a majority of the votes which may be present.

No banking privileges.

SEC. 5. *Be it further enacted*, That this act shall not be so construed as to give to said company any banking privileges, or any right to issue notes payable to bearer or order for circulation as bank notes, or to exempt the land and other property of the corporation from taxation.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and shall continue in force for the period of thirty years. [*Ratified the 22d day of February, 1861.*]

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*Chap. 117.* AN ACT TO INCORPORATE THE RUDISILL GOLD MINING COMPANY OF BALTIMORE CITY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same*, That John J. Wight, William Fisher, Joseph Reynolds, Augustus C. Pracht, and William R. Penniman, and Thomas Googh, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "Rudisill Gold Mining Company of Baltimore City," for the purpose of working, mining and exploring for gold, copper and all other minerals and metals, and for mining, vending, smelting and working the

Powers.

same, and for working and manufacturing; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity in this State whatsoever in all suits and actions; may have a common seal and the same alter at pleasure; and may enjoy all the privileges and powers incident to mining, smelting and manufacturing corporations; and may also purchase, hold and convey any real and personal property or estate, as capital stock, to the amount of seven hundred and fifty thousand dollars.

SEC. 2. *Be it further enacted*, That said corporation may <sup>Stock.</sup> divide their stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall from time to time deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of stockholders; and also said corporation shall have power to enact and pass all such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for <sup>Directors.</sup> the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed, and also to exercise all such rights as by this act are conferred or granted; but the stockholders shall have power to elect said directors annually, two of whom shall be actual residents of this State.

SEC. 4. *Be it further enacted*, That the aforesaid John J. <sup>Directors.</sup> Wight, William Fisher, Joseph Reynolds, Augustus C. Pracht, William R. Penniman and Thomas Gough, shall manage the affairs of said corporation as directors until others are elected or appointed, shall meet and organize by choosing one of their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years from the passage of this act, and that act this be in force from and after its passage. [*Ratified the 23d day of February, 1861.*]

*Chap. 118.* AN ACT TO INCORPORATE THE RIDDICK'S CREEK MINING COMPANY.

Body politic.

SECTION 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* Dan'l Worth, Peter Adams, Hiram C. Worth and William Worth, and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate, by the name and style and title of the "Riddick's Creek Mining Company," for the purpose of working and mining and exploring for gold, copper and all other metals, minerals and ores, and for mining, smelting, working and vending the same; and may also purchase, hold, sell, mortgage, bond or convey real or personal property or estate, with a capital not exceeding one million of dollars.

Powers.

Stock.

SEC. 2. *Be it further enacted,* That said corporation may divide their stock into shares of not less than five dollars, and one of its directors shall live in North Carolina.

SEC. 3. *Be it further enacted,* That the corporation shall exist for sixty years, and this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

*Chap. 119.* AN ACT TO INCORPORATE THE BALTIMORE AND NORTH CAROLINA COPPER AND GOLD MINING COMPANY.

Body corporate.

SECTION 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* Gilmore Meredith, Israel Cohen, Thomas C. Harris, Samuel Sutton Clayton and Joseph Wilkins, their associates, successors, and assigns, be, and they are hereby constituted a body corporate, by the style of the "Baltimore and North Carolina Copper and Gold Mining Company," for the purpose of working, mining and exploring for copper, gold, silver and other metals, and of working, mining, vending and smelting the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever in all suits and actions; may have a common seal and the same alter at pleasure; and may enjoy all the powers and privileges incident to mining and

Powers.

smelting corporations; and may purchase, hold and convey real and personal property or estate, as capital stock, to the amount of one million of dollars.

SEC. 2. *Be it further enacted*, That the said corporation <sup>Stock.</sup> may divide their capital stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as they shall from time to time deem expedient; may levy and collect assessments, and forfeit and sell delinquent shares; and may make and enact such by-laws and regulations as they may from time to time deem expedient, not inconsistent with the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for <sup>Directors.</sup> the affairs of the said corporation to be managed by three or more directors, two of whom at least shall be citizens of North Carolina, who shall be chosen annually; shall appoint a president and secretary; shall have power to fill vacancies in their own body, and shall continue in office until others are elected or appointed in their stead; and shall exercise all the powers which by this act are granted or conferred.

SEC. 4. *Be it further enacted*, That the said corporation shall endure for thirty years, and this act be in force from its passage. [*Ratified the 15th day of February, 1861.*]

AN ACT TO INCORPORATE THE ADAMS HILL MINING COMPANY. *Chap. 120.*

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Body politic.</sup> *State of North Carolina, and it is hereby enacted by the authority of the same*, That Peter Adams, David McKnight and A. P. Eckel, and their associates, successors and assigns, be, and they are hereby created and constituted a body politic and corporate, by the name and style and title of the "Adams Hill Mining Company," for the purpose of working, mining <sup>Powers.</sup> and exploring for gold, copper and all other metals, minerals and ores, and for mining, smelting, working and vending the same; and may also purchase, hold, sell, mortgage, bond or convey real or personal property or estate, with a capital not exceeding one million of dollars.

SEC. 2. *Be it further enacted*, That said corporation may <sup>Stock.</sup> divide their original stock into such number of shares, and pro-

vide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as their by-laws shall direct.

SEC. 3. *Be it further enacted*, That one of the directors of said corporation shall reside in the State of North Carolina.

SEC. 4. *Be it further enacted*, That this corporation shall exist for sixty years, and this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

### NAVIGATION COMPANIES.

*Chap. 121.* AN ACT TO CONTINUE THE IMPROVEMENT AND PROVIDE FOR THE EQUIPMENT OF THE ALBEMARLE AND CHESAPEAKE CANAL AND THE WATERS CONNECTED THEREWITH.

Exchange of  
bonds with  
State.

SECTION 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 for the purpose of completing the canal and navigation now under contract by the Albemarle and Chesapeake Canal Company, and to provide for motive power necessary for transportation through the same, the public treasurer is hereby authorized and directed to exchange the six per cent. coupon bonds of this State to the amount of two hundred thousand dollars, (which bonds are to be made in the same manner and form as those heretofore issued to said company,) for two hundred thousand dollars of the first mortgage seven per cent. coupon bonds of the said Albemarle and Chesapeake Canal Company.

Excess of interest  
deposited  
in sinking fund.

Sec. 2. *Be it further enacted*, That the said public treasurer shall deposit semi-annually with the commissioners of the sinking fund the sum of one thousand dollars, or the excess of interest received over and above that paid by the State on the bonds issued under this act.

Principal of  
bonds.

SEC. 3. *Be it further enacted*, That the moneys so deposited with the commissioners of the sinking fund shall be invested by them in such manner as they may deem best, so

as to constitute a fund to pay the principal of the said bonds authorized to be exchanged under this act.

SEC. 4. *Be it further enacted*, That said company shall <sup>Mortgages.</sup> make no further mortgage upon their canals and other property, without discharging all its liabilities to the State of North Carolina.

SEC. 5. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 6th day of February, 1861.*]

AN ACT TO PROVIDE FOR A CONTINUATION OF THE IMPROVE-<sup>Chap. 122.</sup>  
MENT OF CAPE FEAR AND DEEP RIVER SLACK WATER NAVI-  
GATION.

SECTION 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 board of managers, appointed to repair and continue said improvement, as provided under the act of 1858-'59, chapter 142, be authorized to continue it: *Provided*, That the total amount of the expenditure shall <sup>Work to be continued.</sup> not exceed thirty-thousand dollars per annum, including all necessary expenses incurred by the managers in the transaction of the business intrusted to them. <sup>Proviso.</sup>

SEC. 2. *Be it further enacted*, That the board of managers shall be entitled to the same allowance while engaged in the performance of their duties, for per diem, mileage, &c., as members of [the] internal improvement board. <sup>Pay of managers.</sup>

SEC. 3. *Be it further enacted*, That the commissioners of the Cape Fear and Deep River Navigation Works be, and they are hereby authorized and required to sell, so soon as they may deem advisable, the State's interest in said works upon such terms as they may deem best. <sup>Commissioners may sell works.</sup>

SEC. 4. *Be it further enacted*, That the purchasers of said interest, together with the other stockholders, shall form a <sup>Purchasers to form body corporate.</sup> body corporate, under the name and style of the "Cape Fear and Deep River Navigation Company," and shall possess all the powers and privileges that were formerly held by the old company of that name.

Conflicting laws.

SEC. 5. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be, and the same are hereby repealed, and this act shall be in force from and after its passage. [*Ratified the 23d day of February, 1861.*]

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Chap. 123. AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO EXTEND THE POWERS OF THE NEW RIVER NAVIGATION COMPANY."

Authorizes the erection of drawbridges.

SECTION 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 president and directors of the New River Navigation Company be, and they are hereby authorized and empowered to erect draw-bridges or gates, or to extend a chain across said New river, so as to facilitate the collection of the tolls due said company.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

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#### PLANK ROADS.

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Chap. 124. AN ACT FOR THE RELIEF OF THE GREENVILLE AND RALEIGH PLANK ROAD COMPANY, AND TO EMPOWER THE SAME TO SELL OR TRANSFER ITS CORPORATE PROPERTY.

Power to wind up the company's affairs.

SECTION 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 Greenville and Raleigh Plank Road Company may, and the said corporation is hereby authorized and empowered to call a meeting of its members, to be held in the town of Greenville, to begin on the third Thursday of March, in the year of our Lord one thousand eight hundred and sixty-one, and to hold and continue its sessions until the business thereof shall be completed. Notice of said meeting, signed by the president or presiding member of said corporation, to be given by advertisement for two weeks previous thereto in some newspaper printed in the town of Wash-

ington, for the purpose of preparing the business of said corporation for its dissolution.

SEC. 2. The said corporation at said meeting may by vote, pursuant to the requisition of the by-laws thereof, empower and authorize the president and two of its members to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the said corporation; to prosecute and defend, in the name of the corporation, all such suits as be necessary or proper for the purposes aforesaid, and that may be necessary for the settlement of the business of said corporation preparatory to the dissolution thereof; to pay all debts due from the corporation, if the funds in their hands be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors thereof that prove the same to be due and owing; and if there shall be any balance, after the payment of the debts remaining in their hands, they shall distribute the same to and among those who shall be entitled thereto as stockholders or members of said corporation; to sell, transfer and convey, in fee simple absolutely, all its corporate rights, titles and estates—the right to receive fare and tolls for the use of said road excepted—to such person or persons as will give the highest price or sum for the same, they retaining a commission for such services of five per centum upon their receipts and for making conveyances of the property sold.

Effects of company.

Debts due from company.

Balance.

Sale of works.

SEC. 3. *And be it further enacted,* That the business for which the said corporation was established shall, from and after the said sales, no longer be continued, but the same shall cease and determine, and no fares or tolls for the use of said road shall be charged, nor shall there be any further duty or obligation upon the said corporation to keep in repair the said plank road or any part thereof, but the charter of the said corporation shall henceforth cease, determine, and be null and void: *Provided,* That all suits against said corporation for forfeitures or penalties incurred by acts of omission or commission already commenced, or that shall be prior to the discontinuance of the business of said road commenced, shall and may be prosecuted to a recovery and execution therefor.

Business of company to close.

Suits pending.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

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### POOR.

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*Chap. 125.* AN ACT CONCERNING THE MANAGEMENT OF THE POOR IN THE COUNTY OF FORSYTHE.

Sale or delivery  
of spirituous  
liquors pro-  
hibited.

SECTION 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 not be lawful for any person to sell or deliver to any pauper residing at the poor-house of the county of Forsythe, any spirituous liquor, or liquor of which spirituous liquor may be a chief ingredient, without permission in writing from the overseer or keeper of the poor-house aforesaid for the time being.

Penalty.

SEC. 2. *Be it further enacted*, That any person offending against the provisions of this act shall forfeit and pay the sum of five dollars, one-half to the overseer or keeper of the poor-house aforesaid, for the use of the poor, and the other half to him who will sue for the same.

How recovered.

SEC. 3. *Be it further enacted*, That all penalties accruing under this act shall and may be recovered by warrant before any justice of the peace for the county of Forsythe. [*Ratified the 20th day of February, 1861.*]

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*Chap. 126.* AN ACT TO ALLOW THE WARDENS OF THE POOR FOR THE COUNTY OF WAKE TO HOLD THEIR MEETINGS AT THE POOR-HOUSE AND FOR OTHER PURPOSES.

Meetings of  
wardens.

SECTION 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 wardens of the poor for the county of Wake may hold their meetings at either the court-house or poor-house in said county.

Compensation  
to treasurer.

SEC. 2. *Be it further enacted*, That the treasurer of the warden's court be allowed two and a half per cent. on his vouchers from said court.

SEC. 3. *Be it further enacted*, That each warden be paid <sup>Compensation to wardens.</sup> two dollars per day for each and every day he serves in the capacity of warden, to be paid out of any moneys in the hands of the treasurer of said court not otherwise appropriated.

SEC. 4. *Be it further enacted*, That this act [shall] be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

## RAILROADS.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE <sup>Chap. 127.</sup> THE ATLANTIC, TENNESSEE AND OHIO RAILROAD COMPANY," RATIFIED FEBRUARY 15TH, 1855.

SECTION 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 stockholders of the "Atlantic, Tennessee and Ohio Railroad Company" that reside in North Carolina shall be incorporated, under the name of the "Atlantic, Tennessee and Ohio Railroad Company in North Carolina." <sup>Corporate name.</sup>

SEC. 2. *Be it further enacted*, That now the acting president and directors of said road in North Carolina shall have <sup>Powers of president and directors.</sup> power to do and accomplish all things pertaining to their officers [offices] until their successors shall be elected.

SEC. 3. *Be it further enacted*, That the president and directors shall, at such time as they shall deem expedient, call a general meeting of all the stockholders of said company in North Carolina, to meet at such place in North Carolina as they shall designate, and the company incorporated by this act of amendment shall have all the general powers that are by the statute concerning corporate companies conferred on corporations. <sup>Meetings.</sup>

SEC. 4. *Be it further enacted*, That the said Atlantic, Tennessee and Ohio Railroad Company shall have the power to <sup>Powers.</sup> collect and receive all sums subscribed with the commissioners of the Atlantic, Tennessee and Ohio Railroad Company in this State, to be applied in the construction and equipment of the Atlantic, Tennessee and Ohio Railroad in North Carolina, and

shall have the power to increase the subscription to the stock of said company by means of such agents as they may appoint, and to collect and apply the amount of such additional subscriptions towards the construction and equipment of said railroad in North Carolina; and when such shall be completed, or any portion of it, the Atlantic, Tennessee and Ohio Railroad Company in North Carolina shall have the exclusive use and profits of said road to the Tennessee State line, until the said railroad shall be built and equipped for transportation and for use as far as its intersection with the East Tennessee and Virginia Railroad: *Provided*, That the said road shall not be either the North Carolina or South Carolina gauge, but an independent gauge.

Powers.

SEC. 5. *Be it further enacted*, That the Atlantic, Tennessee and Ohio Railroad Company in North Carolina shall have no power or authority to bind the faith and credit of the Atlantic, Tennessee and Ohio Railroad for the acts and contracts of the first-named company, or any of the stockholders thereof be bound for the acts and contracts of the last-named company; nor shall the last-named company receive or collect any of the instalments in the subscriptions by stockholders in North Carolina, nor shall it receive or demand any profits arising from the said road in North Carolina.

SEC. 6. *Be it further enacted*, That all claims for damages done to any land by the said company in the construction of their road shall be barred after two years from the time of action occurring [accruing].

Duration of act.

SEC. 7. *Be it further enacted*, This act of amendment shall be and continue in force with the Atlantic, Tennessee and Ohio Railroad until said road shall be completed to the intersection with the East Tennessee and Virginia Railroad, and no longer.

SEC. 8. *Be it further enacted*, That whenever the said railroad shall be completed to the intersection with the East Tennessee and Virginia Railroad, the Atlantic, Tennessee and Ohio Railroad Company shall by such name be an incorporated company in North Carolina, subject to the regulations and restrictions imposed by the aforesaid act, entitled "An act to incorporate the Atlantic, Tennessee and Ohio Railroad Company," except that said company shall have power to hold

its annual, as well as its occasional, meetings at any point in North Carolina which the stockholders in general meeting or the directors shall designate, as well as at Jonesboro' in Tennessee.

SEC. 9. *Be it further enacted*, That the stockholders of said Atlantic, Tennessee and Ohio Railroad Company in North Carolina shall annually elect seven directors, who shall elect one of their number president. Should said election for any cause fail to take place, the president and directors shall remain in office until their successors are elected.

SEC. 10. *Be it further enacted*, That the acceptance of this amendatory act by a majority of the stockholders in North Carolina shall be deemed and taken as valid acceptance of the same by the Atlantic, Tennessee and Ohio Railroad Company.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE CASWELL RAILROAD COMPANY. *Chap. 128.*

SECTION 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 a company by the name of "The Caswell Railroad Company" be, and the same is hereby incorporated, with a capital of one million of dollars, divided into shares of one hundred dollars each, for the purpose of constructing a railroad from the town of Milton, in Caswell county, by Yanceyville, to the company shops in Alamance county.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons are hereby appointed general commissioners: Giles Mebane, James G. Moore, G. W. Swepston, John Tapscot, Samuel Watkins, M. McGehee, Geo. W. Thompson, Samuel P. Hill, N. M. Roan, William Long, Dr. Allen Gunn, whose duty it shall be to direct the opening of books for subscription at such times and places as they, or a majority of them, may deem proper; and said general commissioners shall have power to appoint a chairman of their body, treasurer, and all other

officers their organization may require, and to sue for all sums of money that ought, under this act, to be recovered by them.

SEC. 3. *Be it further enacted*, That all persons who are by this act authorized, or who may be hereafter by the general commissioners authorized to open books of subscription, may do so at any time after the ratification of this act, upon giving twenty days' notice of the time and place when said books will be opened; and said books shall be kept open for the space of thirty days, at least, and as long thereafter as the general commissioners shall direct; and that all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying, at the time of making his subscription, five dollars on each share by him subscribed, to the person or persons authorized to receive such subscription; and in case of failure to pay said sum, all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalment, shall be paid over to the general commissioners by the persons receiving the same; and in case of failure to pay, as aforesaid, such person or persons receiving said money shall be personally liable to said general commissioners before the organization of said company, and to the company itself, after the organization, to be recovered in the superior courts of law within this State, in the county where such delinquent resides; or if he resides in another State, then in any court in such State having competent jurisdiction. The general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money paid by subscribers; that all persons receiving subscription of stock, shall pass a receipt to the subscriber or subscribers for the payment of the first instalment, as heretofore required to be paid; and upon their settlement with the general commissioners, as aforesaid, it shall be the duty of said general commissioners, in like manner, to pass their receipts for all sums thus received to the persons from whom received; and such receipts shall be taken and held to be good and sufficient vouchers to persons holding them; that subscriptions of stock may be received as aforesaid, or as here-

When books  
may be opened.

Shares.

Delinquent sub-  
scribers.

Power of com-  
missioners.

after provided for, to the amount of twelve hundred and fifty thousand dollars.

SEC. 4. *Be it further enacted*, That it shall be the duty of said general commissioners to direct and authorize said books of subscription to be kept open until the sum of one hundred thousand dollars, at least, shall be subscribed in the manner aforesaid, and as soon as the said sum of one hundred thousand dollars, or upwards, shall be subscribed in the manner aforesaid, and the sum of five dollars on each share paid in, as aforesaid, the subscribers to said stock shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name and style of "The Caswell Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company and their successors and assigns in perpetuity, and by that name shall be capable in law and in equity to purchase, hold, lease, rent, sell or convey estates, real, personal and mixed, and to acquire the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter; and shall have perpetual succession and a common seal, which they may use, alter or renew at pleasure, and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State, or in any other State; and shall have, possess and enjoy all rights, privileges and immunities which corporate bodies may, and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the laws of this State, or of the United States.

SEC. 5. *Be it further enacted*, That as soon as one hundred thousand dollars, at least, shall be subscribed in the manner aforesaid, [and as soon as the said sum of one hundred thousand dollars, or upwards, shall be subscribed in the manner aforesaid,] and the sum of five dollars on each share paid in, as aforesaid, the subscribers to said stock shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name and style of "The Caswell Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company and their successors and assigns in perpetuity; and by that

name shall be capable, in law and in equity, to purchase, hold, lease, rent, sell or convey estates, real, personal and mixed, and to acquire the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter, and shall have perpetual succession and a common seal, which they may use, alter or renew at pleasure, and by their corporate name may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or any other State; and shall have, possess and enjoy all the rights, privileges and immunities which corporate bodies may, and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the laws of this State, or of the United States.

Meeting of  
stockholders.

SEC. 6. *Be it further enacted*, That as soon as the sum of one hundred thousand dollars, or upwards, shall be subscribed as aforesaid, it shall be the duty of the general commissioners to appoint a time for the stockholders to meet in Milton, in the county of Caswell, which they shall cause to be previously published for the space of thirty days in one or more newspapers, at which time and place the said stockholders shall, in person or by proxy, proceed to elect by ballot nine directors of the company, and to enact all such regulations and by-laws as may be necessary for the government of said corporation and the transaction of its business. The persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places when the subsequent election of directors shall be held, and such elections shall henceforth be annually made; but if they [the] day of the annual election shall [should] pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to make and hold such election in such manner as may be prescribed by a by-law of the corporation.

Board of direc-  
tors.

SEC. 7. *Be it further enacted*, That the affairs of said company shall be managed by a general board, to consist of nine directors, to be elected by the stockholders from among themselves, at their first and subsequent general annual meetings; and no stockholder shall be elected a director, nor serve as

such, unless he be at the time of his election the owner of five shares of said stock, and shall continue to hold the same during the term of his service.

SEC. 8. *Be it further enacted*, That the president of said President. company shall be chosen by ballot, by a majority of the directors, from among themselves, with a salary to be fixed by the stockholders in general meeting.

SEC. 9. *Be it further enacted*, That all stockholders, being Vote of stockholders. citizens of the United States, shall be entitled to vote either in person or by proxy, the proxy being a stockholder, at all general meetings; and the vote to which each stockholder shall be entitled shall be according to the number of shares he may hold.

SEC. 10. *Be it further enacted*, That at the first general First meeting of stockholders. meeting of the stockholders under this act, a majority of all the shares subscribed shall be represented before proceeding to business; and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn, from time to time, until a regular meeting be thus formed; and at such meeting the stockholders may provide by a by-law as to the number of stockholders and the amount of stock to be held by them, which shall constitute a quorum for the transaction of business at all subsequent meetings.

SEC. 11. *Be it further enacted*, That the general commissioners shall make their return of the shares of stock subscribed for at the first general meeting of the stockholders, and pay over to the directors elected at that meeting, or their authorized agent, all sums of money received from subscribers; and on failure to do so, they shall be personally liable to said company, to be recovered in like manner as other debts due the company. Report of commissioners.

SEC. 12. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the president, may fill his place by electing a president *pro tem.* Vacancies in board. from among their number.

SEC. 13. *Be it further enacted*, That the said board of directors shall have power and authority to open books for Books of subscription. further subscriptions to the stock of said company, at such times and under such persons as they may designate, in the event the whole stock be not subscribed before the first general

meeting of the stockholders, and to open and keep open said books, from time to time, until the whole amount of the capital stock be subscribed.

Gauge.

SEC. 14. *Be it further enacted*, That said company shall have power, and may proceed to construct, as speedily as possible, a railroad, with one or more tracks, of the same gauge and width of track as the North Carolina Railroad, from the North Carolina Railroad, at the company shops to the town of Milton, to be used and operated by steam power.

Privileges.

SEC. 15. *Be it further enacted*, That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over the road constructed by them, at such charges as may be fixed upon by a majority of the directors; and the said company may from [farm] out their rights of transportation over their said railroad, subject to the rules above mentioned, and said company, and every person who may have received from them the right of transportation of goods, wares and produce on said road, shall be deemed and taken to be a common carrier, as respects every thing entrusted to them or him for transportation.

Payments of stock.

SEC. 16. *Be it further enacted*, That the board of directors may call for the payment of the sums subscribed as stock in said company, in such instalments as the interests of the said company may require. The call for each payment shall be published in one or more papers of this State [for this State], for two months before the day of payment; and on failure of any stockholder to pay each instalment, as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholders, and convey the same to the purchaser at said sale, discharged from all further liability; and if said sale of stock do not produce a sum sufficient to pay off the incidental expenses of sale, and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors, administrators or assigns, at suit of said company, either by summary motion in any court of supreme jurisdiction, in the county where the delinquent resides, on a previous notice of ten days to said subscriber, or by

action of assumpsit in any court of competent jurisdiction, or by a warrant before any justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscribers and the first and all subsequent assignees, shall be held liable to the company, and the same may be recovered, as above described.

SEC. 17. *Be it further enacted*, That the debt of stockholders, due to the company for stock therein, either as original proprietor, or as first or subsequent assignee, shall be considered of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representative.

SEC. 18. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company. Transfer of stock.

SEC. 19. *Be it further enacted*, That the board of directors shall, once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if required by a by-law, and shall have power to call a general meeting of the stockholders, when the board may deem it expedient; and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof. Reports of directors.

SEC. 20. *Be it further enacted*, That said company may purchase, have and hold in fee, or for a term of years, any land, tenements or hereditaments which may be necessary for the said road, or the appurtenances thereof, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for work-shops or foundries, to be used for said company, or for procuring stone or materials necessary to the construction of the road, or for effecting transportation thereon. Real estate.

SEC. 21. *Be it further enacted*, That the company shall have the right, when necessary, to conduct the said road across or along any public road or water course: *Provided*, That the said company shall not obstruct any public road, without constructing another equally as good and convenient. Right of way.

Lands may be  
condemned.

SEC. 22. *Be it further enacted*, That when any lands or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders, selected by the county court in the county where the right of way is situated. For making the said valuation, the said freeholders shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the general increased value of the land, or any special benefit which may arise from the location of a depot, or otherwise, on said land, or any benefit which may accrue, in any way whatever, by the establishment of said railroad or work, and shall state particularly the value and amount of each, and the excess of the loss and damage over and above the advantage and benefit shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose lands the road may pass, or if said company should be dissatisfied with the valuation of said freeholders, then and in that case the party so dissatisfied may have an appeal to the superior court, in the county where the damage is done, or in either county where the land may lie, under the same rules, regulations and restrictions as in other cases of appeal. The proceedings of the said freeholders, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them, to the court from which the order was made, there to remain a matter of record; and the lands or right of way, so valued, shall vest in the said company so long as the same may be used for the purposes of said railroad, so soon as the valuation shall have been made, or when refused, may have been tendered: *Provided*, That on application for the appointment of freeholders, under this section, it shall be made to appear to the satisfaction of the court that at least ten days' previous notice had been given by the applicant to the owner or owners of the land so proposed to be condemned; or if the owner or owners be infants, or *non compos mentis*, then to the guardian of such

owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as conveniently as may be to the court-house of the county, and shall have been posted at the door of the court-house on the first day of the term of said court to which the application is made: *Provided, further,* That the valuation provided for in this section shall be made on oath by the freeholders aforesaid, which oath any justice of the peace or clerk is authorized to administer: *Provided, further,* That the right of condemnation herein granted shall not authorize the said company to invade the dwelling-house, yard, garden or burial ground of any individual, without his consent.

SEC. 23. *Be it further enacted,* That the right of said company to condemn lands in the manner as aforesaid shall extend to the condemning one hundred feet on each side of the track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company shall also have power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

SEC. 24. *Be it further enacted,* That in the absence of any contract or contracts with said company in relation to lands through which the said road may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road may be constructed, together with the space of one hundred feet on each side of the centre of said road, has been granted to said company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purpose of the said road, and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming

under him, her or them shall apply for an assignment of the value of said lands as hereinbefore directed within two years next after that part of the said road which may be on said lands was finished; and in case the said owner, or those claiming under him, her or them shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided*, Nothing herein contained shall affect the right of feme covert or infants until two years after the removal of their respective disabilities.

What lands to vest in company.

SEC. 25. *Be it further enacted*, That all lands not heretofore granted to any person within one hundred feet of the centre of said road shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Trespass.

SEC. 26. *Be it further enacted*, That if any person or persons shall intrude upon said railroad by any manner of use thereof, or of the rights and privileges connected therewith, without the permission or contrary to the will of said company, he, she or they may be indicted for a misdemeanor, and, upon conviction, fined and imprisoned by any court of competent jurisdiction.

Injury to property.

SEC. 27. *Be it further enacted*, That if any person or persons shall wilfully and maliciously destroy or in any manner hurt or damage, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy or in any manner to hurt, damage, injure or obstruct the said railroad, or any bridge or vehicle used for or in the transportation thereon, any water tank, warehouse or any other property of said company, such person or persons so offending shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of the court before which said conviction shall take place, and shall be further liable to pay all expenses for repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, agent, or servant of the owner of the land where such destruction, hurt, damage,

injury or obstruction was done at the time the same was done, or caused to be done.

SEC. 28. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on said road shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of said company; and the person causing such obstruction may be indicted for erecting a public nuisance. Obstructions.

SEC. 29. *Be it further enacted*, That the said company shall have the right to take at the storehouse they may establish or annex to their railroad all goods, wares, merchandise and produce intended for transportation; to prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as the by-laws may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owners, which may be distinct from rates of transportation: *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have power to transport immediately. Powers of company.

SEC. 30. *Be it further enacted*, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided amongst the stockholders, in proportion to the stock each may own. Dividends.

SEC. 31. *Be it further enacted*, That the following officers and servants and persons in the actual employment of the said company be, and they are hereby exempted from the performance of jury and ordinary militia duties:—the president and treasurer, the board of directors, chief and assistant engineers, the secretary and accountant of the company, keepers of the depositories, guards stationed on the road and at the bridges, and such persons as may be working the locomotive engines and travelling with the cars for the purpose of attending to transportation of produce, goods and passengers on the road. Exemption of officers.

SEC. 32. *Be it further enacted*, That for the purpose of ascertaining the best route for said road and its branches, and to locate the same, it shall be lawful for said company, by its engineers, servants and agents, to enter upon, examine and Survey to be made.

survey any land or lands that they may wish to examine for such purpose, free from any liability whatever.

SEC. 33. *Be it further enacted*, That the gauge of said railroad shall be the same as the gauge of the North Carolina Railroad.

SEC. 34. *Be it further enacted*, That should this road ever be extended so as to connect with any road in Virginia leading to Richmond, then, and in that case, this charter to be forfeited. [*Ratified this 25th day of February, 1861.*]

*Chap. 129.* AN ACT TO INCORPORATE THE CHATHAM RAILROAD COMPANY.

Capital stock.

SECTION 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 a company is authorized to be formed, with a capital stock of eight hundred thousand dollars, to be divided into shares of one hundred dollars each, to be called and known as the "Chatham Railroad Company," for the purpose of building and constructing a railroad with one or more tracks, to be used with steam and other motive power, from the coal fields in the county of Chatham through said county to Raleigh, or some point west of Raleigh not exceeding twelve miles, the nearest and most practicable route; and such company, when formed as hereafter directed, shall have power to receive, possess, own and transfer real and personal property, to have common seal, and to pass such by-laws, not inconsistent with the laws of this State, as may be necessary to carry out the object of the corporation; shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State, to condemn land for right of way and all other purposes necessary to carry into effect the purposes of said company; and shall generally have and possess all the rights, privileges and immunities, and be subject to the limitations and restrictions of corporate bodies in this State; and shall have the exclusive right to transfer and carry persons, produce, merchandise and minerals on and along such railroad at such prices as they may fix.

Corporate title.

Powers.

Commissioners.

SEC. 2. *Be it further enacted*, That for the purpose of

creating the capital of such company, John C. Stone, Henry A. London, Frank Page, K. P. Battle, O. A. Taylor, T. D. Hogg, R. S. Tucker, W. P. Taylor, William Hogan Jones and Elias Bryan are hereby appointed commissioners, whose duty it shall be, as soon after the passage of this act as may be, to appoint such commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe.

SEC. 3. *Be it further enacted*, That whenever the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said company by solvent subscribers, it shall be the duty of the commissioners aforesaid to call a general meeting of the stockholders, after giving such notice as to them shall seem sufficient, and at such times and places as they shall determine; and at all general meetings of said stockholders not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business, and said stockholders, when so met in general meeting, shall have power, and it shall be their duty, to elect a president and five directors for said company; and in electing such president and directors, and in enacting such by-laws as may be necessary, each share of stock represented, either in person or by proxy, shall be entitled to one vote: *Provided*, If a majority of such stockholders shall not attend said first general meeting, such as do attend and are present may adjourn from time to time until a majority shall appear.

SEC. 4. *Be it further enacted*, That it shall be the duty of said stockholders, at their first general meeting, to prescribe the manner and time in which payments of stock on the subscription books shall be made: *Provided*, Not more than one half of said subscription shall be called for in one year after said first general meeting.

SEC. 5. *Be it further enacted*, That it shall be the duty of the president and directors of said company to appoint a treasurer, who shall remain in office such length of time as the company in their by-laws shall determine; and said president and directors shall remain in office one year, and until others are chosen, and shall have a general direction and management of the affairs of said company, and shall appoint some

General meet-  
ings.

President and  
directors.

suitable person as engineer, whose duty it shall be to make the necessary surveys for the location of said railroad, and furnish the president and directors with such survey or surveys, and estimates of the cost; said directors shall have power to fill any vacancy that may occur in their board, and, in the absence of the president, to elect one for the time; they shall also appoint a secretary, whose duty it shall be to keep a fair and correct record of the proceedings of said board, and of all the proceedings of the stockholders in general meeting, in a book to be provided for that purpose.

Vacancies.

Reports.

SEC. 6. *Be it further enacted*, That the president or board of directors shall at least once a year make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener, if required by any by-law of the company; and also [call] a general meeting of the stockholders whenever they may deem it expedient, and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

Counties, &amp;c., may subscribe.

SEC. 7. *Be it further enacted*, That all persons, the justices of the county court, or the authorities of any incorporation, shall have full power and authority to subscribe to the capital stock of said company to the amount they shall be authorized to do by the inhabitants of said county or any incorporated town, or the proper authorities of any corporation, to the amount they shall be authorized to do by the inhabitants of said county or town; and they [may] issue bonds or other evidence of debt to enable them to borrow money to pay such subscription; the said subscription to be made by any agent or agents of such county, town or corporation properly authorized by them to make the same, when so made, shall be binding on such county, company or corporate body in the same manner and to the same extent that it is on the individual subscribers, and such body corporate, or company, or county shall be represented in all general meetings of the stockholders.

Increase of stock.

SEC. 8. *Be it further enacted*, That if the capital stock of said company, as authorized by this charter, be insufficient to carry out the purposes of the same, it may be increased by said company to one million, two hundred and fifty thousand dollars.

SEC. 9. *Be it further enacted,* That said company may begin the construction of said road at any point on the line of location according to their discretion, and that for any portion of said road actually constructed the said company shall be entitled to all the privileges of this act into and over such part so constructed.

SEC. 10. *Be it further enacted,* That this act shall be in force from its ratification. [*Ratified the 15th day of February, 1861.*]

AN ACT TO CONSTRUCT A RAILROAD FROM DALLAS, N. C., TO THE *Chap. 130.*  
SOUTH CAROLINA LINE.

SECTION 1. *Be it enacted by the General Assembly of the* Corporate title.  
*State of North Carolina, and it is hereby enacted by the au-*  
*thority of the same,* That a company, by the name and style  
of the "Dallas and King's Mountain Railroad Company," be,  
and the same is hereby incorporated, with a capable [capital]  
stock of two hundred thousand dollars, divided into shares of Capital stock.  
fifty dollars each, for the purpose of constructing a railroad  
from Dallas, in Gaston county, N. C., to the South Carolina  
[line.]

SEC. 2. *Be it further enacted,* That for the purpose of cre- Commissioners.  
ating the capital stock of said company, the following persons  
be, and they are hereby appointed general commissioners, viz:  
David A. Jenkins, Robert Wilson, Lawson Wilson, William M.  
Ferguson, James Queen, J. R. Falls, Ezra B. Wilson, Moses  
H. Rhyne, J. F. Pigram, Jacob Froncberger, Jr., John G.  
Lewis, Samuel Jarrett, Edward Whitesides and William Craw-  
ford, whose duty it shall be to direct the opening of books for  
subscriptions of stock at such times and places, and under  
such persons as they, or a majority of them, may deem proper;  
and said commissioners shall have power to appoint a chair-  
man of their body, treasurer and all other officers, and to sue  
for and recover all sums of money that should be recovered  
by them under this act.

SEC. 3. *Be it further enacted,* That when the sum of fifty Corporate pow-  
thousand dollars shall have been subscribed in manner and ers.  
form as aforesaid, in shares of fifty dollars each, and shall have

paid five per cent. on the same to the persons authorized to receive the same, all subscriptions upon which five per cent. is not paid being null and void, the subscribers, their executors, administrators or assigns shall be, and they are hereby declared incorporated into a company, by the name and style of the "Dallas and King's Mountain Railroad Company;" and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift or otherwise, so far as shall be necessary for the purposes embraced in their charter; and shall have perpetual succession; and may sue and be sued by their corporate name, plead and be impleaded in any court of law and equity in the State of North Carolina, or any other State having competent jurisdiction; and may have and use a common seal which they may alter or renew at pleasure; and shall have and enjoy all other rights and privileges which other corporate bodies may and do exercise; and make all such by-laws, rules and regulations as may be necessary for the good government of said company.

MEETINGS OF STOCKHOLDERS.

SEC. 4. *Be it further enacted*, That it shall be the duty of said stockholders, or a majority of them, so soon as the sum of fifty thousand dollars shall have been subscribed as aforesaid, to appoint a time and place, and give at least thirty days' public notice for the stockholders to meet; at which time and place, a majority of the stock being represented in person or by proxy, [they] shall proceed to elect nine directors out of their number, each of whom shall possess at least ten shares of stock, and shall also proceed to elect a president, treasurer and secretary out of the number of stockholders; and the said directors shall have power to do all things necessary for the government of the company and for the transaction of business. The persons elected directors as aforesaid shall serve for one year; and the election for president, treasurer, secretary and directors shall be held annually, at such times and places as the stockholders may direct; but if the day for the annual election should pass by without an election of officers, the officers formerly in office shall continue in office until a new election takes place.

ELECTION OF OFFICERS.

SEC. 5. *Be it further enacted*, That the election of all officers shall be by ballot, each stockholder casting as many

votes as he has shares in the stock of said company, and the person receiving a majority of votes thus polled shall be considered elected; each share of stock shall be entitled to one vote, to be represented in person or by proxy.

SEC. 6. *Be it further enacted*, That the board of directors Payments of stock. may call for the sums subscribed as stock in said company in such instalments as the interests of said company may require, the call for each payment to be published in one or more newspapers for the space of one month before the day of payment; and on the failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, ten days' notice having been given, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce a fund sufficient to pay off the incidental expenses of the sale and the entire amount owing by such stockholder to the company for such subscription of stock, then, and in that case, the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder, or his executors, administrators or assigns, at the suit of said company, by action of assumpsit, in any court of competent jurisdiction, or by warrant before a justice of the peace when the sum does not exceed one hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for sums due on such stock both the original subscriber, the first and all subsequent assignees shall be liable to the company, and recovered as above described.

SEC. 7. *Be it further enacted*, That the debt of the stockholders due to the company for stock therein, either by the original subscriber or assignee, should be of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representatives. Debt of stock holders.

SEC. 8. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner as may be directed by the by-laws of said company. Certificates of stock.

SEC. 9. *Be it further enacted*, That said company may at any time increase its capital stock to a sum sufficient to complete said road, either by opening books for subscription of new stock, or borrowing money on the credit of the company, Increase of stock.

or by mortgaging its charter and work, as by the stockholders directed.

Corporate powers.

SEC. 10. *Be it further enacted*, That the said company shall have power to construct as speedily as possible a railroad with one or more tracks along the line as heretofore set forth in this act; and shall have the privilege of using any section of said road constructed by them before the whole is completed.

Right of way.

SEC. 11. *Be it further enacted*, That said company shall have power to construct said road across any public road or along the head of such public road: *Provided, however*, That said railroad company make as good [and] substantial a road at one side.

Right of way.

SEC. 12. *Be it further enacted*, That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the county courts of the respective counties in which some part of the land or right of way is located. In making said valuation, the commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the lands or rights of way being surrendered, and the benefits or advantages he, she or they may receive from the erection of said road, and state particularly the value and amount of each; and the excess of loss and damage over and above the advantages and benefits [and] shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose lands the road may pass, or the company, should be dissatisfied with the valuation of said commissioners, then, and in that case, either party may appeal to the superior court; and the proceedings of said commissioners, accompanied with a full description of said land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which commissions issued, there to remain a matter of record; and the lands or right of way so valued by the commissioners shall vest in the said company so long as the same shall be used for the

purposes of said railroad so soon as the valuation may be paid, or, when refused, may have been tendered: *Provided*, That the right of condemnation shall not extend to the dwelling house, yard, garden or graveyard of any individual without his consent.

SEC. 13. *Be it further enacted*, That the right of said company to condemn lands in the manner described in the 12th section of this act shall extend to the condemnation [of] only one hundred feet on each side of the main track of said road, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company, in like manner, shall also have power to condemn any adjoining lands for the construction and building of depots, shops, workhouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one place.

What land may be condemned.

SEC. 14. *Be it further enacted*, That all the lands on which the road may be located, not heretofore granted by the State, within one hundred feet of the centre of said road which shall be constructed by said company, shall vest in the company as soon as the line of the road is definitely laid out.

Right to land to vest in company.

SEC. 15. *Be it further enacted*, That said company shall have the exclusive right of the conveyance or transportation of persons, goods, merchandise and produce over said road, at such charges a may be fixed by a majority of the directors.

Exclusive rights.

SEC. 16. *Be it further enacted*, That said company shall have the right, and it shall be their duty, to take at the store-houses they may establish or annex to their road all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority and charge, and receive such just and reasonable compensation for storage as their by-laws may establish or may be fixed by agreement.

SEC. 17. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they may have been elected, and in the absence or death of the president, may appoint a president *pro tempore* to fill his place from among their number.

Vacancies in board.

SEC. 18. *Be it further enacted*, That the profits of the company, or so much thereof as the directors may deem advi-

Dividends.

sable, shall, when the affairs of the company will admit of it, be annually divided among the stockholders.

SEC. 19. *Be it further enacted*, That notice of process upon the president or acting agent of said company shall be deemed lawful notice of serving process upon the company. [*Ratified the 23rd day of February, 1861.*]

*Chap. 131.* AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, ENTITLED "AN ACT TO INCORPORATE THE CHATHAM RAILROAD COMPANY."

SECTION 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 public treasurer be, and is hereby authorized and directed to sell the *coupon bonds* of the State to an amount not exceeding two hundred thousand dollars, signed by the governor, countersigned by the public treasurer, and sealed with the great seal of the State, bearing six per cent. interest, principal payable at the end of twenty years from the date thereof, and the coupons of interest payable semi-annually in such form as the public treasurer may direct, to be made payable at such time and place as may be agreed upon by the public treasurer, and that the public treasurer shall pay over the said sum of two hundred thousand dollars to the president and directors of the Chatham Railroad Company at such times and upon such conditions as are herein provided: *Provided*, Said bonds shall not be sold by the public treasurer for a less sum than their par value.

SEC. 2. *Be it further enacted*, That before the public treasurer shall sell for said company any of the bonds hereby authorized to be sold, the said Chatham Railroad Company shall deliver to the public treasurer the coupon bonds of said company for the same amount and bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued and paid over to the Chatham Railroad Company; and to secure the principal and interest of said bonds issued by the Chatham Railroad Company, the State of North Carolina shall by this act have a lien upon all the estate of said company,

Public treasurer  
to issue bonds.

Conditions for  
the issue of  
State bonds.

both real and personal, which they may now have or hereafter acquire, which lien shall be more effectually secured by a mortgage duly executed by said company to this State, and registered in the register's office of the counties of Chatham and Wake; and for the better security of the payment of the interest upon said bonds until the completion of said road, the company shall deposit with the treasurer good and sufficient bonds, made by individual stockholders or persons interested in said road, amounting to fifty thousand dollars, to secure the payment of the interest as aforesaid, which said bonds shall be payable to the public treasurer, and shall be deemed due and payable at any time prior to the completion of said road, if the said company shall fail to pay the interest on the bonds given in exchange for the bonds of the State, which bonds shall, upon the payment of the interest to the completion of said road, be surrendered by the public treasurer to the said company.

SEC. 3. *Be it further enacted*, That the bonds of the State hereby authorized to be sold for the Chatham Railroad Company shall not be sold until an amount of stock sufficient to build said road shall have been subscribed, and satisfactory assurance given to the governor and treasurer for the payment thereof either in work or money, and a bond payable to the treasurer in the sum of four hundred thousand dollars, with good and satisfactory security, shall have been delivered to the treasurer, said bond, however, to be void upon condition the said road shall be completed within four years from the date of the bonds of the State hereby authorized to be exchanged. When bonds to be issued.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after the date of its ratification. [*Ratified the 23rd February, 1861.*]

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AN ACT TO INCORPORATE THE GREENSBORO' AND LEAKSVILLE RAILROAD COMPANY. *Chap. 132.*

SECTION 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 a company by the name and style of the "Greensboro' and Leaksville Railroad Company," be, and Corporate title.

**Capital stock.** the same is hereby incorporated with a capital stock of twelve hundred and fifty thousand dollars, divided into shares of one hundred dollars each, for the purpose of constructing a railroad, from the North Carolina Railroad in the town of Greensboro', in the State of North Carolina, to Leaksville in the county of Rockingham, or its vicinity.

**Commissioners.** SEC. 2. *Be it further enacted,* That for the purpose of creating the capital stock of said company, the following persons be, and they are hereby appointed general commissioners: William T. Sutherlin, of Danville; Pinckney Wott, Robert Wott, Dr. Robert Scales, and George Boyd, of the county of Rockingham; John M. Morehead, Ralph Gorrell, C. E. Shober, C. P. Mendenhall, of the county of Guilford, and William Johnston, of the town of Charlotte, whose duty it shall be to direct the opening of books for subscription of stock, at such times and places and under such persons as they or a majority of them may deem proper; and in the meantime, it shall be lawful for books of subscription to said stock to be opened in the town of Charlotte, under the direction of John A. Young, William Johnson and John L. Morehead, or any two of them; in the town of Concord, under the direction of V. M. Barringer, Caleb Phifer and Daniel Coleman, or any two of them; in the town of Salisbury, under the direction of Nathaniel Boyden, N. N. Fleming, J. J. Shaver, or any two of them; at Lexington, under the direction of William R. Holt, John P. Mabrey, Samuel Hargrove, or any two of them; at High Point, under the direction of W. W. Boman, Dr. Robert Lindsey and John Carter, or any two of them; at Greensboro', under the direction of James Sloan, J. H. Lindsey and J. J. Long, or any two of them; at Wentworth, under the direction of J. W. Ellington, W. M. Ellington, and A. M. Scales, or any two of them; at Leaksville, under the direction of Geo. J. Atkin, Jonas W. Burton and C. Glenn, or any two of them; at High Rock, under the direction of Francis L. Simpson, Dr. Robert Scales, Geo. W. Gaunt, or any two of them; at Danville, Va., under the direction of William T. Sutherlin, James M. Williams, and Dr. T. P. Atkinson, or any two of them; and in the city of Richmond, Va., under the direction of A. Y. Stokes, Lewis E. Harvie and Thomas W. Brockenbrough, or any two of them; and said general commissioners shall have

power to appoint a chairman of their body treasurer, and all other officers their organization may require; and to sue for and recover all sums of money that ought under this act to be recovered by them.

SEC. 3. *Be it further enacted*, That all persons who are by this act authorized, or who may be hereafter by the general commissioners authorized to open books of subscription, may do so at any time after the ratification of this act, upon giving twenty days' notice of the time and place when the said books will be opened, and the said books shall be kept open for the space of thirty days at least, and as long thereafter as the general commissioners shall direct, and that all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying at the time of making his subscription, five dollars on each share by him subscribed, to the person or persons authorized to receive such subscription, and in case of failure to pay said sum all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalments shall be paid over to the general commissioners by the persons receiving the same, and in case of failure to pay as aforesaid such person or persons receiving said money shall be personally liable to said general commissioners before the organization, of said company, and to the company itself after the organization, to be recovered in the superior court of law within this State, in the county where such delinquent resides; or if he resides in another State, then in any court in such State having competent jurisdiction. The general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money paid by subscribers; that all persons receiving subscriptions of stock shall pass a receipt to the subscriber or subscribers for the payment of the first instalment as heretofore required to be paid, and upon their settlement with the general commissioners as aforesaid, it shall be the duty of said general commissioners in like manner to pass their receipts for all sums thus received to the persons from whom received, and such receipts shall be taken and held to be good and sufficient vouchers to persons

Books of sub-  
scription.

holding them; that subscriptions of stock may be received as aforesaid, or as hereafter provided for, to the amount of twelve hundred and fifty thousand dollars.

Books—when closed.

SEC. 4. *Be it further enacted*, That it shall be the duty of said general commissioners to direct and authorize said books of subscription to be kept open until the sum of one hundred thousand dollars, at least, shall be subscribed in the manner aforesaid; and as soon as the said sum of one hundred thousand dollars, or upwards, shall be subscribed in the manner aforesaid, and the sum of five dollars on each share paid in as aforesaid, the subscribers to said stock shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name and style of the "Greensboro' and Leaksville Railroad Company," with all the corporate powers and authority hereby enacted and granted, to be held and exercised by said company and their successors and assigns in perpetuity, and by that name shall be capable in law and in equity to purchase, hold, lease, rent, sell, or convey estates, real, personal, and mixed, and to acquire the same by gift, devise, or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter; and shall have perpetual succession and a common seal, which they may use, alter, or renew at pleasure; and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State or any other State; and shall have, possess and enjoy all rights, privileges, and immunities which corporate bodies may and of right do exercise; and may make all such by-laws, rules, and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the laws of this State, or of the United States.

Corporate powers.

Meeting of stockholders.

SEC. 5. *Be it further enacted*, That as soon as the sum of one hundred thousand dollars, or upwards, shall be subscribed as aforesaid, it shall be the duty of the general commissioners to appoint a time for the stockholders to meet in Greensboro', in the county of Guilford, which they shall cause to be previously published, for the space of thirty days, in one or more newspapers, at which time and place the said stockholders shall in person, or by proxy, proceed to elect, by ballot, nine directors of the company, and to enact all such regulations and by-

laws as may be necessary for the government of said corporation and the transaction of its business. The persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places when the subsequent election of directors shall be held, and such elections shall henceforth be annually made; but if the day of the annual election should pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to make and hold such election in such manner as may be prescribed by a by-law of the corporation.

SEC. 6. *Be it further enacted*, That the affairs of said company shall be managed by a general board, to consist of nine directors, to be elected by the stockholders, from among themselves, at their first and subsequent general annual meetings, and no stockholder shall be elected a director, nor serve as such, unless he be at the time of his election the owner of five shares of said stock, and shall continue to hold the same during the term of his service. Board of directors.

SEC. 7. *Be it further enacted*, That the president of the said company shall be chosen, by ballot, by a majority of the directors from among themselves, with a salary to be fixed by stockholders in general meeting. President.

SEC. 8. *Be it further enacted*, That all the stockholders, being citizens of the United States, shall be entitled to vote, either in person or by proxy, the proxy being a stockholder, at all general meetings, and the vote to which each stockholder shall be entitled shall be according to the number of shares he may hold. Vote of stockholders.

SEC. 9. *Be it further enacted*, That at the first general meeting of the stockholders, under this act, a majority of all the shares subscribed shall be represented before proceeding to business, and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn, from time to time, until a regular meeting be thus formed, and at such meeting the stockholders may provide by a by-law as to the number of stockholders and the amount of stock to be held by them which shall constitute a quorum for the transaction of business at all subsequent meetings. Regular meetings.

Returns of com-  
missioners.

SEC. 10. *Be it further enacted*, That the general commissioners shall make their return of the shares of stock subscribed for at the first general meeting of the stockholders, and pay over to the directors elected at that meeting, or their authorized agent, all sums of money received from subscribers; and on failure to do so they shall be personally liable to said company, to be recovered in like manner as other debts due the company.

SEC. 11. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and, in the absence of the president, may fill his place by electing a president *pro tem.* from among their number.

Directors may  
open books.

SEC. 12. *Be it further enacted*, That the said board of directors shall have power and authority to open books for further subscriptions to the stock of said company, at such times and under such persons as they may designate, in the event the whole stock be not subscribed before the first general meeting of the stockholders, and to open and keep open said books, from time to time, until the whole amount of the capital stock be subscribed.

Corporate privi-  
leges.

SEC. 13. *Be it further enacted*, That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce, over the road constructed by them, at such charges as may be fixed upon by a majority of the directors; and the said company may farm out their rights of transportation over their said railroad, subject to the rules above mentioned, and said company, and every person who may have received from them the right of transportation of goods, wares and produce on said road, shall be deemed and taken to be a common carrier, as respects everything entrusted to them or him for transportation.

Payment of  
stock.

SEC. 14. *Be it further enacted*, That the board of directors may call for the payment of the sums subscribed as stock in said company, in such instalments as the interests of said company may require; the call for each payment shall be published in one or more papers of this State for four weeks before the day of payment; and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all

the stock subscribed for in said company, by such stockholders, and convey the same to the purchaser at said sale, discharged from all further liability; and if said sale of stock do not produce a sum sufficient to pay off the incidental expenses of sale, and the entire amount owing by such stockholders to the company for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors, administrators or assigns, at the suit of said company, either by summary motion in any court of superior jurisdiction, in the county where the delinquent resides, on a previous notice of ten days to said subscriber, or by action of assumpsit in any court of competent jurisdiction, or by a warrant before a justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscribers and the first and all subsequent assignees shall be held liable to the company, and the same may be recovered as above described.

SEC. 15. *Be it further enacted*, That the debt of stockholders, due to the company for stock therein, either as original proprietor, or as first or subsequent assignee, shall be considered of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representative. Debt of stockholders.

SEC. 16. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company. Certificates of stock.

SEC. 17. *Be it further enacted*, That the board of directors shall once in every year, at least, make a full report on the state of the company, and its affairs, to a general meeting of the stockholders, and oftener if required by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient, and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof. Reports.

SEC. 18. *Be it further enacted*, That said company may purchase, have and hold, in fee or for a term of years, any land, tenements, or hereditaments, which may be necessary for Corporate powers.

the said road, or the appurtenances thereof, or for the erection of depositories, store houses, houses for the officers, servants or agents of the company, or for work-shops or foundries, to be used for said company, or for procuring stone or other materials necessary for the construction of the road, or for effecting transportation thereon.

Corporate privi-  
leges.

SEC. 19. *Be it further enacted*, That the company shall have the right, when necessary, to conduct the said road across or along any public road or water-course: *Provided*, That the said company shall not obstruct any public road, without constructing another equally as good and convenient.

Right of way.

SEC. 20. *Be it further enacted*, That when any lands or right of way may be required by said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders selected by the county courts in the county where the right of way is situated. In making the said valuation, the said freeholders shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the general increased value of the land, or any special benefit which may arise from the location of a depot, or otherwise, on said land, or any benefit which may accrue, in any way whatever, by the establishment of said railroad or work, and shall state particularly the value and amount of each; and the excess of the loss and damage over and above the advantage and benefit shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons, over whose lands the road may pass, or if said company should be dissatisfied with the valuation of said freeholders, then and in that case, the party so dissatisfied may have an appeal to the superior court, in the county where the damage is done, or in either county where the land may lie, under the same rules, regulations and restrictions as in other cases of appeal. The proceedings of the said freeholders, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them, to the court

from which the order was made, there to remain a matter of record; and the lands or right of way, so valued, shall vest in the said company so long as the same may be used for the purposes of said railroad, so soon as the valuation shall have been made, or, when refused, may have been tendered: *Provided*, That on application for the appointment of freeholders, under this section, it shall be made to appear to the satisfaction of the court, that at least ten days' previous notice has been given by the applicant to the owner or owners of the land so proposed to be condemned; or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published, at least one month next preceding, in some newspaper printed as conveniently as may be to the court-house of the county, and shall have been posted at the door of the court-house on the first day of the term of said court to which the application is made: *Provided, further*, That the valuation provided for in this section shall be made on oath by the freeholders aforesaid, which oath any justice of the peace or clerk is authorized to administer: *Provided, further*, That the right of condemnation herein granted shall not authorize the said company to invade the dwelling-house, yard, garden, or burial ground of any individual without his consent.

SEC. 21. *Be it further enacted*, That the right of said company to condemn lands in the manner as aforesaid, shall extend to the condemning one hundred feet on each side of the track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road, and the company shall also have power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

SEC. 22. *Be it further enacted*, That in the absence of any contract or contracts with said company, in relation to lands through which the said road may pass, signed by the owner

What lands may  
be condemned.

Title of land  
vests in com-  
pany.

thereof, or of his agent, or any claimant, or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road may be constructed, together with the space of one hundred feet on each side of the centre of said road, has been granted to said company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of the said road and no longer, unless the person or persons owning the said land, at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them shall apply for an assessment of the value of said land as hereinbefore directed, within two years next after that part of the said road which may be on said lands was finished, and in case the said owner or those claiming under him, her or them shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the right of feme coverts or infants until two years after the removal of their respective disabilities.

SEC. 23. *Be it further enacted*, That all land not heretofore granted to any person within one hundred feet of the centre of said road, shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Trepass.] SEC. 24. *Be it further enacted*, That if any person or persons shall intrude upon said railroad, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they may be indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Injury to company's property. SEC. 25. *Be it further enacted*, That if any (person or persons) shall wilfully and maliciously destroy, or in any manner hurt or damage, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said railroad, or any bridge or vehicle used for or in the transportation thereon, any water-tank, warehouse,

or any other property of said company, such person or persons so offending shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of the court before which said conviction shall take place, and shall be further liable to pay all expenses for repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, agent or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done, at the time the same was done or caused to be done. Penalty.

SEC. 26. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on said road, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of said company; and the person causing such obstruction may be indicted for erecting a public nuisance. Obstructions on road.

SEC. 27. *Be it further enacted*, That the said company shall have the right to take at the storehouses they may establish or annex to their railroad, all goods, wares, merchandise and produce intended for transportation; to prescribe the rules of priority and charge, and receive such just and reasonable compensation for storage as they by rules may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owners, which may be distinct from rates of transportation: *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular deposition [depositories] for immediate transportation, and which the company may have power to transport immediately. What the company may transport.

SEC. 28. *Be it further enacted*, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided amongst the stockholders, in proportion to the stock each may own. Dividends.

SEC. 29. *Be it further enacted*, That the following officers and servants and persons in the actual employment of the said company be, and they are hereby exempted from the performance of jury and ordinary militia duty: the president and Officers, &c

treasurer, the board of directors, chief and assistant engineers, the secretary and accountant of the company, keepers of the depositories, guards stationed on the road and at the bridges, and such persons as may be working the locomotive engines and traveling with the cars, for the purpose of attending to transportation of produce, goods and passengers on the road.

Survey.

SEC. 30. *Be it further enacted*, That for the purpose of ascertaining the best route for said road and its branches, and to locate the same, it shall be lawful for said company, by its engineers, servants and agents, to enter upon, examine and survey any land or lands that they may wish to examine for such purpose, free from any liability whatever. [*Ratified the 20th day of February, 1861.*]

Chap. 133. AN ACT TO INCORPORATE THE GREENVILLE AND GOLDSBORO' RAILROAD COMPANY.

SECTION 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 for the purpose of making a connection by railroad between the head of steamboat navigation of Tar river, at the town of Greenville, in the county of Pitt, and the North Carolina Central Railroad at Goldsboro', in the county of Wayne, the formation of a corporate company, with a capital stock of six hundred thousand dollars, in shares of one hundred dollars each, is hereby authorized, to be called "The Greenville and Goldsboro' Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity.

Capital stock.

Corporate title.

Route.

SEC. 2. *Be it further enacted*, That the said company have power to construct a railroad from the town of Greenville, in the county of Pitt, or some point immediately adjoining said town, on Tar river, to the town of Goldsboro', in the county of Wayne, and to make a junction with the North Carolina Central Railroad, and the Wilmington and Weldon Railroad, at the junction of the said Railroad in said town of Goldsboro'.

Commissioners.

SEC. 3. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following per-

sons are appointed commissioners, to wit: P. A. Atkinson, C. Perkins, H. S. Clark, Moses Joyner, Peter Hines, W. M. B. Brown, J. J. Cherry, M. L. Carr, Charles Green, George A. Dancy, Charles J. O'Hagan, William Bernard, sen., Richard Bynum, Elias Blount, Joseph L. Ballard, George Joyner, William J. Moye, John S. Smith, and John S. Brown, of the county of Pitt, and Edward Patrick, Josiah Sugg, J. L. Freeman, Joseph Jones, Dr. Swift, S. B. Cox, Owen Jones, Arthur D. Speight, John Harvey, Henry Best and Joseph P. Speight, of the county of Greene, and J. G. Gregory, of the county of Wayne, and Daniel Fowle, Rufus Tucker and A. M. Lewis, of the city of Raleigh, and John M. Morehead, of Greensboro'; and J. J. Summerell, of Salisbury, and Zeno. H. Green, Wm. S. Ashe and R. H. Cowan, of Wilmington, whose duty it shall be to direct the opening of books for subscription of stock at such times and places, and under the direction of such persons as they, or a majority of them, may deem proper, or if they fail to do so, then under the direction of the commissioners appointed for Pitt county, or a majority of them; and the commissioners, or a majority of them, or in case they fail so to act, then the commissioners appointed for Pitt county, or a majority of them, shall have power to appoint a chairman of their body, a treasurer, and all other officers, and to sue for and recover all sums of money that ought, under this act, to be recovered by them.

SEC. 4. *Be it further enacted*, That the commissioners Books to be opened. above named, and all other persons who may hereafter be authorized, as aforesaid, to open books for subscription, shall open the same at any time after the ratification of this act, first giving twenty days' notice thereof of the time and place in one or more of the newspapers printed in either Goldsboro', Raleigh or Wilmington, and the said books, when opened, shall be kept open for the space of sixty days, at least, and so long thereafter as the commissioners above named shall direct; and the said named commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make return of the subscription of stock by them respectively received.

SEC. 5. *Be it further enacted*, That whenever the sum of Corporate powers.

fifty thousand dollars shall be subscribed in manner and form aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared incorporated into a company, by the name and style of the Greenville and Goldsboro' Railroad Company, and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter, and no further; and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded in any court of law and equity in this State, and may have and use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all the rights and immunities which other corporate bodies may, and of right do exercise; and make all such by-laws, rules and regulations as are necessary for the government of the corporation, or effecting the object for which it was created, not inconsistent with the constitution and laws of the State, and of the United States.

Meeting of  
stockholders.

SEC. 6. *Be it further enacted*, That it shall be the duty of the commissioners named in this act for receiving subscriptions, or a majority of them, as soon as the sum of fifty thousand dollars shall have been subscribed in manner aforesaid, to give public notice thereof, and at the same time call a general meeting of the stockholders, giving at least thirty days' notice of the time and place of meeting: a majority of the stockholders being represented in person or by proxy, shall proceed to elect a president and treasurer and nine directors out of the number of stockholders; and the said directors shall have power to perform all the duties necessary in the government of the corporation and the transaction of its business; and the persons elected, as aforesaid, shall serve such period, not exceeding one year, as the stockholders may direct; and at that meeting the stockholders shall fix on the day and place or places when the subsequent election of president, treasurer and directors shall be held, and such election shall thenceforth be annually made; but if the day of the annual election of officers should, under any circumstances, pass without an election, the corporation shall not thereby be dissolved, but the officers

Officers.

formerly elected shall continue in office until a new election takes place.

SEC. 7. *Be it further enacted*, That the election of officers aforesaid shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the person having the greatest number of votes polled shall be considered duly elected to the office for which he is nominated, and at all elections, and upon all votes taken at any meeting of the stockholders upon any by-law, or any of the affairs of the company, each share of stock shall be entitled to one vote, to be represented in person or by proxy; and proxies may be verified in such manner as the by-laws of the company prescribe.

Elections by  
ballot.

SEC. 8. *Be it further enacted*, That the board of directors may fill any vacancies which may occur in it during the period for which they have been elected; and in the absence of the president, may appoint a president *pro tempore* to fill his place.

Vacancies.

SEC. 9. *Be it further enacted*, That the board of directors may call for the sums subscribed as stock in said company in such instalments as the interest of said company may, in their opinion, require. The call for each payment shall be published in one or more newspapers of the State for one month before the day of payment; and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale, and if the said sale of stock does not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held as due at once to the company, and may be recovered by such stockholder, or his executor, administrator or assign, at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on previous notice of ten days to said subscriber, or by the action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace when the sum does not exceed one hundred dollars; and

Payment of  
stock.

in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both [the] original subscriber, and the first and all subsequent assignees, shall be liable to the company, and the same may be recovered as above described.

Debts of stockholders.

SEC. 10. *Be it further enacted*, That the debts of the stockholders, due to the company for stock therein, either as original proprietor, or as first or subsequent assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representatives.

Certificates of stock.

SEC. 11. *Be it further enacted*, That the said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Increase of capital stock.

SEC. 12. *Be it further enacted*, That said company may at any time increase its capital stock to a sum sufficient to complete said road, not exceeding the additional sum of two hundred thousand dollars, by opening books for the subscription of new stock, or borrowing money on the credit of the company, and the mortgage of its charter and works; and the manner in which the same shall be done in either case, shall be prescribed by the stockholders.

Contracts.

SEC. 13. *Be it further enacted*, That all contracts or agreements authenticated by the president and secretary of the board, shall be binding on the company with or without a seal: such a mode of authentication shall be used as the company by their by-laws may adopt.

Corporate privileges.

SEC. 4. *Be it further enacted*, That the said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for the said road, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for work-shops or foundries to be used by the company, or for procuring stone or other materials necessary to the construction of the road or effecting transportation, and for no other purpose whatsoever.

Right of way.

SEC. 15. *Be it further enacted*, That the company shall have the right, when necessary, to construct the said railroad across any public road, or along the side of any public road:

*Provided*, That the said company shall not obstruct any public road without first constructing one equally as good and as convenient as the one taken by the company.

SEC. 16. *Be it further enacted*, That when any lands or right of way be required by the said company for the purpose of constructing their road, building ware-houses, water-stations, work-shops, depositories, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by a jury of good and lawful men, to be summoned by the sheriff of the county in which the land required by the company may lie; and in making the said valuation, the said jury shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or the right of way being surrendered, and the benefit or advantage he, she or they may receive from the erection of said road, and shall state particularly the value and amount of each, and the excess of loss or damage over and above the advantage and benefit shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose land the said road may pass, or the company, should be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next court of the county to be held thereafter, and the sheriff shall return to the said court the verdict of the jury, with all proceedings thereon, and the land or right of way so valued by the jury shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation may be paid, or if refused, paid over to the clerk of the county court: *Provided, further*, That the right of condemnation shall not authorize the said company to invade the dwelling-house, yard, garden or grave-yard of any individual without his consent.

SEC. 17. *Be it further enacted*, That the right of said company to condemn land in the manner described in the above section shall extend to the condemnation only of one hundred feet on each side of the main track of the road, from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing

Lands may be condemned to use of company.

What quantity may be condemned.

said road; and the company in like manner shall have power to condemn any appropriate land for the building of depots and shops not exceeding five acres in any one lot or station.

SEC. 18. *Be it further enacted*, That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over said road, at such charges as may be fixed on by a majority of the directors.

Dividends.

SEC. 19. *Be it further enacted*, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders, in proportion to the stock each may own.

Contracts.

SEC. 20. *Be it further enacted*, That any contract that may be entered into with any other railroad company by the president and directors of said company, after the consent of a majority of the stockholders first obtained, shall be binding on the company.

Officers exempt from certain duties.

SEC. 21. *Be it further enacted*, That all the officers of the company, and servants and persons in the actual employment of the company, be, and they are hereby exempt from performing ordinary military duty, working on public roads, and serving as jurors.

When act void.

SEC. 22. *Be it further enacted*, That all the work hereby required shall be executed with due diligence, and if it be not commenced within four years after the ratification of this act, then the charter shall be void.

SEC. 23. *Be it further enacted*, That this act shall be in force from and after its ratification, and shall be regarded as a public act, and be continued in force until the year nineteen hundred.

Notice of process.

SEC. 24. *Be it further enacted*, That notice of process upon the principal agent of said company, or the President, or any two of the directors thereof, shall be taken to be lawful notice of service of process upon the company in any suit or action before any court of the State. [*Ratified the 23rd day of* \_\_\_\_\_, 1861.]

AN ACT TO INCORPORATE THE MILTON AND YANCEYVILLE JUNCTION RAILROAD COMPANY. *Chap. 134.*

SECTION 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 for the purpose of constructing a railroad from some point on the North Carolina line, at or near Milton, by way of Yanceyville, to the North Carolina Railroad at the workshops, with the privilege of connecting the same with the Richmond and Danville Railroad, when authorized by the Legislature of Virginia, the formation of a company is hereby authorized, with a capital stock of five hundred thousand dollars, called the "Milton and Yanceyville Junction Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, to have a perpetual existence as a body politic and corporate. Capital stock.

SEC. 2. *Be it further enacted,* That for the purpose of creating the capital stock of said company, the following persons be, and the same are hereby appointed commissioners, to wit: at Milton, under the superintendence of Samuel Watkins, John Wilson, Sen'r, Dabney Terry, M. McGehee, N. M. Lewis, Thomas Donoho; at Yanceyville, under the superintendence of John A. Graves, Samuel P. Hill, Thomas D. Johnston, Thos. Bigelow, and George Williamson; at Greensboro', under the superintendence of Jas. R. McLean, James Sloan, R. P. Dick, and R. Gorrell; at Graham, under the superintendence of E. M. Hatt, Dr. John Ruffin, Jesse Gant, George Patterson; at Locust Hill, under the superintendence of Calvin Graves, Chesley Turner, Antiochus Baswell, Dr. James E. Williamson, Anthony Williamson; at Anderson's Store, under the superintendence of Dr. John Q. Anderson, A. B. Walker, J. Bird, Thornton Baines, and at such places and by such other persons as the commissioners at Yanceyville may direct; whose duty it shall be to open books for the subscription of stock, at such times and places, and under the direction of such persons as they, or a majority of them may deem proper; and said commissioners shall have power to appoint a chairman of their body, treasurer, and other officers, and to sue for and recover all sums of money that should be received by them under this act. Commissioners.

Corporate  
powers.

SEC. 3. *Be it further enacted*, That when the sum of one hundred thousand shall have been subscribed in the manner and form aforesaid, in shares of one hundred dollars each, and shall have paid five per cent. on the same to the persons authorized to receive the same,—and all subscriptions upon which five per cent. is not paid be null and void,—the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared incorporated into a company, by name and style of the “Milton and Yanceyville Junction Railroad Company;” and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estate, real, personal and mixed, and of acquiring the same by gift or otherwise, so far as shall be necessary for the purposes embraced in their charter; and shall have perpetual succession, and may sue and be sued, by their corporate name, plead and be impleaded in any court of law or equity in the State of North Carolina, or other State, having competent jurisdiction, and may have and use a common seal, which they may alter or renew at pleasure; and shall have and enjoy all other rights and privileges which their [other] corporate bodies may and do exercise, and make all such by-laws, rules and regulations, as may be necessary for the government of said company.

Directors.

SEC. 4. *Be it further enacted*, That it shall be the duty of the stockholders, or a majority of them, as soon as the sum of one hundred thousand dollars shall have been subscribed as aforesaid, to appoint a time and place, and give at least thirty days' public notice, for stockholders to meet, at which time and place, a majority of the stock being represented in person or by proxy, shall proceed to elect nine directors out of the number of stockholders, each of whom shall possess at least two shares of stock, and shall also proceed to elect a president and treasurer, out of the number of stockholders; and the said directors shall have power to do all things necessary for the government of the company, and for the transaction of business. The persons elected directors, as aforesaid, shall serve for one year, and the election for president, treasurer and directors shall be held annually at such times and places as the stockholders may direct. But, if the day for the annual election should pass without an election of officers, the officers formerly elected shall continue in office until a new election takes place.

SEC. 5. *Be it further enacted*, That the election of all officers shall be by ballot, each stockholder casting as many votes as he has shares in the stock of said company, and the person receiving a majority of the stock polled, shall be considered duly elected. Each share of the stock shall be entitled to one vote, to be represented in person or by proxy—proxies to be verified in such manner as the by-laws may prescribe.

Elections by  
ballot.

SEC. 6. *Be it further enacted*, That the board of directors may call for the sums subscribed as stock in said company in such instalments as the interest of said company may, in their opinion, require, the call for each payment to be published, in one or more newspapers, for the space of one month before the day of payment; and on the failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, ten days' notice having been given, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce a fund sufficient to pay off the incidental expenses of the sale and the entire amount owing by such stockholder to the company for such subscription of stock, then, and in that case, the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder, or his executors, administrators, or assigns, at the suit of said company, by action of assumpsit, in any court of competent jurisdiction, or by warrant before a justice of the peace, when the sum does not exceed one hundred dollars. In all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscriber, [and] the first and all subsequent assigns, shall be liable to the company, and recovered as above described.

Stock subscrip-  
tions.

SEC. 7. *Be it further enacted*, That the debt of the stockholders, due to the company for stock therein, either by the original subscriber or his assignee, shall be of equal dignity with judgments in the distributions of assets of a deceased stockholder by his legal representatives.

Debt of stock-  
holders.

SEC. 8. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner as may be directed by the by laws of said company.

Certificates of  
stock.

Increase of  
stock.

SEC. 9. *Be it further enacted*, That said company may at any time increase its capital stock to a sum sufficient to complete said road, not to exceed an additional sum of seven hundred thousand dollars, either by opening books for subscription of new stock, or borrowing money on the credit of the company or on the mortgage of its charter and works, as shall be prescribed by the stockholders.

Corporate  
powers.

SEC. 10. *Be it further enacted*, That said company shall have power to construct, as speedily as possible, a railroad, with one or more tracks, along the line as heretofore set out in this act, and shall have the privilege of using any section of said road constructed by them before the whole is completed.

Contracts.

SEC. 11. *Be it further enacted*, That all contracts or agreements authenticated by the president and secretary of the board shall be binding on the company—such a mode of authentication to be used as the company by their by-laws may direct.

Right of way.

SEC. 12. *Be it further enacted*, That said company shall have the right, when necessary, to construct the said road across any public road, or along the side of any public road.

Lands may be  
condemned.

SEC. 13. *Be it further enacted*, That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the county courts of the respective counties where some part of the land or right of way is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the lands or right of way being surrendered, and the benefit or advantage he, she or they may receive from the erection of said road, and state particularly the value and amount of each, and the excess of loss and damage over and above the advantages and benefit shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose land the road may pass, or the company, should be dissatisfied with the valuation of said commissioners, then, and in that case, either party may appeal to the superior court. The proceedings of said commissioners, accompanied with a full description of

said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain a matter of record, and the lands or right of way so valued by the commissioners shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation may be paid, or when refused, may have been tendered: *Provided*, That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court, that at least ten days' previous notice has been given by the applicant to the owner or owners of lands proposed to be condemned: *Provided*, That the right of condemnation shall not extend to the dwelling-house, yard or garden of any individual without his consent.

SEC. 14. *Be it further enacted*, That the right of said company to condemn lands in the manner described in the 13th section of this act shall extend to the condemning only one hundred feet on each side of the main track of the road, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company, in like manner, shall also have power to condemn any adjoining lands for the construction and building depots, shops, warehouses, buildings for servants, agents, and persons employed on the said road, not exceeding two acres in one lot or station.

What lands condemned.

SEC. 15. *Be it further enacted*, That all lands on which the road may be located, not heretofore granted by the State, within one hundred feet of the centre of said road which may be constructed by said company, shall vest in the company as soon as the line of the road is definitely laid out.

Lands to vest in the company.

SEC. 16. *Be it further enacted*, That said company shall have the exclusive right of the conveyance or transportation of persons, goods merchandise or produce over said road, at such charges as may be fixed on by a majority of the directors.

Corporate privileges.

SEC. 17. *Be it further enacted*, That said company shall have the right, and it shall be their duty, to take at the store houses they may establish on or annex to their railroad, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority and charge, and receive

Corporate privileges.

such just and reasonable compensation for storage as they by rules may establish, or may be fixed by agreement.

Vacancies in board.

SEC. 18. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence or death of the president may appoint a president pro tempore, to fill his place, from among their number.

Dividends.

SEC. 19. *Be it further enacted*, That the profits of the company, or so much thereof as the directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may own.

Notice of process.

SEC. 20. *Be it further enacted*, That notice of process upon the president, any director or acting agent of said company, shall be deemed lawful notice of process upon the company. [*Ratified the 20th day of February, 1861.*]

*Chap. 135.* AN ACT ALLOWING THE RALEIGH AND GASTON RAILROAD COMPANY TO INCREASE THE CAPITAL STOCK.

Preamble.

*Whereas*, The whole capital stock of the Raleigh and Gaston Railroad Company is fixed by the charter at the sum of nine hundred and seventy-five thousand dollars, and each share thereof at one hundred dollars, and by reason of the great expenditure in permanent fixtures necessarily made to complete the road after exhausting the capital stock, the actual capital invested is now or will soon be upwards of one million, five hundred thousand dollars, so that each share in said company now represents about the sum of one hundred and fifty dollars: *And whereas*, At a late general meeting of the stockholders, held on the 4th day of October last, it was deemed expedient and so resolved, that the company should purchase a portion of the slaves to be employed in its service, whereby each share will represent a still larger additional amount of capital stock, and it is but just that the shares should represent as nearly as practicable the amount of capital invested:

Amount of increase of stock.

*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 it shall be lawful for the Raleigh

and Gaston Railroad Company to increase the number of shares of its capital stock, so as to make the whole number fifteen thousand or less, and that the additional number hereby allowed may be wholly or partly divided among the stockholders, according to their several interests, or sold for their use and benefit, or used to purchase slaves for the use of the company, as by the stockholders shall be deemed best: *Provided, nevertheless,* That it shall be necessary for the State, as a stockholder, to concur in the number of increased shares, as also in the disposition thereof.

SEC. 2. *Be it further enacted,* That if the additional shares, Fractions of shares. or any number of them, shall be divided among the stockholders, all the fractional parts of shares which may accrue on such division shall be added together, so as to constitute whole shares, and they shall be disposed of for the benefit of those having fractional interest as may be deemed advisable by the company.

SEC. 3. *Be it further enacted,* That this act, when accepted by the company, shall forthwith be deemed a part of Act a part of charter. the charter, and such acceptance shall be certified to the secretary of State by the president and directors of the company, under the seal of the corporation.

SEC. 4. *Be it further enacted,* That a general meeting of the stockholders may be called for the purpose of accepting Act to be accepted in general meeting. the amendment, and if accepted, as provided in section 3rd, at any time within two years, it shall be sufficient.

SEC. 5. *Be it further enacted,* That it shall not be necessary How capital increased. for the company to increase the number of shares at once, but they may do so from time to time as shall be resolved on, the State concurring as aforesaid: *Provided, however,* The whole capital of the company shall not exceed fifteen hundred thousand dollars.

SEC. 6. *Be it further enacted,* That every part of the present charter of said company which shall be in conflict with this amendment shall be null and void after its acceptance as aforesaid. [*Ratified the 23rd day of February, 1861.*]

Chap. 136. AN ACT FOR THE RELIEF OF CHARLES WILKES, AND TO CHARTER THE ST. CATHARINE'S MILLS AND CHARLOTTE RAILROAD COMPANY.

Body corporate.

SECTION 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 for the purpose of establishing and maintaining a connection by railway between St. Catharine's Mills, in the county of Mecklenburg, through the town of Charlotte, (upon such terms as may be agreed upon by the authorities of said town and the company hereby incorporated,) to the depot of the North Carolina and Charlotte and Columbia Railroad and Captain Wilkes' Steam Flouring Mills, near said town, John Wilkes and Charles Wilkes, their associates, successors and assigns, [be,] and they are hereby incorporated and made a body politic, by the name and style of the "St. Catharine's and Charlotte Railroad Company," with power to make and from time to time to alter such by-laws, rules and regulations, and to have such officers as may be necessary for the purposes of this act; with power also to have and use a common seal, to sue and be sued, implead and be impleaded at law and in equity, and to have and enjoy all the powers, privileges and authorities conferred by law on railroad and other companies and corporations under the sixty-first and twenty-fifth chapters of the Revised Code of this State.

Corporate name.

Corporate powers.

SEC. 2. *Be it further enacted,* That the said company shall have power to transport for such hire and reward as may be agreed upon, to and between the said points, all such flour, produce, passengers, wood, minerals, iron and all other articles, goods and things whatsoever, by horse or steam power, as they may deem proper, and the same to store for hire and reward, subject, nevertheless, to such reasonable regulations and restrictions as may be imposed by the town authorities of Charlotte concerning the passage of the same through the streets of said town.

Capital stock.

SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, transferable and assignable as may be prescribed by the by-laws of the company; and all such shares shall be deemed

personal estate, and they may raise money, by loan or otherwise, sufficient to equip and complete their road, upon such terms and security as a majority of the holders of stock representing a majority of the capital hereby authorized to be invested, may direct.

SEC. 4. *Be it further enacted*, That every obstruction to <sup>Trespass.</sup> the safe and free passage of cars and other vehicles on the said road shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the said company, and the person causing such obstruction may be indicted as for erecting a public nuisance.

SEC. 5. *Be it further enacted*, That this act shall be in force and have effect from and after its passage. [*Ratified the 23d day of February, 1861.*]

AN ACT TO ENABLE THE WESTERN RAILROAD COMPANY TO EX- *Chap. 137.*  
TEND THEIR ROAD FROM THE COAL FIELDS TO THE NORTH  
CAROLINA RAILROAD.

*Whereas*, The loan of four hundred thousand dollars made <sup>Preamble.</sup> to the Western Railroad Company, by an act of the last legislature, entitled "An act to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coal Fields," was insufficient to enable said company to procure the rolling stock and equipment, build work-shops, and construct the necessary wharves at Cape Fear river, for the shipment of coal and other produce, and for the erection of a permanent bridge across Deep River; therefore, to enable said company to complete said works, and to carry into effect the provisions of this act:

SECTION 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 two divisions of the <sup>Two divisions of road.</sup> Western Railroad, viz: the eastern division shall extend from the Cape Fear to the west bank of Deep river, near Egypt, in the county of Chatham, and the western division shall extend from the west bank of Deep river to a point on the North Carolina Railroad, to be hereafter determined by the president and directors of the Western Railroad Company, or the stockholders of the same, in general meeting assembled.

Public treasurer  
to sell bonds for  
eastern divi-  
sion.

Amount.

Security to  
State.

Bonds for west-  
ern division.

Treasurer to  
take company  
bonds.

SEC. 2. *Be it further enacted*, That for the purpose of completing the eastern division, procuring the rolling stock and equipments, building shops, wharves, and constructing a permanent bridge over Deep river, the public treasurer is hereby authorized and directed to sell two hundred thousand dollars of the coupon bonds of the State of North Carolina, made in the same manner and form as those heretofore sold for said company, and the proceeds thereof to loan to said railroad company, the said company making and delivering to the public treasurer at the same time its coupon bonds for the same amount, and payable at the same time and place as those of the State, sold for its benefit; and to secure the principal and interest of said bonds, issued by the Western Railroad Company, the State of North Carolina shall by this act have a lien upon the eastern division of said road, together with all the rights and franchises thereto belonging or in any wise appertaining, and upon all the estate of said company, both real and personal, which they may now have or may hereafter acquire, which lien shall have preference over all other claims whatsoever.

SEC. 3. *Be it further enacted*, That for the purpose of completing the western division of said road, the public treasurer is hereby authorized and directed to issue and sell the coupon bonds of the State of North Carolina, signed by the governor, and countersigned by the public treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons of interest payable semi-annually in such form and at such time and place as the public treasurer may direct, for the purpose of raising the money herein directed to be loaned to the Western Railroad Company.

SEC. 4. *Be it further enacted*, That before the public treasurer shall make any loan to said company of any of the moneys received from the sale of the bonds hereby authorized to be issued and disposed of, the Western Railroad Company shall deliver to the public treasurer the coupon bonds of said company, bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State herein before directed to be issued and disposed of; and to secure the principal and interest of said bonds issued by the

Western Railroad Company, the State of North Carolina shall by this act have a lien upon the western division of said road, together with all the rights, franchises and powers thereto belonging, or in any wise appertaining, or which may hereafter belong or appertain, together with all the real and personal estate of said company which they may now have or hereafter acquire, and which lien shall have preference over all other claims whatsoever; and in case of failure of said company to pay the semi-annual interest on said bonds for twenty-four months after such interest shall become due, or to pay the principal of said bonds for twelve months after their maturity, the board of internal improvement for and on behalf of the State may enter upon and take possession of all the property herein before specified, and dispose of the same so as to protect the State.

SEC. 5. *Be it further enacted*, That the public treasurer shall issue and dispose of the bonds hereinbefore directed, from time to time, as may be necessary to make the loans to said company, as required by the provisions of this act; and said loans shall be made in the sums and on the conditions following, viz: that whenever the president of said company shall certify to the governor that a section of ten miles of said road has been graded continuously at either end of the western division, that said company has purchased the iron rails, chairs and spikes, and will forthwith, in good faith, proceed to lay down and complete said section of ten miles, said company shall be entitled to receive the sum of one hundred thousand dollars; and upon a like certificate, as each successive ten miles has been graded and prepared to receive the superstructure, said company shall be entitled to receive the sum of one hundred thousand dollars, until said division shall be completed: *Provided*, That if the last section shall be less than ten miles, a deduction shall be made in the proportion of one hundred thousand dollars to ten miles of road, it being the purpose of this act to loan said company ten thousand dollars per mile for each mile of road constructed between the eastern division and the final terminus of said road on the North Carolina Railroad: *Provided, further*, That none of the bonds authorized to be issued for the western division of said road shall be sold by the public treasurer, until it shall have been certi-

Bonds issued as required.

fied to him by the president of said company that the iron rail purchased for the said western division is of the product and manufacture of the State of North Carolina: *Provided, further,* That the bonds so issued for said western division shall not exceed \$500,000.

Repealing  
clause.

SEC. 6. *Be it further enacted,* That whereas, the provisions of the seventh, eighth and tenth sections of the act of the last legislature, entitled "An act to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coal Fields," are unusual, and have not been imposed upon any other company in this State, therefore the said seventh, eighth and tenth sections of said act be, and the same are hereby repealed.

Bonds must be  
sold at par.

SEC. 7. *Be it further enacted,* That the bonds herein provided to be sold by the public treasurer shall not be disposed of by him for less than their par value. [*Ratified the 16th day of February, 1861.*]

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Chap. 138. AN ACT TO AMEND THE CHARTER OF THE WESTERN NORTH CAROLINA RAILROAD COMPANY.

Approves route.

SECTION 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 route selected by said company for the location of their road from the east bank of the French Broad river to the Tennessee line, at or near Duck Town or Cowone, under the provisions of the second section of the acts of 1854 and '5, and 1858 and '9, be, and the same are hereby approved.

First section of  
road.

SEC. 2. *Be it further enacted,* That the first section of said road, instead of being divided into two sections as heretofore, shall be extended from Salisbury to, and terminate at the western portal of the Blue Ridge tunnel west of the Swannanoa Gap, instead of Morgantown; but the subscriptions made for the divisions of that section east and west of Morgantown, shall be applied to the construction of the division designated by the subscription.

Book of sub-  
scription—  
second section.

SEC. 3. *Be it further enacted,* That the company, as provided in said act, shall open books for the subscription of stock

for the second section of said road, to extend from the terminus of the said first section to a point to be selected by the company on French Broad river, as near as may be consistent with the interest of the company to the village of Asheville; and as soon as one-third of the estimated cost of that section is subscribed by solvent individuals, counties and corporations, as provided in the act of 1854-'5, the company shall place that section under contract.

SEC. 4. *Be it further enacted*, That as soon as the second section is put under contract, it shall be the duty of said company to open books for the subscription of stock to extend the third section of said road from the terminus of the section to Waynesville, in the county of Haywood, or to a point west of the head of Richland creek; and as soon as one-third of the estimated cost of this section terminating at either of the points designated shall have been subscribed, it shall be the duty of the company to put a portion or all of the said section under contract. Subscription to third section.

SEC. 5. *Be it further enacted*, That it shall be the duty of said company, at the same time they open books for the subscription of stock for the third division, also to open books for the subscription of stock to construct a branch of said road down French Broad river, agreeably to a survey recently made by said company, terminating at the Paint Rock on the Tennessee line. French Broad branch.

SEC. 6. *Be it further enacted*, That the remainder of the appropriation made for said road under the act of 1854-'5, after setting apart a sufficient sum to pay the contractors and complete the road to the point on French Broad river, in the county of Buncombe, shall be equally divided between the third division extending to Waynesville, or a point west of the head of Richland creek, and the branch down French Broad river to the Paint Rock; and as soon as one-half that sum shall have been subscribed, as provided in third section, for either the third division or the branch, it shall be the duty of the company to put a portion or all of either or both under contracts. Remainder of appropriation.

SEC. 7. *Be it further enacted*, That the payments required to be made on the part of the State under this act and the act of 1854, in one year from the passage of this act, shall not ex- State's subscription.

ceed seven hundred thousand dollars: this limitation on the expenditure is intended as a substitute for the restrictions under the act of 1854-'5.

Repealing  
clause.

SEC. 8. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this act, be, and the same are hereby repealed, and that this act be in [force] from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 139. AN ACT TO INCORPORATE THE WILLIAMSTON AND TARBORO' RAILROAD COMPANY.

Capital stock.

SECTION 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 a company by the name and style of the Williamston and Tarboro' Railroad Company, be, and the same is hereby incorporated, with a capital stock of three hundred thousand dollars, divided into shares of one hundred dollars each, for the purpose of constructing a railroad from some point at or near the town of Williamston, in the county of Martin, to some point at or near the town of Tarboro', in the county of Edgecombe.

Commissioners.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons be, and they are hereby appointed commissioners, viz: Asa Biggs, D. W. Bagley, C. B. Hapell, John R. Lanier and John C. Lamb, L. L. Clements, Archibald Staton, L. S. Yates, Bryant Bennett and H. M. Mizell, of the county of Martin; Henry T. Clarke, Wm. M. Pippins, Robt. Brown, John Norfleet, Whitmel Loyd, Theofolus Hyman, Wm. B. Cherry, B. C. Mayo, Calvin Jones and Joshua Lawrence, of the county of Edgecombe, whose duty it shall be to direct the opening of books for subscription of stock at such times and places, and under the direction of such persons, as they, or a majority of them, may appoint; and said commissioners shall have power to appoint a chairman of their body, and a treasurer, and all other officers their organization may require, and to sue for all such sums of money as ought under this act to be recovered by them.

Books opened.

SEC. 3. *Be it further enacted*, That all persons who are by

this act authorized, or who may hereafter by the general Books opened. commissioners be authorized to open books of subscription, may do so at any time after the ratification of this act, upon giving twenty days' notice of the time and place when said books will be opened; and said books shall be kept open for the space of thirty days, at least, and as long thereafter as the general commissioners, or a majority of those who act, may decide; and all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying, at the time of making his subscription, five dollars on each share by him subscribed, to the person or persons authorized to receive such subscription; and in case of failing to pay such sum, all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers of the first cash instalment, shall be paid over to the general commissioners by the persons receiving the same; and in case of failing to pay, as aforesaid, such person or persons receiving said money shall be personally liable to said general commissioners before the organization of said company, and to the company itself, after organization, to be recovered in the county or superior courts of law within this State, in the county where such person resides; or if he resides in any other State, then in any court in such State having competent jurisdiction. The general commissioners shall have power to call on and require all persons empowered to receive subscription of stock at any time, and from time to time, as a majority of them think proper, to make a return [of the stock] by them respectively received, and to make payment of all sums of money paid by subscribers; and all persons receiving stock, shall pass a receipt to the subscriber or subscribers for the payment of the first instalment, as heretofore required to be paid; and upon their settlement with the general commissioners, as aforesaid, it shall be the duty of the general commissioners, in like manner, to pass their receipts for all sums thus received to the persons from whom received; and such receipts shall be taken and held to be good and sufficient vouchers to the persons holding them; and subscriptions of stock may be received as aforesaid, or as hereafter provided for, to the amount of three hundred thousand dollars.

SEC. 4. *Be it further enacted,* That it shall be the duty of

Body politic. said general commissioners to direct and authorize said books of subscription to be kept open until the sum of thirty-five thousand dollars, at least, shall be subscribed in manner aforesaid, and as soon as the said sum of thirty-five thousand dollars shall be subscribed in manner aforesaid, and the sum of five dollars on each share paid in, as aforesaid, the subscribers to said stock shall be, and they are hereby declared a body politic and corporate, in fact and in law, by the name of "The Williamston and Tarboro' Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company, and their successors and assigns, for the term of ninety-nine years, and by that name shall be capable in law and in equity to purchase, hold, lease, rent, sell or convey estate, real, personal or mixed, and to acquire the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intention of this charter; and shall have commission and a common seal, which they may use, alter or renew at pleasure, and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State, or any other State; and shall have, possess and enjoy all the rights, privileges and immunities which corporate bodies may, and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the laws of this State, or of the United States.

General meeting.

SEC. 5. *Be it further enacted,* That as soon as the sum of twenty-five thousand dollars, or upwards, shall be subscribed, as aforesaid, it shall be the duty of the general commissioners to appoint a time for the stockholders to meet at such place as they may designate, which they shall cause to be previously published for the space of thirty days in one or more newspapers, at which time and place the said stockholders shall, in person or by proxy, proceed to elect by ballot seven directors of the company, and to enact all such rules, regulations and by-laws as may be necessary for the government of said corporation and transaction of its business. The persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and

Directors.

place when and where the next election of directors shall be held, and so at such subsequent meeting, and such electors [elections] shall henceforth be annually made. But if the day of the annual election shall pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such election in such manner as may be prescribed by the by-laws of the corporation.

SEC. 6. *Be it further enacted*, That the officers of said Board. company shall be managed by a general board, to consist of seven directors, to be elected by the stockholders from among themselves at their first and subsequent general annual meeting; and no stockholder shall be elected a director, nor serve as such, unless he be at the time of his election the *bona fide* owner and legal holder of five shares of said stock, and shall continue to hold the same during the term of his service.

SEC. 7. *Be it further enacted*, That the president of said President. company shall be chosen by ballot, by a majority of the directors from among themselves, with a salary to be fixed by the stockholders in general meeting.

SEC. 8. *Be it further enacted*, That all stockholders, being Vote of stock. citizens of the United States, shall be entitled to vote either in person or by proxy (the proxy being a stockholder), at all the general meetings, and the vote to which each stockholder shall be entitled, shall be according to the number of shares he may 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 thirty, one vote; for every eight shares over sixty and not exceeding one hundred, one vote; for every ten shares over one hundred, one vote.

SEC. 9. *Be it further enacted*, That at the first general meeting of the stockholders under this act, or [a] majority of Adjourned meetings. all the shares subscribed shall be represented before proceeding to business; and if a sufficient number do not attend on the day appointed, those who do attend shall have power to adjourn from time to time until a regular meeting be thus formed; and at such meeting the stockholders may provide by a by-law as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for

transacting business at all subsequent regular or occasional meetings of stockholders and directors.

Returns by commissioners.

SEC. 10. *Be it further enacted*, That the general commissioners shall make their return of the shares of stock subscribed for, at the first general meeting of stockholders, and pay over to the directors elected at that meeting, or their authorized agent, all sums of money received from subscribers; and on failure so to do, they shall be personally liable to said company, to be recovered at the suit of said company in any county or superior court in this State, in the county wherein the delinquent resides; and in case of his death, the same shall be recovered of his executor or administrator.

Vacancies.

SEC. 11. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected; and in the absence of the president, may fill his place by electing a president *pro tem.* from among their number.

Additional subscription.

SEC. 12. *Be it further enacted*, That the said board of directors shall have power and authority to open books for further subscription to the stock of said company, and at such time and under such persons as they may designate, in the event the whole stock be not subscribed before the first general meeting of the stockholders, and to open and to keep open such books from time to time, until the whole amount of capital stock be subscribed.

Corporate powers.

SEC. 13. *Be it further enacted*, That the said company shall have power, and may proceed to construct, as speedily as possible, a railroad, with one or more tracks, from some point at or near the town of Williamston, in the county of Martin, to some point at or near the town of Tarboro', in the county of Edgecombe, to be determined by the stockholders at their first general meeting, or as soon thereafter as practicable; and the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over the road constructed by them, at such charges as may be fixed upon by a majority of the directors.

Payment of stock.

SEC. 14. *Be it further enacted*, That the [board] of directors may call for the payment of the sums subscribed as stock in said company in such instalments as the interest of said company may in their opinion require. The call for each payment

shall be published in one or more newspapers in this State for the space of one month before the day of payment; and on failure of any stockholder to pay each instalment as they [are] required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholders, and convey the same to the purchaser; and if said sale of stock do not produce a sum sufficient to pay off the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors or administrators, at the suit of said company, in any court of competent jurisdiction. And in all cases of assignment of stock before the whole amount of stock has been paid to the company, thus for all sums due on such stock, both the original subscriber, and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above described.

SEC. 15. *Be it further enacted*, That said company shall upon [issue] certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company. Certificates of stock.

SEC. 16. *Be it further enacted*, That said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for the said road, or the appurtenances thereof, or for the erection of depot-stations, store-houses, houses for the officers, servants or agents for the company, or for work-shops or foundries to be used for said company, or for procuring stone or other materials necessary to the construction of the road, or for effecting transportation thereon. Corporate powers.

SEC. 17. *Be it further enacted*, That the company shall have the right, when necessary, to conduct the said road across or along any public road or water course: *Provided*, The said company shall not obstruct any public road without constructing another equally good and convenient. Right of way.

SEC. 18. *Be it further enacted*, That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same May condemn land.

cannot be purchased from the owner, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having competent jurisdiction in the county where some part of the land or right of way is located. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the increased value of the land, or any special benefit which may arise from the location of a depot or otherwise on said land, or any benefit which may accrue in any way whatsoever, by the establishment of said railroad or work, and shall state particularly the value and amount of each, and the excess of the loss and damage over and above the advantage and benefit: *Provided, nevertheless,* That if any person or persons over whose land the road may pass, or if said company shall be dissatisfied with the valuation of said commissioners, then, and in that case, the party so dissatisfied may have an appeal to the superior court in the county wherein the valuation has been made, or in either county in which the land may lie where it shall be in more than one county, under the same rules, regulations and restrictions as in other cases of appeal. The proceedings of said commissioners, with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them, to the court from which the commission [was issued,] there to remain a matter of record; and the land or right of way so valued shall vest in the said company so long as the same shall be used for the purpose of the said railroad, so soon as the valuation shall have been paid, or where refused, may have been tendered: *Provided,* That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' previous notice has been given by the applicant to the owner or owners of the land so proposed to be condemned; or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be found, then such application shall have been published at least

one month next preceding, in some newspaper printed as convenient as may be to the court-house of the county in which the application is made: *Provided, further,* That the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oaths any justice of the peace or clerk of a court is authorized to administer: *Provided, further,* That the right of condemnation herein granted shall not authorize the said company to remove the dwelling-house, yard, garden or burial-ground of any individual, without his consent.

SEC. 19. *Be it further enacted,* That the right of said company to condemn land in the manner aforesaid shall extend to the condemning of one hundred feet on each side of main track of the road, measuring from the centre of the same; and the company shall also have power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouses, and buildings for servants, agents and persons employed on the [road,] and [not] exceeding two acres in any one lot or station.

What land may  
be condemned.

SEC. 20. *Be it further enacted,* That in the absence of any contract or contracts with said company in relation to the land through which the said road may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, it shall be presumed that the land upon which the said road may be constructed, together with the space of one hundred feet on each side of the centre of said road, has been granted to said company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purpose of the said road, and no longer, unless the person or persons owning said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them shall apply for an assessment of the value of said land as hereinbefore directed, within two years next after that part of the said road which may be on the said lands was finished; and in case the said owner, or those claiming under him, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided,* Nothing herein

Title of land to  
vest in compa-  
ny.

contained shall affect the right of feme coverts or infants until two years after the removal of the respective disabilities.

SEC. 21. *Be it further enacted*, That all lands not granted to any person heretofore, within one hundred feet of the centre of said road, shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

SEC. 22. *Be it further enacted*, That if any person shall wilfully and maliciously destroy or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause or aid or assist, or counsel or advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said railroad, or bridge, or vehicle used for transportation on said road, or any water-tank, ware-house, or other property of said company, such person or persons so offending shall be liable to indictment therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of the court before which the trial takes place.

SEC. 23. *Be it further enacted*, That the said company shall have the right to take at the store-house they may establish on or annex to their railroad, all goods, wares, merchandise and produce intended for transportation; to prescribe the rules of priority, and charge and receive such [just] and reasonable compensation for storage as they by rules may establish, (which they shall cause to be published,) or as may [be] fixed by agreement with the owners, which may be distinct from the rates of transportation.

SEC. 24. *Be it further enacted*, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, semi-annually [be] divided amongst the stockholders, in proportion to the stock each may own.

SEC. 25. *Be it further enacted*, That all the officers of the company, and servants, and persons in the actual employ of the company, be, and they [are hereby] exempted from performing ordinary military duty, working on public roads, and serving as jurors.

SEC. 26. *Be it further enacted*, That for the purpose of

Damage to road,  
&c.

Corporate privi-  
leges.

Dividends.

Exemptions of  
officers.

Survey.

ascertaining the best route for said road, and to locate the same, it shall be lawful for said company, by its engineer, servants and agents, to enter upon, examine and survey any land or lands they may wish to examine for that purpose.

SEC. 27. *Be it further enacted*, That the company aforesaid shall keep a full record of all its proceedings; and if any of the persons named as general commissioners refuse to act, those who do act are hereby authorized to appoint other commissioners in their places. [*Ratified the 23d day of February, 1861.*]

Company to  
keep a record.

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AN ACT CONCERNING THE WILMINGTON AND WELDON RAILROAD COMPANY. *Chap. 140.*

*Whereas*, The Wilmington and Weldon Railroad Company has, in conformity with a law passed by the Legislature of this State, issued the bonds of said company to the amount of two hundred and fifty thousand dollars, which bonds are endorsed by the State of North Carolina as the said law provides; *and whereas*, There remains unpaid of said bonds the sum of one hundred thousand dollars, of which sum \$50,000 is payable on the 1st of January, 1862, and \$50,000 on the 1st of January, 1863, which bonds are held and owned by the State of North Carolina and the president and directors of the literary fund of North Carolina:

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 time of payment of said unpaid bonds shall be extended so as to make the same payable, viz: fifty thousand dollars on the 1st day of January, 1867, and fifty thousand dollars on the 1st day of January, 1868, and that the said bonds shall continue to bear interest at the rate of six per cent. per annum until their maturity as herein extended, which interest shall be payable semi-annually at the time and place as set forth in said bonds. [*Ratified the 23d day of February, 1861.*]

Extends time of  
payment of  
bonds.

*Chap. 141.* AN ACT TO CONSTRUCT A BRANCH FROM THE WILMINGTON AND WELDON RAILROAD TO OR NEAR THE TOWN OF FAYETTEVILLE.

Powers to construct a branch.

SECTION 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 Wilmington and Weldon Railroad Company shall have power and authority to open books for the subscription for the capital of the company from time to time; and when they may deem the same practicable with the means they may have at command, they shall have authority to construct a branch from some suitable point on the line of their road, in the county of Duplin, through the counties of Sampson and Cumberland, to some point at or near the town of Fayetteville: *Provided,* The said road shall not go further south on the Wilmington and Weldon Railroad than the deep cut between Warsaw and Magnolia.

Counties may subscribe.

SEC. 2. *Be it further enacted,* That each and every county on the line of the whole road shall be authorized and empowered to subscribe for any number of shares of the capital stock of said company, not exceeding twenty-five hundred shares, under the provisions following: a majority of the justices of each county, at any time [term] of the county court, shall determine the number of shares for which they propose the county shall subscribe, and appoint a day for holding an election in relation thereto, and cause the same to be entered upon the minutes of the court; and it shall be the duty of the sheriff of the county in at least four public places to advertise the object and day of the election for at least sixty days prior thereto, and on said day to open and keep open the polls agreeable to the acts regulating the elections for members of the General Assembly, and all the qualified voters for members of the House of Commons in said county favoring the subscription may vote "Yea," and all opposed may vote "No," and the result of such election shall be faithfully made known to the justices holding the first county court thereafter, and be made a matter of record; the result being favorable to the subscription, the same shall be ample and full authority for the chairman of the court, and it shall be his duty, to make the subscription as proposed in the name of the county. To enable

the justices of said county to meet the instalments that may be required upon such subscription, or otherwise pay for the same, they are hereby invested with authority to issue the bonds of the county, redeemable in any period not exceeding twenty-five years from the dates thereof, to bear interest payable semi-annually, at a rate not exceeding seven per cent. per annum; and it shall be the duty of the justices of the county regularly to provide the means for meeting the interest on the county bonds as the same shall become due, by laying such taxes annually on the persons, lands and other property within the county as shall and may be sufficient for the purpose; and the said justices shall likewise annually appoint a county agent to negotiate any loan or loans that may be necessary, to sell and dispose of the bonds, to receive the tax imposed to meet the interest, and regularly and faithfully apply the same to its payment, to represent the said county in all meetings of the stockholders of the railroad company, and receive the dividends that may become due upon the county stock, and apply the same either to the interest or to a sinking fund for the extinguishment of the principal as the justices of the county court may direct; and it shall likewise be the duty of the justices of the county in due season to make ample provisions, by taxation or otherwise, for liquidating the principal of said bonds as they shall come to maturity.

SEC. 3. *Be it further enacted*, That to enable the company to construct said branch, the public treasurer is hereby authorized and directed to issue and dispose of for money, coupon bonds of the State of North Carolina, signed by the governor, countersigned by the public treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons of interest payable semi-annually in such form and at such times and places as the public treasurer may direct, for the purpose of raising the funds hereinafter directed to be loaned to the said Wilmington and Weldon Railroad Company. State treasurer to issue bonds.

SEC. 4. *Be it further enacted*, That before the public treasurer shall make any loan to said company of any of the moneys received upon any of the bonds hereby authorized to be issued and disposed of, the said Wilmington and Weldon State security.

Railroad Company, a majority of the stockholders assenting thereto, shall deliver to the public treasurer the coupon bonds of said company, and bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued and disposed of; and to secure the principal and interest of said bonds issued by the said Wilmington and Weldon Railroad Company, the State of North Carolina shall by this act have a lien upon all the estate of said company, both real and personal, which they may now have, or may hereafter acquire upon said branch of said road, including that at both points, together with all the rights, franchises and powers thereto belonging, or in any ways appertaining, or that may hereafter belong or appertain to said company, and which lien shall have preference over all other claims whatever; and in case of failure of said company to pay the semi-annual interest on said bonds for twenty-four months after such interest shall become due, or to pay the principal of said bonds for twelve months after their maturity, the board of internal improvement, for and on behalf of the State, may enter upon and take possession of all the property hereinbefore specified, and dispose of the same, by sale or otherwise, so as to protect the State: *Provided*, Nothing contained in this act shall authorize the directors of the Wilmington and Weldon Railroad Company to divest the dividends which may accrue upon the stock of the literary board from the common school fund; but the said dividends shall be regularly paid as they accrue.

SEC. 5. *Be it further enacted*, That the public treasurer shall issue and dispose of the bonds as hereinbefore directed, from time to time, as may be necessary, to make the loans to said company as required by the provisions of this act, and the said loan shall be made so soon as the grading is completed for the sum of five thousand dollars per mile: *Provided*, That the amount so loaned shall not exceed two hundred and fifty thousand dollars.

SEC. 6. *Be it further enacted*, That bonds of the State hereby authorized to be issued shall not be sold for less than their par value.

SEC. 7. *Be it further enacted*, That said company shall have power and authority to connect said branch with the rail-

When State  
loan to be made.

To be sold not  
less than par.

Connection.

way of the Western Railroad Company at or near the town of Fayetteville: *Provided*, That said connection shall not be made at a distance of more than five miles from the said town of Fayetteville.

SEC. 8. *Be it further enacted*, That the Wilmington and Weldon Railroad Company, at their election, may construct and equip the said branch railroad as a part of their road, or may construct and equip the said branch railroad with a separate capital stock, separate earnings, profits and dividends. May make the branch separate stock.

SEC. 9. *Be it further enacted*, That this act shall be in operation from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO INCORPORATE THE UNIVERSITY RAILROAD COMPANY. *Chap. 141.*

SECTION 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 for the purpose of constructing a railroad, to be operated either by horse or steam power, from Chapel Hill to the North Carolina Railroad, David L. Swain, Francis L. Hawks, John M. Morehead, Richard J. Ashe, Pride Jones, Josiah Turner, sr., R. R. Bridges and W. N. Patterson, and such other persons as they may associate with them, their successors and assigns, are hereby declared to be a body politic and corporate, in fact and in law, by the name and style of the "University Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company and their successors and assigns in perpetuity; and in that name shall be capable in law and equity to purchase, hold, lease, rent, sell or convey estates, real, personal and mixed, and to acquire the same by gift or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and interest of this charter, and shall have perpetual succession, and a common seal which they may renew and alter at pleasure; and by their corporate name may sue and be sued, plead and be impleaded in any court of law and equity in this State or any other State, and shall have, possess and enjoy all the rights, privileges and immunities which corporate bodies may and of right do Body corporate.

exercise; and may make all such by-laws, rules and regulations as are necessary for the government of the corporation or for effecting the object for which it is created, not inconsistent with the laws of this State or of the United States.

Capital stock.

SEC. 2. That the capital stock of said company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, and for the purpose of creating the same, the said company may open books of subscription at such times and places, under such persons, and under such rules and regulations, as they may prescribe.

Directors.

SEC. 3. That as soon as forty thousand dollars or upwards shall have been subscribed to the capital stock of the company, the corporation shall meet at Chapel Hill, and shall proceed to elect, by ballot, five directors of the company, and to make all such regulations and by-laws as may be necessary for the government of said corporation and the transaction of its business; the persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct, and at this meeting the stockholders shall fix the time and place when and where subsequent elections of directors shall be held, and such election shall thenceforth be annually made; but if the day of the annual election of directors shall pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by a by-law of the corporation.

Board.

SEC. 4. That the affairs of the said company shall be managed by a general board, to consist of five directors, to be elected by the stockholders from among themselves at their first and subsequent general annual meetings.

President.

SEC. 5. That the said directors shall choose by ballot from among themselves a president of said company, and said board of directors shall also elect such other officers of the company as their interest may require, with salaries to be fixed by the stockholders in general meeting.

Vote of stock.

SEC. 6. That all the stockholders, being citizens of the United States, shall be entitled to vote, either in person or by proxy, the proxy being a stockholder, at all general meetings, and the vote to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the propor-

tion 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 thirty, one vote; for every six shares over thirty and not exceeding sixty, one vote; for every eight shares over sixty and not exceeding one hundred, one vote; for every ten shares over one hundred and not exceeding two hundred, one vote.

SEC. 7. That after the first general meeting of the stockholders under this act, a majority of all the shares subscribed shall be represented before proceeding to business, and if a sufficient number do not appear on the day appointed, those who do appear shall have power to adjourn from time to time until a regular meeting be thus formed; at such general meeting the stockholders may provide by a by-law what number of stockholders, and the amount of stock to be held by them, shall constitute a quorum for transacting business at all subsequent regular or occasional meetings of stockholders and directors.

SEC. 8. That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the president may fill his place by electing a president *pro tempore* from among their number.

SEC. 9. That said company shall have full power, and shall proceed as speedily as possible to construct a railroad from Chapel Hill to some point on the North Carolina Railroad, and if such road is not really commenced on or before the first day of January, 1863, and completed by the first day of January, 1867, this act of incorporation, with all the powers therein granted, shall cease and become void.

SEC. 10. That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over the road constructed by them upon such charges as may be fixed upon by a majority of the directors, and the said company may farm out their right of transportation over the said road subject to the rules above mentioned, and the said company, and every person who may have received from them the right of transportation of goods, wares and produce in said railroad, shall be deemed and taken to be

a common carrier, as respects everything intrusted to said road for transportation.

Payment of  
stock.

SEC. 11. That the board of directors may call for the payment of the sum subscribed as stock in said company in such instalments as the interest of said company may, in their opinion, require; and on the failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of twenty days, for cash, all the stock subscribed for in said company by such stockholder, and convey to the purchaser at said sale, discharged from all other liability; and if the said sale of stock do not produce a sum sufficient to pay all the incidental expenses of the sale and the entire amount owing by said stockholder to the company for such subscription of stock, then, and in that case, the whole of the balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors, administrators or assigns, at the suit of said company, either by summary motion in the county or superior court where the delinquent resides, on a previous notice of ten days to said subscriber, or by action in any court of competent jurisdiction, or by a warrant before a justice of the peace, where the sum does not exceed one hundred dollars; and in all cases of assignment before the whole has been paid to the company, then, for all sums due on said stock, the original subscriber and the first and all subsequent assignees shall be liable to the company, and the same may be [recovered] as above described.

SEC. 12. That the debts of stockholders due to the company for the stock therein, either as original subscriber or as first or subsequent assignee, shall be considered of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representative.

Certificates of  
stock.

SEC. 13. That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the law of the company.

Reports.

SEC. 14. That the board of directors shall make at least once a year a report to the general meeting of stockholders on the affairs and business of the company, and as much oftener as the company may require.

Right of way.

SEC. 15. That in the absence of any contract with said

company in relation to the land through which said road may pass, it shall be presumed that the land upon which said road may be constructed, together with the space of sixty feet on each side of the centre of said road, has been granted to said company by the owner thereof, and said company shall have good right and title thereto, and shall have, hold, [and] enjoy the same as long as the same shall be used for the purposes of said road, and no longer, unless the owner of said land shall apply for an assessment of the value of said lands, according to law, within two years next after that part of the road which may be upon said land was finished.

SEC. 16. That the profits of said company, when their affairs will permit, shall be semi-annually divided among the stockholders in proportion to the stock which each may own. Dividends.

SEC. 17. That the said company are thereby authorized and empowered to increase the capital stock of said company whenever the same may be necessary, by loan or otherwise, to the sum of three hundred thousand dollars. Increase of stock.

SEC. 18. *Be it further enacted*, That the North Carolina Railroad Company is hereby authorized to subscribe stock in said company not exceeding fifty thousand dollars, and to pay the same out of the nett earnings of their road. [*Ratified the 23rd day of February, 1861.*] N. C. Railroad may subscribe.

AN ACT TO SECURE THE COMPLETION OF THE WILMINGTON, Chap. 142.  
CHARLOTTE AND RUTHERFORD RAILROAD COMPANY, AND  
AMEND ITS CHARTER.

SECTION 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 as additional to the aid at present pledged by the State of North Carolina to the Wilmington, Charlotte and Rutherford Railroad Company, the public treasurer is hereby authorized and directed to advance, as a loan to said company, the sum of six hundred and sixty thousand dollars for the completion of its eastern division, and the further sum of three hundred and forty thousand dollars for the completion of its western division; the one-fourth part of said sums shall be advanced to said company on the first of Loan of State to company.

Proviso.

April next, one other fourth part on the first day of October next, and the remaining half upon the first day of July, 1862: *Provided*, That said company shall call for said sums on the days stated, and certify to the treasurer that the same can be advantageously expended in the prosecution of the works; and if the same be not called for upon said days, then the payments shall thereafter be made when the same can be used with advantage; and to enable the public treasurer to make said loans, he is hereby authorized and directed to issue and dispose of (at not less than their par value) the coupon bonds of the State, signed by the governor, countersigned by the treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from their respective dates, and the coupons of interest payable semi-annually in such forms, times and places as the public treasurer may direct.

State's security.

SEC. 2. *Be it further enacted*, That before the public treasurer shall make any loan as aforesaid, the said Wilmington, Charlotte and Rutherford Railroad Company shall deliver to the public treasurer the coupon bonds of said company, bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued and disposed of; and to secure the principal and interest of said bonds issued by the Wilmington, Charlotte and Rutherford Railroad Company, the State of North Carolina shall by this act have a lien upon all the estate of said company, both real and personal, which they may now have or may hereafter acquire between the town of Wilmington and the terminus of said road at Rutherfordton, including that at both places, together with all the rights, franchises and powers thereunto belonging, or in any wise appertaining, or that may hereafter belong or appertain to said company, which lien shall have preference over all other claims whatever; and in case of failure of said company to pay the semi-annual interest on said bonds for twenty-four calendar months after such interest shall become due, or to pay the principal of said bonds for twelve calendar months after their maturity, the board of internal improvement, for and on behalf of the State, may enter upon and take possession of all the

property hereinbefore specified, and dispose of the same by sale or otherwise, so as to protect the State.

SEC. 3. *Be it further enacted*, That any of the real or personal estate of said company may be sold by the board of directors, the assent of the board of internal improvement being first had and obtained for any such sale. Sale of company's property.

SEC. 4. *Be it further enacted*, To afford at all times a sure and safe mode of investing any sinking fund it may establish, that it shall be competent for said company at any time to redeem from the public treasurer any number or portion of its bonds, the same then being the property of the State, by paying therefor the par value thereof, and if the bonds of this State shall be below par, then by paying therefor the same price that said State bonds may command in the leading markets of the country, to be ascertained by the public treasurer. Company may redeem its bonds.

SEC. 5. *Be it further enacted*, That said company may at any time open books for new subscriptions to its capital stock, and whenever the same may be deemed practicable, with any means it may command, it shall have power to construct and use a branch of its road from some point either in Anson or Richmond county to the town of Salisbury; and the counties through which the same may pass shall have power and authority to subscribe to the capital stock, pursuing the mode prescribed in the charter of the company for the counties along the main stem of the road: *Provided, however*, That no part of the State loan shall be applied to the construction of said branch, and if built by said company, the lien of the State shall not extend thereto, nor to any part of the real or personal estate connected therewith. New subscription.

SEC. 6. *Be it further enacted*, That no person shall be held to be incompetent as a witness by reason of his being a stockholder in said company, but his interest shall be weighed as affecting his credibility in all causes, whether in law or equity. Competency of witnesses.

SEC. 7. *Be it further enacted*, That this act shall be in operation from and after its ratification. [*Ratified the 16th day of February, 1861.*]

Chap. 113. AN ACT TO REPEAL SECTION 4, CHAPTER 169, OF THE LAWS OF NORTH CAROLINA, PASSED AT THE SESSION OF 1858-59.

Repealing clause.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same,* That section fourth, chapter 169, of the laws passed by the General Assembly at the session of 1858-59, be, and the same is hereby repealed.

Time of forfeiture.

SEC. [2.] *Be it further enacted,* That the forfeiture imposed in said section shall not be enforced, if the said railroad company shall commence and complete the work mentioned in said charter on or before the first day of January, 1866.

Powers.

SEC. 3. *Be it further enacted,* That the said Petersburg Railroad Company, be, and they are hereby authorized to purchase of the Seaboard and Roanoke Railroad Company, one-half the road and bridge of the latter, between Garysburg and Weldon, with all the rights, privileges and franchises attaching to the same, so far as relates to the part of said road herein authorized to be purchased.

SEC. 4. *Be it further enacted,* That this act shall be in force from its ratification. [*Ratified the 23d day of February, 1861.*]

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## RIVERS AND CREEKS.

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Chap. 144. AN ACT TO PREVENT THE FELLING OF TIMBER IN OR OTHERWISE OBSTRUCTING THE RUN OF THE NORTH PRONG OF BELEW'S CREEK, IN FORSYTHE COUNTY.

Unlawful to fell timber.

*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 fell timber in or otherwise obstruct the run of the North prong of Belew's creek, in the county of Forsythe; and that any person knowingly or wilfully offending against the provisions of this act, shall be deemed and held guilty of a misdemeanor, and upon conviction thereof before the county or superior court, shall be fined at the discretion of the court. [*Ratified the 15th day of February, 1861.*]

AN ACT TO PREVENT THE FELLING OF TIMBER IN CERTAIN *Chap. 145.*  
STREAMS IN THE COUNTY OF IREDELL.

SECTION 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 if any person shall hereafter fell timber in the South Yadkin river, Snow creek, Big Rocky creek, or otherwise obstruct the channels of said streams so as to retard the flow of the water in said streams in the county of Iredell, they shall be deemed guilty of a misdemeanor, and may be indicted for the same in the county or superior courts of law in said county, and, on conviction, shall be fined at the discretion of the court. Unlawful to fell timber.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 11th day of February, 1861.*]

AN ACT TO PREVENT OBSTACLES IN SALMON CREEK. *Chap. 146.*

SECTION 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 not be lawful for any person or persons to set, establish, keep or maintain any net, seine, or other fishing tackle whatever in or across more than two-thirds of the channel of Salmon creek from the mouth of the same up to Mill Landing. Setting seines, &c.

SEC. 2. *Be it further enacted,* That a span, equal to one-third of the width thereof, shall be kept open by all persons throughout the entire length of said creek, from its mouth to Mill Landing, so as not to prevent the free passage of fish up the same. One-third of stream to be kept open.

SEC. 3. *Be it further enacted,* That any person who shall violate this act, shall be guilty of a misdemeanor, and punished at the discretion of the county or superior court. [*Ratified the 23d day of February, 1861.*]

*Chap. 147.* AN ACT FOR THE PREVENTING OF FELLING TIMBER IN THE STREAMS OF WICKACON CREEK, BEAR SWAMP, STONY CREEK AND AHOSSKIE SWAMP, IN THE COUNTY OF HERTFORD.

Unlawful to fell timber, &c.

SECTION 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 no person or persons shall be permitted to fell timber or otherwise obstruct the water in the main run or runs, stream or streams of Wickacon creek, Bear swamp, Stony creek or Ahoskie swamp, between Wickacon bridge and Bonner's bridge, in Hertford county.

Penalty.

SEC. 5. *Be it further enacted,* That any and all persons, or servant or servants of any person or persons, who shall knowingly and wilfully fell timber, or otherwise obstruct the water in the main stream or streams of said creeks or swamps, in the county of Hertford, and shall suffer and permit the same to remain and continue therein for and during the term of twenty days, shall be deemed guilty of a misdemeanor, and if found guilty, shall be fined not less than ten dollars nor more than twenty for the first offence, and for every subsequent offence ten dollars, if a resident of said county, and if non-resident of said county, twenty dollars for every subsequent offence, and said moneys to be appropriated as hereinafter described.

Commissioners.

SEC. 3. *Be it further enacted,* That Daniel V. Sessoms, Henry D. Slaughter, John Baker, James A. Riddick and James Eley, be, and they are hereby appointed commissioners for the purposes hereinafter named, that a majority of said commissioners shall have power to elect one of their number as chairman, and fill vacancies in the board.

To receive penalties.

SEC. 4. *Be it further enacted,* That the moneys arising, if any, by virtue of this act, shall be paid over to said commissioners, and by them expended to removing of timber or other obstacles from and out of said stream, as the chairman may think best: *Provided, always,* That in case a majority of said commissioners shall think different, and they overrule said chairman as to the place most needed, and manner of expending for the free passage of the water.

Vacancies in commissioners.

SEC. 5. *Be it further enacted,* That in case the said commissioners shall fail or neglect to fill vacancies occasioned by

death or otherwise, then, and in that case, the court of pleas and quarter sessions, five justices being present, shall, by application being made, appoint commissioners for the purposes herein mentioned.

SEC. 6. *Be it further enacted*, That any person or persons violating this act, shall be deemed guilty of a misdemeanor and therefor liable to be indicted: *Provided, always*, That [if] the person or persons so offending or violating this act, shall pay the sum or penalty, as herein mentioned, to the chairman of said commissioners, before indicted, that then and in that case the person or persons so offending shall not be deemed guilty of a misdemeanor or therefor be liable to indictment. Penalties for violation.

SEC. 7. *Be it further enacted*, That nothing [in] this act shall prevent raising the public roads or bridges of any kind across said streams for the public good. Proviso.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after the first day of April, one thousand eight hundred and sixty-one. [*Ratified the 20th day of February, 1861.*]

## ROADS.

AN ACT TO IMPROVE THE ROAD FROM JOHN ALLEN'S TO THE TOP OF THE BLUE RIDGE, AT OR NEAR FISHER'S GAP, IN THE COUNTY OF SURRY. Chap. 148.

SECTION 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 five hundred dollars be appropriated, out of any money in the public treasury not otherwise appropriated, for the completion of said road. \$500 appropriated.

SEC. 2. *Be it further enacted*, That John Ramsey, John Allen, Elijah Thompson and Jackson Low are hereby appointed commissioners to superintend said work, and that when they shall report to the public treasurer of this State that five hundred dollars in work has been expended on said road in addition to what has been expended for work already done, under their hands and seal, it shall become the duty of the said treasurer to pay over to them the sum of five hundred dollars, for Commissioners.

Commissioners  
to report.

which sum he shall be allowed in his settlement of public accounts.

SEC. 3. *Be it further enacted*, That it shall be the duty of the said commissioners to report to the committee of finance of said county of Surry how and where such money has been expended, and upon a settlement with said committee of finance, shall be entitled to a receipt for the same, otherwise shall be liable to the chairman of the county court in a suit of damage for the same, to be tried and determined by said court.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after the date of its ratification. [*Ratified the 23rd day of February, 1861.*]

Chap. 149. AN ACT TO LAY OFF, LOCATE AND ESTABLISH A ROAD FROM THE TOWN OF STATESVILLE, IN THE COUNTY OF IREDELL, TO THE TOWN OF WILKESBORO', IN THE COUNTY OF WILKES.

Commissioners.

SECTION 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 Calvin Cowles and Sidney Stokes, of the county of Wilkes, and Steptoe Brunet, in the county of Alexander, and A. W. Jamieson and John Davidson, be appointed commissioners, and they, or any three of them, shall survey and locate and establish a public road leading from the town of Statesville, in the county of Iredell, the nearest and most direct practicable route, to the town of Wilkesboro', in the county of Wilkes, and they shall locate and designate said road by stakes and marks; and they shall assess to the owners of lands over which said road may be established such damage as they may sustain thereby; and they shall make a plat of the route of said road, and a particular and accurate description thereof, and an accurate statement of the damages assessed to each landholder, all of which shall be in writing, signed and sealed, and reported to the ensuing courts of the said counties, and when confirmed by the said county court, said assessments shall be claims against the counties in which the land lies, to [be] paid as other county claims; and the county courts in each county through which said road passes shall appoint the hands to open and make said road, and appoint the

To assess dam-  
ages.

necessary overseer, and orders to carry the provisions of this act into effect.

SEC. 2. *Be it further enacted*, That said commissioners <sup>Grade.</sup> shall locate said road so that no part thereof shall have an ascent of more than one foot vertical to sixteen feet horizontal, and shall take an oath before some justice of the peace to perform the duties herein required of them faithfully, impartially and to the best of their skill and ability.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO IMPROVE THE PUBLIC ROAD FROM TAYLORSVILLE *Chap. 150.*  
TO BOON, BY WAY OF RUSSELL'S GAP AND HOLDMAN'S FORD.

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Commissioners.</sup> *State of North Carolina, and it is hereby enacted by the authority of the same*, That R. L. Steel, A. M. Foster, Lindza Triplett, John Cook, Jacob Council and William Green, of Watauga county, be, and they are hereby appointed commissioners to view, lay off, alter and amend that part of the public road leading from Taylorsville, Alexander county, to Boon, Watauga county, by way of Russel's Gap and Holdman's Ford, as lies between Taylorsville and Boon, in the county of Watauga.

SEC. 2. *Be it further enacted*, That for the purpose of <sup>\$3,000 appropri-</sup> effecting said alterations and amendments, the sum of three <sup>ated.</sup> thousand dollars is hereby appropriated, to be paid by the public treasurer to the said R. L. Steel, A. M. Foster, Lindza Triplett, John Cook, Jacob Council and William Green, out of any moneys remaining in the public treasury not otherwise appropriated, to be paid as follows: when individuals or counties shall have subscribed and paid, either in money or labor, <sup>When paid.</sup> the sum of five hundred dollars towards the construction of said road, and the same shall be certified to the public treasurer by said commissioners, then the public treasurer shall pay over to said commissioners the sum of one thousand dollars; and when an additional sum of five hundred dollars shall have been subscribed and paid by individuals or counties, and the same shall

be in like manner certified to the public treasurer, the public treasurer shall pay to said commissioners the sum of one thousand dollars; and when the further sum of five hundred dollars shall be paid to said commissioners by individuals and by counties, and the same shall be in like manner certified to the public treasurer, the public treasurer shall pay to said commissioners the further sum of one thousand dollars.

Contracts.

SEC. 3. *Be it further enacted*, That it shall be the duty of the commissioners aforesaid to let to contract so much of said road as the sum hereby appropriated will construct, and shall make report in writing to the county court of Watauga county a full and perfect statement of the amendments and alterations proposed by them, and the manner in which the money appropriated had been expended.

In case appropriation not sufficient.

SEC. 4. *Be it further enacted*, That in the event the sum hereby appropriated shall not be sufficient to complete [the] amendment and alterations proposed, it shall be lawful for the county [court] courts of Wilkes and Alexander counties to [appoint] overseers and allot hands within their respective counties, to complete said road as laid off, altered and amended by the commissioners aforesaid; and in case of failure to work upon said road, the hands so failing or refusing to work shall be subject to the same liabilities, penalties and forfeitures as are now imposed by law upon hands for failure to work [upon] public roads in this State.

Pay of commissioners.

SEC. 5. *Be it further enacted*, That the commissioners aforesaid shall receive as compensation for the performance of the duties imposed by this act not exceeding two dollars per day for the time employed, to be allowed by the county courts of Wilkes and Alexander [and] Watauga counties out of the county funds.

Oath of commissioners.

SEC. 6. *Be it further enacted*, That the said commissioners, before entering upon the duties herein imposed, shall take an oath before some justice of the peace for Wilkes, Alexander and Watauga county for the faithful performance of their duties, and shall execute a bond, payable to the State of North Carolina, in the sum of ten thousand dollars, conditioned for the proper application of the money appropriated by this act, which bond shall be approved by the county courts of Wilkes and Watauga, and deposited with [the] clerk of said court,

which bond, in case of breach of the conditions of the same, may be sued upon and recovery had thereon by the county solicitor for said county, and any sum so recovered shall be applied, under the direction of said court, to the construction and improvement of the road aforesaid.

SEC. 7. *Be it further enacted*, That any county through which said road passes may subscribe [to] the same through their county courts, which subscription shall only be made when a majority of the justices of the peace are present. Counties may subscribe.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

### SHERIFFS.

AN ACT TO AUTHORIZE AND EMPOWER JAMES H. ALLEN, LATE Sheriff of Brunswick County, TO COLLECT ARREARS OF TAXES DUE SAID SHERIFF FROM AND AFTER THE FIRST DAY OF OCTOBER, A. D. 1858. *Chap. 151.*

SECTION 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 James H. Allen, late sheriff of Brunswick county, be, and he is hereby authorized and empowered to collect arrears of taxes due him from and after the first day of October, 1858, as sheriff aforesaid, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes by virtue of the laws of this State, and he shall be invested with the same power and authority for that purpose which is vested in sheriffs by the laws of this State: *Provided*, That the authority by this act granted shall not extend to persons who will voluntarily swear before any justice of the peace for said county that he or she verily believes that the arrears of taxes claimed from him or her have been paid. Authorized to collect arrears. Proviso.

SEC. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and determine with the year 1861, except as to such legal proceedings as may then be pending by virtue of this act. Powers limited to 1861.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

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Chap. 152. AN ACT TO AUTHORIZE AND EMPOWER SAMUEL BROOKS, LATE SHERIFF OF HYDE COUNTY, TO COLLECT ARREARS OF TAXES DUE HIM THE YEAR 1855.

Authorized to collect arrears.

SECTION 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 Samuel Brooks, late sheriff of the county of Hyde, be, and is hereby authorized and empowered to collect all arrears of taxes due him for the year 1855, which collection shall be made under the same rules, regulations and restrictions as other collection of taxes are by virtue of the laws of the State: *Provided*, That the authority by this act granted shall not extend to executors or administrators, nor to any person who will voluntarily swear before any justice of the peace for said county that he or she verily believes that the arrears of taxes claimed from him or her have been paid.

Proviso.

Act terminates with 1861.

SEC. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and terminate with the year 1861.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

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Chap. 153. AN ACT TO AUTHORIZE THE SURETIES OF GEORGE W. GLASS, LATE SHERIFF OF M'DOWELL COUNTY, TO COLLECT ARREARS OF TAXES.

Sureties to collect arrears.

SECTION 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 sureties of George W. Glass, late sheriff of the county of McDowell, who absconded from the State, and was duly removed from his office, be, and they are hereby empowered to collect from delinquent tax-payers all arrearages of taxes due from them for the years 1857,

1858 and 1859, as appears from the tax duplicates of said county for those years, and that said sureties, or any one of them, in behalf of himself and his co-sureties, may use all such means, in law or equity, for the collection of said arrearages of taxes, as said sheriff could use in person by virtue of a like act in his favor: *Provided*, That nothing in this act contained shall apply to the estates of deceased persons whose estates have been settled by the executors or administrators, or to any person who shall make oath that the taxes claimed have been paid. Proviso.

SEC. 2. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO AUTHORIZE AND EMPOWER EDWARD D. HALL, LATE SHERIFF OF NEW HANOVER COUNTY TO COLLECT ARREARS OF TAXES. Chap. 154.

SECTION 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 Edward D. Hall, late sheriff of New Hanover county, be, and he is hereby authorized and empowered to collect all arrears of taxes due him since the first day of October, 1856, as sheriff aforesaid, which collections shall be made under the same rules, regulations and restrictions as other collection of taxes by virtue of the laws of this State; and he shall be invested with the same power and authority for that purpose which is invested in a sheriff by the laws of this State: *Provided*, That the authority by this act granted, shall not extend to any person who will voluntarily swear, before any justice of the peace for New Hanover county, that he or she believes that the arrears of taxes claimed from him or her have been paid, nor to the estates of deceased persons settled by executors or administrators. Authorized to collect arrears.  
Proviso.

SEC. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and determine with the year 1861, except as to such legal proceedings as may then be pending by virtue of this act.

SEC. 3. *Be it further enacted*, That this act shall be in

force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

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*Chap. 155.* AN ACT TO AUTHORIZE AND EMPOWER THE SURETIES OF WM. POLLOCK, LATE SHERIFF OF THE COUNTY OF JONES, TO COLLECT ARREARAGES OF TAXES.

Authorized to collect arrears.

SECTION 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 sureties of William Pollock, who was recently sheriff of the county of Jones, and who has by process of law been removed from his office, shall have and exercise the power and privilege to collect all delinquent tax payers, who have not settled their taxes for the years of '55 and '56 and '57, as now appears on the tax books of said county: *Provided,* That nothing herein contained shall apply to the estates of deceased persons, whose estates have been settled by the executors or administrators, or to any persons who shall make oath that the taxes so claimed have been paid.

Proviso.

SEC. 2. *Be it further enacted,* That it shall be lawful for said sureties, or a majority of them, to have full power to use the same means in law and equity, for the enforcement of said collections of taxes as the sheriff of said county may do, or as sureties to official bonds may under other circumstances do.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of January, 1861.*]

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*Chap. 156.* AN ACT IN FAVOR OF J. TAPSCOTT, LATE SHERIFF OF THE COUNTY OF ALAMANCE.

Authorized to collect arrears.

SECTION 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 John Tapscott, W. S. Wassor, John Olive, W. H. Collum, G. W. Crumpler, R. B. Paschal, W. W. Long, W. R. Young, J. M. Green, H. J. Jones, S. T. Bostic, Hiram Hunter, Joseph Lusk, Charles Latham, Joseph Cline,

Lewis Williamson, E. C. Grier, E. D. Hampton, N. W. Cooper, E. D. Davis, John Martin, W. H. High, James S. Snow, W. B. Crumpler, M. S. F. Read, A. C. Latham and W. Haymore, be, and they are hereby authorized to collect the arrears of taxes due them: *Provided*, Nothing herein contained shall be construed to extend to executors or administrators, or to any persons who will voluntarily swear that he, she or they have paid the same: *Provided, further*, That the privilege herein granted shall only extend to taxes due within three years next before the first day of October, 1860. Proviso.

SEC. 2. *Be it further enacted*, That the provisions contained in the foregoing sections, be, and they are hereby extended to all other sheriffs in the State of North Carolina, and to all sheriffs who have gone out of office within three years next before the first day of October, 1860, and to the sureties of all such sheriffs as may have died or absconded or become insane within the same time. [*Ratified the 23d day of February, 1861.*] Provisions to extend to others.

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AN ACT FOR THE RELIEF OF THE SURETIES OF WM. W. WARD, *Chap. 157.*  
LATE SHERIFF OF MARTIN COUNTY.

SECTION 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 sureties of William W. Ward, late sheriff of Martin county, on his bonds executed in October, 1858 and October, 1859, be, and they are hereby empowered to collect from delinquent tax payers all arrearages of taxes due from them for the year 1858 and 1859; and for that purpose the said sureties, or a majority of them, may appoint collectors, and shall have all the powers and means for the collection of said arrearages of taxes as said sheriff could use in person by virtue of a like act in his favor: *Provided*, That nothing in this act contained shall apply to the estates of deceased persons, whose estates have been settled by executors or administrators, or any persons who shall make oath that the taxes claimed have been paid. Authorized to collect arrears. Proviso.

SEC. 2. *Be it further enacted*, That this act shall be in

force from and after its ratification. [*Ratified the — day of January, 1861.*]

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*Chap. 158.* AN ACT TO AUTHORIZE AND EMPOWER WASHINGTON HARRIS, LATE SHERIFF OF FRANKLIN COUNTY, TO COLLECT ARREARS OF TAXES DUE HIM.

Authorized to collect arrears.

SECTION 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 Washington Harris, late sheriff of Franklin county, be, and he is hereby authorized and empowered to collect all arrears of taxes due him since the first day October, 1856, as sheriff aforesaid, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes by virtue of the laws of this State: *Provided,* That the authority by this act granted shall not extend to any person or persons who will voluntarily swear before any justice of the peace for said county, that he or she verily believes that the arrears of taxes claimed from him or her have been paid.

Proviso.

SEC. 2. *Be it further enacted,* That the power and authority herein granted, shall cease and determine with the year 1861, except as to such legal proceedings as may then be pending by virtue of this act.

When act to cease.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

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## STEAM-PACKET COMPANIES.

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*Chap. 159.* AN ACT TO INCORPORATE THE ALBERMARLE STEAM PACKET COMPANY.

Body corporate.

SECTION 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 Edward Wood, John H. Leary, Richard Paxton, Henry A. Bond, John Thompson, John Bond, Joseph Norcom, Thomas W. Hudgins, Robert R. Felton, Peter

F. White, John M. Jones, Joseph S. Jones, John Hall, John T. Mebane, James M. Sumner, Benjamin S. Skinner, John Skinner, James M. Whedbee, Hiram Freeman, John A. Anderson, James L. Anderson, Jackson B. Hare, Daniel Valentine, R. H. Shields, and such other persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be, and are hereby created, constituted and declared a body corporate and politic, by the name of "The Albermarle Steam Packet Company," and by that <sup>Powers.</sup> name shall be in law capable of suing and being sued, pleading and being impleaded, shall have a common seal, and be invested with all the rights and privileges, and be subject to all the regulations and restrictions contained in the 26th chapter of the Revised Code, so far as the same are applicable to such a corporation, and are not inconsistent with the provisions of this act.

SEC. 2. *Be it further enacted*, That the capital stock of said <sup>Capital stock</sup> company shall consist of sixty thousand dollars, with the privilege of increasing the same to one hundred and fifty thousand dollars, divided into shares of one thousand dollars each.

SEC. 3. *Be it further enacted*, That the said company may, <sup>Powers.</sup> in addition to the steamboat now in course of construction, build such other steamers as the wants of the company may require from time to time, employ them in conveying passengers and freight in any of the waters of North Carolina and Virginia, as may appear expedient for the interest and well being of the company.

SEC. 4. *Be it further enacted*, That the said company <sup>Powers.</sup> shall have power to hold, possess, acquire and enjoy such real and personal estate as may be necessary for the transaction of its business, and from time to time to make all necessary rules, regulations and by-laws for the government and direction of the concerns thereof, not inconsistent with the constitution and by-laws of the State and of the United States, and said company shall have corporate existence for thirty years.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

## TOWNS.

*Chap. 160.* AN ACT TO RE-ENACT AND AMEND AN ACT OF 1854 AND '55, ENTITLED "AN ACT TO EXTEND THE LIMITS OF THE TOWN OF ASHEBORO," AND REPEAL ALL FORMER ACTS OF INCORPORATION.

SECTION 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 aforesaid act be, and the same is hereby revived and re-enacted, excepting the second section thereof, which is hereby amended by striking out "1855" and inserting "1861."

Revives and amends former act.

Licenses.

SEC. 2. *Be it further enacted,* That the county court of Randolph county shall not grant a license to any person to retail spirituous liquors, by a measure less than a quart, within the corporate limits of said town, unless such person shall first have presented to the court a recommendation, in writing, signed by a majority of the acting commissioners of said town, and requesting said court to grant a license to such person. [*Ratified the 20th day of February, 1861.*]

*Chap. 161.* AN ACT TO INCORPORATE THE TOWN OF BOON HILL, IN JOHNSTON COUNTY.

SECTION 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 a town is established in the county of Johnston, by the name of Boon Hill, and the corporate limits of said town are hereby declared to be as follows, viz: beginning at a stake in W. Edwards' field known as the Town place, and running thence north 32°, east three hundred and twenty rods, to a stake on the land of D. H. Whittly, dec'd; thence north 58°, west three hundred and twenty rods, to a stake on the same tract of land; thence south 32°, west three hundred and twenty rods, to a stake on Willie Hastings' land, near the Tarboro' road; thence south 58°, east to the beginning.

Boundaries.

Trustees.

SEC. 2. *Be it further enacted,* That the government of said town of Boon Hill shall be vested in the following named

persons, and their successors in office, viz: Willie Hastings, James Hay, F. T. Phillips, K. B. Whittly and N. L. Whittly.

SEC. 3. *Be it further enacted*, That the commissioners and their successors in office, appointed agreeably to the directions of this act, shall be, and they are hereby incorporated into a body corporate, by the name of the "Commissioners of the town of Boon Hill," and by that name shall have succession and a common seal, with all the rights, powers and privileges granted to or invested in corporations by virtue of chapter 111 of the Revised Code of North Carolina. Commissioners  
a body politic.

SEC. 4. *Be it further enacted*, That no persons shall retail spirituous liquors within the corporate limits of said town. Any person violating this act shall be guilty of a misdemeanor, and, on conviction, shall pay a fine of twenty dollars for each and every offence. Licenses.

SEC. 5. *Be it further enacted*, That an election shall be held in each and every year on the first Monday in January, by the inhabitants of said town qualified to vote for members of the House of Commons, for five commissioners, who shall hold their office for one year, or until their successors are appointed. Elections.

SEC. 6. *Be it further enacted*, That the commissioners appointed under this act shall be and continue to act as such until their successors are appointed. [*Ratified the — day of February, 1861.*]

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF MORGANTON, IN BURKE COUNTY," AND TO INCORPORATE SAID TOWN OF MORGANTON UNDER THE LAW FOR THE BETTER GOVERNMENT OF TOWNS. Chap. 162.

SECTION 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 an act entitled "An act to incorporate the town of Morganton, in Burke county," passed at the session of 1838-'39, be, and the same is hereby repealed. Repeals act of  
1838-'9.

SEC. 2. *Be it further enacted*, That the town of Morganton, in Burke county, be, and the same is hereby created a body politic, with full authority to use and exercise all the cor- Body politic.

porate powers and privileges granted to incorporated towns by the 111th chapter of the Revised Code, entitled Towns, and may elect such officers and manage the affairs of the corporation in such manner as the law prescribes for the better government of said town.

Licenses.

SEC. 3. *Be it further enacted*, That the county court of Burke county shall not have the power to grant or issue a license to any person or persons to retail spirituous liquors and wines within the corporate limits of said town of Morganton without he or they shall first obtain a recommendation from the board of commissioners. [*Ratified the 25th day of February, 1861.*]

Chap. 163. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF EDENTON."

Repeals part of act of 1854-5.

SECTION 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 twenty-ninth section of the act of incorporation of the town of Edenton, and the act amending the same, passed at the session of the General Assembly of 1854-'55, be, and the same are hereby repealed.

Authorizes sale of town lots.

SEC. 2. *Be it further enacted*, That the commissioners of said town shall have power to dispose of, by sale or otherwise, that portion of the town commons lying west of Main street, and to let out that portion of said commons lying east of said street, for a period not exceeding five years. [*Ratified the 20th day of February, 1861.*]

Chap. 164. AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE GOVERNMENT OF ELIZABETH CITY, IN THE COUNTY OF PASQUOTANK," PASSED AT THE SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, DECEMBER 25TH, 1852.

Amendment.

SECTION 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 after the words "town taxes," in the first section of the above recited act, shall be inserted the

following, to wit: "and who shall have resided in said town for six months immediately preceding, and on the day of election, and shall have registered their names for taxation with the clerk of the corporation of Elizabeth City, in a book to be kept by him for that purpose, on or before the first day of July in each year; and all residents of said town who have no taxable property within said town to list, and are above the age of forty-five years, shall also be required to register their names as residents of said town before the aforesaid first day of July of each year, to entitle them to vote at said election for mayor and commissioners."

SEC. 2. *Be it further enacted*, That after the words "he Amendment. shall receive for his services from the town treasurer," in section six of said act, shall be inserted the following: "the sum of two hundred dollars, and the fees of his office, as defined by section twenty of said act."

SEC. 3. *Be it further enacted*, That in section nine in said Amendment. act, the words, "and shall post at the courthouse door in said town," are hereby repealed; and further, that after the words, "he shall receive a salary," shall [be] inserted the following, to wit: "of one hundred dollars;" and all after that in said section is hereafter repealed.

SEC. 4. *Be it further enacted*, That the words, "the mem- Amendment. bers of all the fire companies shall be exempt from the poll tax of the town," in section eleventh of said act, be, and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That in section twelve of Amendment. said act, the words "five thousand dollars" are hereby inserted in the lieu of the words "three thousand dollars," other [after the] words "he shall receive for his services;" and all after in said section are hereby repealed, and the following clause inserted in lieu thereof, to wit: "he shall receive for his services a salary of fifty dollars."

SEC. 6. *Be it further enacted*, That after the words "new Amendment. streets in said town," in section fourteenth of said act, are hereby inserted the following, to wit: "and widen and impose [improve] old ones."

SEC. 7. *Be it further enacted*, That the eighteenth section Amendment. of said act, which was heretofore, is hereby re-enacted to be

as fully and absolutely a part of said act as though the same had never been repealed.

Duty of mayor,  
&c.

SEC. 8. *Be it further enacted*, That it shall be the duty of the mayor and clerk of said corporation respectively to deliver to their successors in office all books and papers pertaining to their respective offices, and belonging to said corporation, within ten days after the qualification of their successors, under a penalty of one thousand dollars, to be recovered in the name of the corporation, and applied to its use.

Penalty.

Repealing  
clause.

SEC. 9. *Be it further enacted*, That the act of assembly entitled "An act concerning hogs running in the streets of Elizabeth City, in the county of Pasquotank," ratified February 3rd, 1855, and the act entitled "An act to repeal the 18th section, and part of the 11th section of the act entitled 'An for the improvement of Elizabeth City, in the county of Pasquotank,' " passed at the session of 1852-'53, said last act ratified November 29th, 1854, be, and the same are hereby repealed.

Hogs running  
at large.

SEC. 10. *Be it further enacted, &c.*, That it shall [not] be lawful for any person or persons to permit their hogs or hog to run at large in any of the streets, lanes or uninclosed parts of the town of Elizabeth City, and it shall be the duty of the constable of the corporation of Elizabeth City to take up and confine all hogs found running at large as aforesaid, and after advertising the same for sale for three days, to sell the said hogs to the highest bidder, for cash, and out of the proceeds of sale retain one dollar for each hog so taken up, advertised and sold, and the surplus, if any, pay to the owner of said hogs: *Provided, nevertheless*, That the said owner may redeem the hogs so taken up upon paying the constable fifty cents for taking up the same, and sixteen and two-third cents per day for keeping each of the said hogs.

Proviso.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day February, 1861.*]

## AN ACT TO INCORPORATE THE TOWN OF ENFIELD.

Chap. 165.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners.  
*State of North Carolina, and it is hereby enacted by the au-*  
*thority of the same,* That Henry Joyner, D. B. Bell, William  
 W. Taylor, T. L. Whibaker, Benjamin F. Whibaker, and their  
 successors in office, are hereby appointed commissioners for the  
 town of Enfield, in the county of Halifax; and the said com-  
 missioners, and their successors, are hereby incorporated into  
 a body corporate and politic, by the name of the "Commis-  
 sioners for the town of Enfield," and by that name are and  
 shall be invested with all the rights, power and privileges, and Powers.  
 shall be subject to all the duties which are specified and pre-  
 scribed in the 111th chapter of the Revised Code of North  
 Carolina, entitled "Towns."

SEC. 2. *Be it further enacted,* That the corporate limits of Boundaries.  
 the town of Enfield shall be included in the following bounda-  
 ries, viz: they shall extend for the distance of an half mile  
 each way from the Wilmington and Weldon railroad ticket  
 office, in said town, and down said railroad, and they shall  
 extend six hundred yards on each side of said railroad, inclu-  
 ding a rectangle parallelogram one mile in length and twelve  
 hundred yards in width, with the said ticket office in the centre  
 thereof; and within those limits the said commissioners, and  
 their successors, shall have jurisdiction.

SEC. 3. *Be it further enacted,* That it shall not be lawful Licenses.  
 for the court of pleas and quarter sessions, for the county of  
 Halifax, to grant license to any person to retail spirituous  
 liquors within the corporate limits of Enfield, without his  
 having a recommendation, in writing, from the commissioners  
 of said town to that effect, and any license granted without  
 such recommendation shall be void.

SEC. 4. *Be it further enacted,* That this act shall take  
 effect from its ratification. [*Ratified the 20th day of Febru-*  
*ary, 1861.*]

*Chap. 166.* AN ACT TO REPEAL AN ACT, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FRANKLIN, IN MACON COUNTY, AND TO INCORPORATE SAID TOWN OF FRANKLIN UNDER THE LAW FOR THE BETTER GOVERNMENT OF TOWNS.

Repeals act of 1855.

SECTION 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 an act, entitled "An act to incorporate the town of Franklin," ratified the 10th day of February, 1855, be, and the same is hereby repealed.

Body politic.

SEC. 2. *Be it further enacted,* That the town of Franklin, in Macon county, be, and the same is hereby created a body politic, with full authority to use and exercise all the corporate powers and privileges granted to incorporated towns by the one hundred and eleventh chapter of the Revised Code, entitled "Towns," and may elect such officers and manage the affairs of the corporation in such manner as the law prescribes for the better government of the said town.

Elections.

SEC. 3. *Be it further enacted,* That the sixth section of the twenty-ninth chapter of the Revised Code, in its application to the corporation of the town of Franklin, in the county of Macon, shall be altered, amended and modified as follows, that is to say: there shall be an election held at the courthouse in the town of Franklin, on the first Thursday in June next, and on the same day in each and every year thereafter, for the purpose of determining whether spirituous liquors shall be sold by the wholesale or retail within the corporate limits of the said town.

Licenses.

Voters.

SEC. 4. *Be it further enacted,* That at the election aforesaid in each and every year so held at the courthouse aforesaid, every person qualified to vote in the general State elections, residing within the limits of said corporation, shall be entitled to vote upon said question, which said voting shall be in manner and form as follows: Each voter shall deliver to the judges, appointed to hold said elections, a scroll of paper, upon which shall be inscribed the words "License" or "No license," which scroll shall be received by the judges of said election, and put into a box prepared for that purpose, in the manner and under the regulations prescribed for voting in the elections of members to the State legislature; the said judges

causing each voter's name to be recorded by the clerks appointed for that purpose as he shall deliver in his vote, and when all the qualified voters present shall have delivered their votes, the said judges shall proceed to examine and count the whole number of votes polled, and the judges, under their hands and seals, shall certify to the next county court of pleas and quarter sessions of said county whether a majority of the said voters [votes] were given for license or no license.

SEC. 5. *Be it further enacted*, That when it shall be certified by the judges aforesaid to the said court, that a majority of the votes thus cast were inscribed "no license," it shall not be lawful for the magistrates of said county to grant to any person or persons a license to retail spirituous liquors within the limits aforesaid; and any magistrate or magistrates voting in the said court to grant such license within the limits of said corporation, shall be liable to be indicted for a misdemeanor in office; nor shall it be lawful for any person or persons to sell, under any pretence or pretences whatsoever, within the limits of said corporation, either with or without a license, spirituous liquors in any quantity, either by the wholesale or retail, except for medical purposes, within one year after such certificate has been returned as aforesaid; and if any person or persons shall knowingly violate the provisions of this section, such person shall be subject to be indicted and fined, at the discretion of the court. Result of election.

SEC. 6. *Be it further enacted*, That at the court of pleas and quarter sessions, which shall be held for the said county on the second Monday in March next, at the courthouse in the town of Franklin, and at the same court in each and every year thereafter, the justices of said court shall appoint three competent persons as judges, residents of the said town of Franklin, who shall hold said election at the courthouse aforesaid, at the time hereinbefore specified, and make return to said county court as above provided for; and any person, so appointed as a judge, who shall fail or refuse to discharge such duty, or who shall act partially or corruptly in the discharge of the same, shall be subject to be indicted for a misdemeanor, and be fined at the discretion of the court. Judges.

SEC. 7. *Be it further enacted*, That it shall be the duty of the clerk of the county court, within five days after the ad- Duty of clerk.

journalment of said court, to issue written notices to the several persons appointed judges as aforesaid, notifying them of their said appointment, which shall be delivered instanter to the sheriff of said county, and by him forthwith served upon the respective persons to whom they are addressed; and such sheriff, for each and every failure to serve such notices, or make due returns thereon, within ten days after the same have been delivered to him, shall be subject to indictment, and to be fined at the discretion of the court: *Provided*, That when a majority of the votes cast at said election shall be inscribed "license," this act shall not in any wise apply for and during the year next ensuing such election.

SEC. 8. *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. 9. *Be it further enacted*, That this act shall be in force from and after its ratification, and continue for sixty years. [*Ratified the 23d day of February, 1861.*]

Chap. 167. AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF HERTFORD TO SELL TOWN LOTS, &C.

Authority given.

*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 commissioners of the town of Hertford be, and they are hereby authorized to sell the town lots numbered one hundred and two and one hundred and nineteen, at public auction, upon such credit as they may deem proper, (after giving due notice of the time and place of said sale,) and the proceeds thereof they shall pay [to] the trustees of the Hertford Academy for the purpose of enabling said trustees, first, to purchase two other town lots adjacent to the academy grounds, and, secondly, to repair or improve said Academy buildings as they may deem proper. [*Ratified the 18th day of February, 1861.*]

AN ACT TO EXTEND THE LIMITS OF THE TOWN OF LEXINGTON. *Chap. 168.*

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Limits.</sup> *State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Lexington are hereby authorized to extend the limits of said town, from the cross street opposite the courthouse south-west two-thirds of a mile, north-east one-third of a mile, north-west and south-east one-fourth of a mile each way.

SEC. 2. *Be it further enacted,* That the commissioners shall <sup>Survey.</sup> cause the boundaries to be surveyed, and a copy of said survey filed in the office of the clerk of the county court of Davidson, and recorded among the minutes of said court.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO AMEND AN ACT TO INCORPORATE THE TOWN OF *Chap. 169.*  
LINCOLNTON, PASSED AT RALEIGH, IN THE YEAR 1852,  
CHAPTER 209.

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Power of taxa-</sup> *State of North Carolina, and it is hereby enacted by the au-* <sup>tion.</sup> *thority of the same,* That the commissioners of said town shall have power annually to levy and cause to be collected, in the manner prescribed in said charter, the following taxes, that is to say: (1) on every public billiard table, a tax not exceeding twenty-five dollars; (2) on every bowling alley, whether called a nine or ten pin alley, a tax not exceeding fifteen dollars; (3) on all lectures for reward, (unless the reward be for a charitable purpose,) a tax not exceeding five dollars; (4) on all Daguerrean artists or picture takers of any sort, a tax not exceeding ten dollars; (5) on all riding or pleasure vehicles in use during the year, of the value of fifty dollars and upwards, a tax of one per cent.; (6) on all gold watches usually worn during the year, (except those worn by ladies,) a tax not exceeding one dollar; (7) on all silver watches usually worn, a tax not exceeding fifty cents; (8) on all pianos in use, (except those in schools,) a tax not exceeding one dollar;

(9) on all pistols, if used at any time during the year, a tax not exceeding one dollar; (10) on all dirks, Bowie knives, or sword canes, if worn about the person, a tax not exceeding two dollars; (11) on every merchant, merchant tailor, jeweler, grocer and commission merchant, who shall sell goods, wares and merchandise, a tax not exceeding fifty dollars; (12) on every auctioneer on all goods, wares and merchandise placed in his hands by a merchant resident in the corporation, a tax of one per cent. on the amount sold by him, and if by itinerant traders, or such as are not resident of said town, five per cent. on the sales made by him; (13) on each and every pack of playing cards sold during the year, a tax not exceeding twenty cents; (14) on all livery stables, a tax not exceeding ten dollars; (15) on all persons, not residents of the corporation, engaged in putting up lightning rods, a tax not exceeding ten dollars; (16) on all public drays, carts, wagons and omnibusses, a tax not exceeding ten dollars; (17) on all resident practicing lawyers, physicians and dentists, a tax not exceeding five dollars; (18) on all county officers, whose fees shall exceed three hundred dollars, a tax not exceeding five dollars; (19) on every stud horse or jackass let to mares, a tax not exceeding twenty dollars.

Licenses.

SEC. 2. *Be it further enacted*, That no person shall sell spirituous liquors within the corporate limits of said town in a less quantity than one quart. But that any person applying, may have a license to sell spirituous liquors by the small measure, a majority of the qualified voters of said town so deciding at an election to be held for that purpose, under the control of the commissioners of said town.

SEC. 3. *Be it further enacted*, That this act shall be ratified immediately on its passage. [*Ratified the 23d day of February, 1861.*]

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Chap. 170. AN ACT CONCERNING THE TOWN OF JAMESVILLE, IN THE COUNTY OF MARTIN.

Election of commissioners.

SECTION 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 Mason Jones and H. W. Mizell be,

and they are hereby authorized to open polls of election in the town of Jamesville, in the county of Martin, on the first Monday in April next, for the election, by the legally qualified voters of said town, of five commissioners for said town; and when so elected, they shall have power to provide at what time and under whose direction such elections shall be held in future; and they and their successors in office are hereby constituted a body corporate, by the name of the "Commissioners of the Town of Jamesville," and by that name shall have all the powers, privileges and authority conferred by the public law on commissioners of incorporated towns, and by any previous law regulating said town.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE TOWN OF *Chap. 171.*  
MONROE AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the* Boundaries.  
*State of North Carolina, and it is hereby enacted by the authority of the same*, That the corporate limits of the town of Monroe, in the county of Union, be enlarged and extended so as to include all within the following boundaries, viz: To begin at a walnut tree on the east side of the Charlotte road, and south of Bear Skin creek, and run south  $85\frac{1}{2}$ , w. 3 chains, crossing the track of the W. C. & R. Railroad to a rock; thence south  $2\frac{1}{2}$ , west 14 chains and 35 links, to a rock by a gum at the bend of the creek; thence n.  $87\frac{1}{2}$ , w. 5 chains and 40 links, to a forked white oak on the south side of said creek; thence s. 10, w. 43 chains and 50 links, to a rock; thence s.  $4\frac{1}{2}$ , e. 24 chains, to a rock; thence n.  $85\frac{1}{2}$ , e. 53 chains and 50 links, to a rock; thence n.  $4\frac{1}{2}$ , w. 25 chains, to a rock; thence n.  $85\frac{1}{2}$ , e. 16 chains, to a rock; thence n.  $4\frac{1}{2}$ , w. 47 chains and 50 links, crossing the railroad to a stake; thence s.  $85\frac{1}{2}$ , w. 35 chains, to a rock near [the] bend of the creek; thence n. 57, w. 16 chains, to the beginning.

SEC. 2. *Be it further enacted*, That all unimproved farm lands, or lands not laid off into town lots included within the Exemption of certain lands from taxation.

corporate limits of said town, be, and they are hereby exempted from any taxes which may be levied on real estate by the board of commissioners for said town, nor shall said farm lands, whether improved or not, be subject to any town ordinance against stock running at large.

Licenses. SEC. 3. *Be it further enacted*, That no license to retail spirituous liquors in said town shall be granted by the county court, unless upon the recommendation of a majority of the commissioners of said town.

Commissioners. SEC. 4. *Be it further enacted*, That Hugh M. Houston, John P. Houston, J. F. Hough, Thomas D. Winchester and Dr. F. Hayden, be, and they are hereby appointed commissioners, to locate and establish a beginning corner of the present incorporation, and to establish the streets and alleys in said town, and to erect durable rock posts and corners at the intersections of the main streets and alleys, with as little damage as may be to the owners of real estate, which damage shall be assessed by five disinterested freeholders, summoned by the sheriff of the county. The said damages and costs for assessing the same to be paid by the corporation: *Provided*, That either party being dissatisfied with the assessment, may appeal as in other cases to the county or superior courts.

French Broad  
branch.

Powers. SEC. 5. *Be it further enacted*, That alley B., in the present corporation, be, and the same is hereby condemned, and the said commissioners are hereby authorized and empowered to close the same and sell said alley B. and any other unsold lots or parts of lots belonging to said corporation; to receive the purchase money arising from said sales for the use and benefit of the town, and to make and convey title to the purchaser therefor. The said commissioners shall also have power and authority to lay off and establish a new alley in lieu of alley B., and running parallel to it, and to lay off and establish any other streets in the enlarged boundaries they may deem necessary and proper, interfering as little as possible with any inclosures, and paying the owners such damage as may be assessed by five disinterested freeholders, as above specified.

Powers. SEC. 6. *Be it further enacted*, That the commissioners of said town, shall and may levy taxes on the real estate in said corporation (not including farming and unimproved farm lands), not exceeding twenty-five cents on the one hundred dollars'

worth of the real estate, and not exceeding fifty cents on the poll.

SEC. 7. *Be it further enacted*, That the town of Monroe is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter 111 of the Revised Code, entitled "Towns," except where the provisions in said 111th chapter are inconsistent with the provisions in this act contained, and that all laws and clauses of laws heretofore made, coming in conflict with the provisions in this act contained, be, and the same are hereby repealed.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE CITY OF MOREHEAD.

Chap. 172.

SECTION 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 B. Arendell, Mayor, David S. Jones, J. W. Collins and Wm. H. Cunniggim, jr., be, and they are hereby appointed mayor and commissioners for the city of Morehead, in the county of Carteret, and said commissioners and their successors in office, chosen in the manner hereinafter provided for, be, and they are hereby created a corporation and body politic, under the name and title of "The Commissioners for the City of Morehead," and as such they are entitled to all the privileges and immunities of a body corporate, to hold property, to contract and be contracted with, to sue and be sued, to plead and be impleaded in their corporate name, and have a common seal to make such by-laws and regulations as they, or a majority of them, may deem necessary for the good order and government of said city, and for the improvement of streets and the preservation of health; to lay and collect taxes only for the necessary support of public and city government: *Provided*, That said commissioners, or a majority of them, shall not lay a tax of more than one and a half dollars on the poll, or fifty cents on the hundred dollars' valuation annually, and to transact any business in their corporate capacity through the agency of the officers of the city, to be appointed

Mayor and commissioners.

in manner and form as provided for by the act of General Assembly, Revised Code, chapter 111.

Eligibility to office.

SEC. 2. *Be it further enacted*, That no person shall hereafter be eligible to the office of commissioner of said city, unless he shall have resided therein at least twelve months immediately preceding his election, and shall have possessed and continues to possess within the corporate limits of said city, a freehold in lands and tenements of the value of not less than five hundred dollars, according to the value of the same for taxation; and no person shall be entitled to vote in any election for commissioners of said city except freeholders, whether resident or non-resident, and free white men, of the age of twenty-one years, who shall have resided in said city for six months immediately preceding such election, and shall have paid all the taxes imposed upon him by the commissioners which are due and payable.

Oath of office.

SEC. 3. *Be it further enacted*, That the said commissioners, appointed by the first section of this act, shall each of them take an oath of office before some magistrate of the county, on or before the 1st day of March next, and shall continue to hold their offices, as commissioners for the city of Morehead, until an election for a new board shall have taken place as hereinafter provided for, and until said commissioners, so elected, shall have been duly qualified.

Board.

SEC. 4. *Be it further enacted*, That the board of commissioners for said city, be composed of a mayor and four commissioners, who shall be elected annually on the first Thursday in May.

Election.

SEC. 5. *Be it further enacted*, That it shall be the duty of the sheriff of Carteret county to advertise the time of holding said election for commissioners at two or more places in said city, ten days previous thereto, and the said sheriff shall summon two freeholders, residents of said city, who, together with himself or deputy, shall hold the election in some public place in said city, to be designated by the commissioners for the time being, and shall keep the polls open from twelve o'clock, A. M., to four o'clock, P. M., and it shall be the duty of the sheriff or deputy, to serve the persons, so elected as commissioners, with notice of their election within five days thereafter, and, on failure of any of the above duties enjoined

on the sheriff, he shall, on conviction before any magistrate of the county, forfeit and pay the sum of fifty dollars; and each freeholder refusing or neglecting to assist the sheriff, or his deputy, in holding such election, shall be subject to a penalty of five [dollars], to be recovered in like manner; which penalties, when collected, shall be paid into the hands of the treasurer of the city, to be applied as the commissioners may direct.

SEC. 6. *Be it further enacted*, That the corporate limits of said city shall embrace the entire plan of the city of Morehead, as published by "The Shepard's Point Land Company," and from the terminus of the Atlantic and North Carolina Railroad Company to Fifteenth street. [*Ratified the 20th day of February, 1861.*]

Corporate  
limits.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NEWBERN, *Chap. 173.*  
CHAPTER 31.

SECTION 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 from and after the passage of this act, the commissioners of the town of Newbern, or a majority of them, shall have full power and authority to levy a tax annually on the inhabitants of said town, and the real estate within the limits thereof, sufficient for the purposes mentioned in said chapter: *Provided*, The said tax shall not exceed the sum of two dollars on each taxable poll, nor the sum of one dollar on each one hundred dollars' value of real estate in any one year.

Power to levy  
tax.

Proviso.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

Chap. 174. AN ACT TO INCORPORATE THE TOWN OF ROCKINGHAM, IN RICHMOND COUNTY.

Body politic.

SECTION 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 town of Rockingham, in the county of Richmond, is hereby incorporated into a body politic and corporate, by the name and style of "The commissioners of the town of Rockingham."

Powers, &c.

SEC. 2. *Be it further enacted,* That the town of Rockingham is hereby vested with all the powers, rights, privileges and immunities, and subject to all the restrictions enumerated in chapter 111 Revised Code, entitled "Towns."

Corporate limits.

SEC. 3. *Be it further enacted,* That the corporate limits of the town of Rockingham shall extend as follows: Four hundred yards north and south of the court-house in said town; three hundred and fifty yards west, and one half mile east of said court-house.

Licenses.

SEC. 4. *Be it further enacted,* That a majority of the qualified voters for commissioners of said town shall have power to decide whether it shall be lawful to sell spirituous liquors within the limits of said corporation; and for the purpose of ascertaining the will of said voters, it shall be the duty of the sheriff of the county of Richmond, by himself or by his lawful deputy, or in the absence of both, the coroner of the county, on such day as the county court shall think proper to name for the first election for commissioners of the town of Rockingham, to open polls under the same inspection, rules and regulations, and of the same notice, as required by law, in the election of commissioners. The voters who may wish spirituous liquors sold within the limits of the corporation shall vote a ticket or scroll, on which shall be written "liquor;" the voters who shall be opposed to the sale of spirituous liquors within said limits, shall vote a ticket or scroll, on which shall be written "no liquor." The inspectors for the election of commissioners shall be the inspectors in this election; and it shall be the duty of the said inspectors to make a full and complete return of the list of votes, and a number of votes polled, to the next county court, of the said election; and the said court shall compare the polls; and if a majority of the votes cast shall be

“no liquor,” then it shall not be lawful for any person or persons to sell spirituous liquor within the limits of the corporation of the town of Rockingham, and the same shall be made a record of the court.

SEC. 5. *Be it further enacted*, That in case a majority of <sup>Licenses.</sup> the votes so cast shall be “liquor,” then the county court of Richmond county shall not grant license to any person to retail spirituous liquors by a measure less than a quart within the corporate limits of said town, unless such person shall first have presented to the court a recommendation in writing, signed by a majority of the acting commissioners of said town, and requesting said court to grant license to such person.

SEC. 6. *Be it further enacted*, That any person violating <sup>Retailing with-</sup> the provisions of section 4, by retailing spirituous liquor within <sup>out license.</sup> the limits of the corporation of the town of Rockingham, shall be considered guilty of a misdemeanor, and may be prosecuted in any court having cognizance thereof.

SEC. 7. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 23rd day of February, 1861.*]

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALISBURY, *Chap. 175.*  
AND TO ESTABLISH THE CORPORATE LIMITS OF SAID TOWN.

SECTION 1. *Be it enacted by the General Assembly of the* <sup>Corporate</sup> *State of North Carolina, and it is hereby enacted by the au-* <sup>limits.</sup> *thority of the same*, That the corporate limits of the town of Salisbury shall hereafter be as follows: Begin at the centre of the site of the old court-house, and run four lines, one north of west, along and parallel with the street, two thousand seven hundred and twenty (2,720) feet; another south of east, along and parallel with the street, two thousand seven hundred and twenty (2,720) feet; another south of west, along and parallel with the street, three thousand one hundred and sixty-five (3,165) feet; another north of east, along and parallel with the street, three thousand six hundred and fifty-five (3,655) feet. And the corporate limits of said town shall be comprised within a parallelogram included within four lines, run at right angles to said lines at the terminations thereof, and

extending each way until they intersect each other respectively.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

Chap. 176. AN ACT TO CONSOLIDATE THE VARIOUS ACTS HERETOFORE PASSED TO INCORPORATE THE TOWN OF STATESVILLE, IN THE COUNTY OF IREDELL.

SECTION 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 corporate limits of the town of Statesville, in the county of Iredell, shall be included within the following boundaries, to wit: Beginning at a black oak on J. F. Alexander's [land] near the Salisbury branch; thence south  $66^{\circ}$ , west running 8 poles, south of the south east corner of the present town plat 105 poles, to a stake on S. R. Bell's land; thence south  $24^{\circ}$ , east 86 poles, crossing the W. N. Railroad, to a stake; thence south  $66^{\circ}$ , west 500 feet, to a stake; thence north  $24^{\circ}$ , west 86 poles, to a stake; thence south  $66^{\circ}$ , west 211 poles, to a stake; thence north  $24^{\circ}$ , west 204 poles, to a stake; thence north  $66^{\circ}$ , east 345 poles, to a stake; thence south  $24^{\circ}$ , east 204 poles, to the beginning.

SEC. 2. *Be it further enacted*, That the present town magistrate and commissioners, to wit: R. F. Simonton, Esq., town magistrate, and Hugh Reynolds, John A. Rosbrough, M. F. Freeland and James S. Ricard shall continue in office and perform all the duties thereof, until their successors shall be elected as hereinafter provided.

SEC. 3. *Be it further enacted*, That the said town magistrate and commissioners are hereby declared and constituted a body corporate and politic, under the name and style of the "Commissioners of the town of Statesville," and as such may sue and be sued, plead and be impleaded, have and use a common seal and change the same at pleasure, and have perpetual succession; and said town magistrate, acting as one with the other commissioners, shall have power and authority to adopt all such rules, regulations and by-laws as they, or a majority

Corporate limits.

Commissioners, &c.

Body politic.

of them, may deem necessary, to promote the interest and insure the good order and government of said town; for the improvements of the streets, and the preservation of health in the same; and to make all such other regulations as the interest, comfort and convenience of the citizens may require. Said commissioners shall also have power to levy and collect a tax from all the retailers of spirituous liquors within the limits of said corporation, all nine-pin or ten pin alleys, circus companies, animal shows, organ grinders, sleight of hand performances, auctioneers, and all and every person or persons, company or companies, who may exhibit, sing, play, act or perform, or do any thing for which they charge or receive any gratuity, pay, fee, or reward whatsoever, within the limits of said corporation: *Provided*, The same shall not be inconsistent with the Constitution of the United States, or of this State; and said commissioners shall have power to appoint a town clerk, who shall hold his appointment for one year only, whose duty it shall be to record all the proceedings of the commissioners in a well bound book, kept by him for that purpose. He shall also act as treasurer for said corporation, and shall give bond and security in the sum of five thousand dollars, made payable to the State of North Carolina, and conditioned for the safe keeping of all moneys that may come into his hands as treasurer, and for paying out the same as ordered by the commissioners, and for the faithful performance of his duty as clerk. They shall also have power to appoint a town constable, whose duty it shall be to collect all the taxes levied under this act and fines imposed by said commissioners, and forfeitures incurred by the violation of any of the by-laws passed by said commissioners; and he shall give bond and security in the sum of five thousand dollars, payable to the State of North Carolina, and conditioned for the collection of all taxes levied under this act, and the collection of all such claims, and for the service of execution of all such process as may be placed in his hands by the commissioners or given him by their order, and for the punctual paying over of the same to the treasurer above named, and for the faithful performance of his duty as town constable; and said constable, so appointed, shall hold his appointment for one year only, and shall have the same powers and privileges as other constables,

and shall have, use and exercise all lawful ways and means, which are usually had, used or exercised by the several sheriffs of this State, and be subject to the same liabilities that they are, in the performance of their duties, in the collection of the public revenue; and the above named bonds, when executed as above directed, shall be filed in the county court clerk's office for safe keeping; and for a breach of the conditions of either of the above named bonds, the commissioners shall have the same remedies as are usually had on clerk's and constable's bonds.

Elections.

SEC. 4. *Be it further enacted*, That it shall be lawful for the citizens, who live within the corporate limits of said town, to meet at the courthouse, on the last Monday in February, 1861, and every two years thereafter on the same day, and elect a town magistrate and four commissioners, who shall hold their offices for two years from the time of their election, and until their successors shall be elected and qualified; and it shall be lawful, in case of the death or removal of the town magistrate or any of the commissioners, for the board of commissioners to appoint their successors for the remainder of their term of office; and it shall be the duty of the sheriff of said county to give ten days' notice, at the courthouse door, previous to said election of town magistrate and commissioners, and to hold the same under the same rules, regulations, restrictions and penalties that elections are now held for members of the General Assembly; and he shall determine who is elected, and shall furnish the town clerk with a certificate of the election, which the clerk shall copy into the book in which he records the proceedings of the commissioners of Statesville; and such entry, so made by the town clerk, shall be conclusive evidence of the election of such persons to the offices therein named.

Eligibility to office.

SEC. 5. *Be it further enacted*, That any free white male citizen of the age of twenty-one years, within the corporate limits of said town, and who shall have paid a poll tax, and being a resident therein for six months before the day of election, shall be eligible to the office of commissioner; and any person elected or appointed town magistrate or commissioner, under the provisions of this act, refusing to act, failing or neglecting to qualify by taking the oath of office for two months after such election or appointment, shall forfeit the

sum of fifty dollars, for the benefit of said corporation, for every such failure or refusal, which sum shall be recoverable by warrant before any justice of the peace in and for said county, in the name of the State of North Carolina, to the use of the commissioners of Statesville, to be applied by them to the use of the corporation: *Provided, nevertheless,* That no person shall be compelled to serve as town magistrate or commissioner more than two years out of four; and every white male citizen of the age of twenty-one years, who has lived in said town three months immediately preceding the day of election, and paid public tax in [in] the State, shall be entitled to vote in said election.

SEC. 6. *Be it further enacted,* That the town magistrates and commissioners, or a majority of them, are hereby authorized and empowered annually, on or before the first Monday in May, to levy and collect a tax for the purpose of carrying out the provisions in section three of this act, upon real estate, polls, and on all the nett interest received or accrued on money loaned, and on all other kinds of property, and upon everything else, whether it be property or not, of every kind or nature whatsoever, that now is or hereafter may be subject to taxation under the revenue laws of this State, that is within the limits of said corporation. Taxes.

SEC. 7. *Be it further enacted,* That said town magistrate and commissioners, or a majority of them, shall have full power and authority, by and with the consent of a majority of the voters within the limits of the corporation of the town of Statesville, to subscribe a number of shares to the capital stock of any work or works of internal improvement in which they may have an interest, a sum not exceeding thirty thousand dollars. May subscribe to works of internal improvement.

SEC. 8. *Be it further enacted,* That before said subscription authorized in the foregoing section shall be made, it shall be the duty of the town magistrate and commissioners of the town of Statesville to ascertain, by the popular vote of the citizens thereof entitled to vote under this act, their wishes in relation thereto; and it shall be the duty of the town magistrate and commissioners of said town to advertise, in one or more newspapers, for the space of twenty days, and also at the courthouse in said town, appointing a certain day and place to People to vote thereon.

hold an election, to be managed in the same manner, and by the same officer, and under the same rules, liabilities and penalties which the election of town magistrate and commissioners are to be held under this act; those voting in the affirmative of the proposition shall write on a ballot or on a ticket the word "*Tax*;" those voting in the negative the words "*No tax*."

Returns of poll.

SEC. 9. *Be it further enacted*, That it shall be the duty of the sheriff or officer holding the election, according to the foregoing section, to make due returns to the town magistrate and commissioners of the result of the election, and if a majority of the voters within the limits of said corporation shall have voted for taxation, then it shall be the duty of the said town magistrate and commissioners to issue coupon bonds, signed by the town magistrate and commissioners, [and] by the town clerk and treasurer, in sums not exceeding five hundred dollars, bearing interest six per cent., payable semi-annually, and redeemable within twenty years from the dates thereof, at any point or points within the State: *Provided, always*, That before the issuing of said bonds as aforesaid, it shall be the duty, and it is hereby expressly required, that the town magistrate and commissioners shall levy a tax on the citizens thereof who are subject to the same, and on all the subjects of taxation that are now or may hereafter be included in section six of this act, sufficient in amount to discharge the interest on said bonds, and likewise a sum sufficient to liquidate the principal of said bonds as they shall from time to time fall due.

Collector.

SEC. 10. *Be it further enacted*, That it shall be the duty of the town constable to collect the taxes levied under the foregoing section for internal improvement purposes, and pay over the amount collected to the town clerk and treasurer, to be applied by him, under the order of the town magistrate and commissioners, to the discharge of the principal and interest of the coupon bonds as it may from time to time fall due; said town constable, clerk and treasurer shall be liable upon their respective bonds for any failure in the performance of their duties in this section required.

Assessment of taxes

SEC. 11. *Be it further enacted*, That whenever the town magistrate and commissioners shall think it proper to levy a

tax for the purpose mentioned in the ninth section of this act, then it shall be the duty of said town magistrate and commissioners to cause such tax to be separately assessed, and the town constable shall give to every person paying such tax a separate receipt, specifying the particular sinking fund to which it is applicable, and the true date of such payment; and all such receipts shall be assigned, and whenever any person shall produce to the town magistrate and commissioners their sinking fund receipt as aforesaid, which, together with simple interest computed thereon from their respective dates, shall, in the aggregate, amount to one share of the capital stock in the work of internal improvement subscribed to by the commissioners, and for which this said tax was levied, the person producing the same shall be entitled to one share of the capital stock of said work, belonging to the said town magistrate and commissioners; and the town magistrate and commissioners being thereto requested, shall, upon all and every such case, cause one share of the stock of said town magistrate and commissioners in such work of internal improvement to be transferred or assigned to the party producing said receipts to them, or their successors or appointees, as they may desire, and said receipts shall be delivered up to be cancelled.

SEC. 12. *Be it further enacted*, That a majority of said Quorum. commissioners shall constitute a quorum for the transaction of business, and shall also have power to call a meeting when they deem it necessary, and at all meetings of commissioners, in the absence of the town magistrate, they shall appoint one of their own number chairman; and the town magistrate, who shall be a justice of the peace in and for said county, shall preside at all meetings of the commissioners when he is present; he shall also have power to call meetings when he may deem it necessary, and shall have power to issue warrants against all persons who may violate the laws of the corporation, and hear and determine the same; it shall be his duty to superintend all improvements and works ordered by the commissioners, and see that the laws are observed, and shall have power to have any person or persons arrested who may behave themselves in a disorderly manner within the corporate limits of said town, and may sentence the offender or offenders to pay a fine not exceeding twenty dollars, and enter up judg-

ment and execution for the same. All such fines, when collected, to be for the use of the corporation. And the commissioners shall have power to grant to the town magistrate such compensation as they may deem proper for his services as such.

Taxes to be listed.

SEC. 13. *Be it further enacted*, That it shall be the duty of every person residing or owning property within the corporate limits of said town to deliver, on oath, to the town magistrate, on or before the first Monday in June in each and every year, a list of taxable polls that may be members of his or her family at that time; also, a statement of all the real property, together with a list of all other subjects of taxation included within this act which he or she may own, or which they may have control of as trustee or guardian, or in any other way; and any person failing to give in, as above required, either or both of those statements, shall forfeit the sum of fifty dollars for the use of the corporation, recoverable in the name of the commissioners of Statesville, by warrant before any justice of the peace in and for said county. It shall also be the duty of the town magistrate and commissioners to appoint three citizens of said town assessors, whose duty it shall be, on being furnished with the returns of the real property in said town to the town magistrate, [to] proceed to assess the same at its full cash value, and return the same, in writing, to the town magistrate, on or before the first day of July in each and every year; and said assessors shall hold their office for two years; and it shall be the duty of the town magistrate and commissioners to make such appointment every two years, and to fill all vacancies in the board of assessors which may happen by death, removal or otherwise; and should any person appointed assessor as herein provided refuse to act, or fail to qualify by taking an oath of office, for one month after his appointment, such person or persons shall forfeit the sum of fifty dollars to the use of the corporation, recoverable before any justice of the peace in and for said county, by warrant in the name of the commissioners of Statesville.

Fees of town clerk, &c.

SEC. 14. *Be it further enacted*, That the town magistrate and commissioners shall have power and authority to regulate the fees of the town clerk and constable, to open such new streets as they may consider necessary, [and] assess the

damage which any person may sustain by such new streets passing over their land: *Provided, nevertheless,* Should any persons or persons, whose land may be taken for the purpose of such new streets, be dissatisfied with the assessment of damage by said commissioners, they may appeal from their decision to the county or superior courts for the said county.

SEC. 15. *Be it further enacted,* That if the sheriff should fail or neglect to perform his duty in holding the election for town magistrate and commissioners, as required by the provisions of this act, for every such failure he shall forfeit the sum of two hundred dollars, to the use of the corporation, recoverable by warrant, in the name of the commissioners of Statesville, before any justice of the peace in and for said county.

Failure of sheriff to hold elections.

SEC. 16. *Be it further enacted,* That it shall be the duty of the town clerk to advertise five days all the by-laws passed by the commissioners of Statesville, at the courthouse door, and no by-law, rule or ordinance shall take effect until after such advertisement.

By-laws to be advertised.

SEC. 17. *Be it further enacted,* That the town clerk and town constable shall receive such fees for their services as said commissioners may allow, and no other; and any one appointed town clerk or town constable by the said commissioners, under the provisions of this act, and shall fail, neglect or refuse to act, shall thereby forfeit fifty dollars, to the use of said corporation, recoverable in the same name as provided for in the 15th section of this act.

Fees.

SEC. 18. *Be it further enacted,* That if the said town magistrate and commissioners shall permit the streets or sidewalks or roads within the corporate limits of said town to get out of order, and remain so as to become a nuisance, or shall permit any nuisance to exist in said limits, which they have the power to remove, shall be liable to indictment in the county or superior courts, and, on conviction, shall be fined, at the discretion of the court.

Streets and sidewalks.

SEC. 19. *Be it further enacted,* That all laws heretofore passed for the better regulation of the town of Statesville, coming within the meaning and purview of this act, be, and the same are hereby repealed.

SEC. 20. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 26th day of January, 1861.*]

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Chap. 177. AN ACT TO ALLOW THE COUNTY TRUSTEES TO SELL CERTAIN PROPERTY IN THE TOWN OF STATESVILLE.

Authority to sell.

SECTION 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 court of pleas and quarter sessions of the county of Iredell, not less than twelve of the justices of said county being present holding said court, shall have authority and power to dispose of and sell the lot in the town of Statesville whereon the jail of said county is situated, and shall [have] power to effect such sale through John A. Rosebro, the trustee of said county, or his successors, and that the said county court shall have power to authorize a sale or disposition of said lot and jail at public or private sale; the proceeds of the sale of said [lot and jail] shall belong to the county of Iredell, and [be] subject to the disposition and application of said county court for the use of said county, and a deed executed by the chairman of the said county court to the purchaser shall transfer and invest in the said purchaser all the right and interest of Iredell county in said lot and jail.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23rd day of February, 1861.*]

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Chap. 178. AN ACT TO REVIVE AND AMEND AN ACT TO INCORPORATE THE TOWN OF THOMASVILLE.

Act revived.

SECTION 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 an act entitled "An act to incorporate the town of Thomasville," passed in the years 1856 and '57, chap. 107 Laws of North Carolina, be revived and so amended that no person shall be permitted to sell spirituous liquors (except for medical purposes) in the town of Thomas-

ville, without first obtaining a license of the town commissioners, and paying such tax as said commissioners shall impose.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO AMEND THE ACT INCORPORATING THE TOWN OF WAR-*Chap. 179.*  
SAW, AND FOR THE BETTER GOVERNMENT OF SAID TOWN.

SECTION 1. *Be it enacted by the General Assembly of the* Corporate limits.  
*State of North Carolina, and it is hereby enacted by the authority of the same*, That a town is hereby established in the county of Duplin, by the name of Warsaw, with the following metes and bounds, viz: Beginning at a point in centre of W. & W. R. Road, where the old Tucker line crosses said road, being S. L. Gavins' corner, and runs first, south 72, west 86 poles, to a stake; thence north 72, east 86 poles, to W. & W. R. Road; thence same course north 72, east 114 poles, to a stake; thence south 18, east 204 poles, passing along the eastern boundary of Mrs. M. Gordon's lot to a stake; thence south 72, west 114 poles, to the beginning.

SEC. 2. *Be it further enacted*, That the government of Commissioners.  
said town of Warsaw shall be vested in the following persons, and their successors in office: Walter R. Bill, S. R. Bowden, James T. Mathias, Bryant Brown and John W. Swinson.

SEC. 3. *Be it further enacted*, That the commissioners and Body corporate.  
their successors in office, appointed agreeable to the directions of this act, shall be, and they are hereby incorporated into a body corporate, by the name of the "Commissioners of the town of Warsaw," and by such name shall have succession and a common seal, sue and be sued, and shall have power from time to time to make such rules, by-laws and ordinances as to them, or a majority of them, may seem proper for the good government of said town, to appoint a town clerk, constable, patrol, and overseer of streets, and to make such allowance to said officers, by fee otherwise, as said commissioners may determine; that said commissioners shall have full power to repair the streets and lay out or alter the same: *Provided*, it does not

interfere with any dwelling or yard; they shall have full power to assess and collect taxes upon all taxable property within the limits of said town, and to do all other acts that may be deemed needful for the good government and management of said town.

Election.

SEC. 4. *Be it further enacted*, That an election shall be held in each and every year on the first Monday in February by the inhabitants thereof qualified to vote for members of the House of Commons, for five commissioners, who shall hold their office for one year, or until successors are appointed.

SEC. 5. *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. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23rd day of February, 1861.*]

Chap. 180.

## AN ACT CONCERNING THE TOWN OF WILMINGTON.

Preamble.

*Whereas*, The amount required annually to meet the expenses incident to the proper government of the town of Wilmington, to pay the interest accruing on the debt of said town, and to provide a sinking fund for the payment of such debt, cannot be raised by the taxes which the commissioners of said town are now employed to levy and collect, without imposing most unequal and oppressive burdens on the real estate and polls within said town; *and whereas*, it is right and proper that all who, in the prosecution of their respective callings and occupations, enjoy the peculiar protection and privileges secured by the municipal laws and police regulations of a town, should contribute towards the expenditures necessary for the due administration of such laws, and towards the payment of such debt as may have been incurred for the common benefit of all who are citizens of such town:

Power of commissioners to levy taxes.

*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 commissioners of the town of Wilmington shall have power to levy and cause to be collected annually, at such times during each year as to them may seem expedient,

such taxes as to the commissioners of the town of Wilmington shall seem fair, equitable and right on the professions, callings, trades, occupations and other business carried on in said town, and hereafter specified or referred to, and on the articles of personal property used in said town, and hereafter designated or referred to; that is to say, on every merchant doing a wholesale and retail business, or wholesale business alone, or a retail business alone, on every commission merchant, on every broker, or produce-broker, every note-shaver, negro-trader, every insurance company, or their agents, whether such agents be resident or itinerant, all portrait or miniature painters, Daguerrean artists, or other picture-takers, all resident practicing lawyers, physicians and dentists, and all itinerant dentists, State and county officers, and officers and agents of incorporated companies, and all clerks or employees of other persons or corporations, whose salary of [or] fees shall be eight hundred dollars; every grocery, confectionery, fruit store, shoe-store, jewelry store, book store, grain and feed store, on every keeper of a coal, or wood, or lumber yard, on every distillery, on every brewer of malt liquors, on beer, ginger pop, on every saw mill, planing mill, sash and blind factory, ship carpenter or chandler, apothecary, upholsterer, auctioneer, barber, every marble yard, every iron or brass foundry, manufacturers or dealers in tin wares, venders of musical instruments, on every express company, or agent of such company, banker, retailer of fresh meat of any kind, in any quantity less than the whole animal at any place other than the public market, all persons who shall receive orders, or display goods by sample, or sell goods in any manner; every architect or master builder, or other persons taking contracts, of whatever nature, as contractors or sub-contractors employing two or more hands; on every manufactory of gas for sale, every ship yard, marine railway, every tannery, every hat store, every pedlar, on every harness and saddlery store, paper manufactories, on every printing office doing job work, every establishment where slaves are kept for sale, or by a dealer in slaves, every keeper of a ware-house where produce, goods, wares or merchandise are received, on storage, on every billiard table, whether public or private, every ten pin alley, every pistol gallery, every tug boat plying in the waters of the port, every horse or mule drover, all leo-

tures for reward, unless the reward be wholly devoted to some literary or charitable purpose, on all establishments for the sale of carriages, buggies, sulkies, or any other riding or pleasure vehicles, on all gold or silver watches usually worn during the year by any citizen of said town, on all pistols, dirks, bowie-knives or sword-canes, if worn about the person at any time during the year, on every grist-mill, on all slaves sold at public auction or private sale by or on account of non-residents; venders of patent rights of any kind.

SEC. 2. That the commissioners of the town of Wilmington may, from year to year, fix the sums and rates of the taxes on the several professions, callings, trades, occupations, and other subjects of taxation embraced in this act, of the sums and rates so fixed during any year may continue from year to year unless altered, and the said commissioners shall have power to make all such ordinances which to them may or shall seem expedient, in reference to the payment and time of paying such taxes, the issuing of license to the persons liable for the payment of the same, the terms of such licenses, and the penalties for the breach of the same, and the penalties for such non-payment of such taxes.

SEC. 3. If any tax, laid or fixed as aforesaid, or any tax due to said town, shall not be paid by the person or persons liable therefor, on or before the day fixed for the payment of the same by the ordinance of the commissioners of the town of Wilmington, the same may be collected by the tax collector of said town, together with such penalty or penalties as may have been incurred by the party so in default; and such tax collector is hereby invested with all the powers and remedies in the collection of the taxes due to said town, whether the same be liable under this act or any other act, with which sheriffs are invested by the eighty-seventh section of chapter ninety-nine, entitled "Revenue," of the Revised Code of this State; and as a cumulative remedy, if any tax, laid under the provisions of this act, shall not be paid as aforesaid by the person or persons liable therefor, any judge of the courts of equity of this State shall, on application to him by bill or petition in equity, and affidavit made by any officer or any citizen of the town of Wilmington that said tax has not been paid by the person or persons liable therefor, issue a writ of injunction

Taxes on professions, &c.

Failure to pay tax.

in favor of the commissioners of the town of Wilmington, injoining said person so in default from all further pursuit or practice of the professions, callings, or other business pursued or practiced by him, and upon which such tax is laid, until such time as said tax shall have been fully paid and discharged, together with the costs of such proceedings in the court of equity.

SEC. 4. That the commissioners of the town of Wilmington may erect and provide one or more magazines for the storage of all gunpowder brought to the said town or its vicinity, and intended for sale in said town, or intended for transportation to some other place, and may, by such ordinances as they may make, compel all such gunpowder to be stored in such magazines, and regulate the price of such storage. [*Ratified the 20th day of February, 1861.*]

## TURNPIKES.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A TURNPIKE ROAD *Chap. 181.*  
FROM "MITCHEL'S HIGH PEAK," ON THE BLACK MOUNTAIN,  
TO INTERSECT SOME ONE OF THE RAILROADS IN BUNCOMBE  
COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners.  
*State of North Carolina, and it is hereby enacted by the au-*  
*thority of the same,* That Andrew J. Greenwood, John S.  
Carter, Joseph Bormard, Madison Greenwood, John Brigman,  
John R. Hemphill, James Davis, John W. Woodfin, William  
H. Baily, William Stepp and Alexander Porter, be; and they  
are hereby appointed commissioners, with power and authority  
to open books and receive subscription to the amount of ten  
thousand dollars, which shall constitute the capital stock of Capital stock.  
the company hereby incorporated, for the purpose of marking  
out and constructing and keeping in repair a turnpike road,  
leading from "Mitchel's High Peak," on the Black Mountain,  
to some one or more of the public roads, in Buncombe county;  
and that any three of the persons in this section named, may  
open books and receive subscriptions.

SEC. 2. *Be it further enacted,* That the aforesaid capital

Amount of  
shares.

stock shall be divided into shares of twenty dollars each; and as soon as one thousand dollars of the stock [it] shall be subscribed, it shall be the duty of said commissioners, or any three of them, to notify the stockholders, by advertisement, to require their attendance at some time and place, as they may designate, and if stockholders holding a majority of the shares subscribed shall attend the said general meeting, it shall and may be lawful for the stockholders to appoint a president, treasurer and directors for the term of one year, and until the next general meeting of stockholders; and the president and directors, when so appointed, and their successors in office, shall constitute a body politic and corporate, by the name of the "*Black Mountain Turnpike Company*," and may sue and be sued, plead and be impleaded, and as such shall have perpetual succession and a common seal, and have all other powers, rights and privileges necessary to effectuate the objects of the corporation hereby created.

President and  
directors.

Vote of stock.

SEC. 3. *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 own, in the proportion following, to wit: For one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding twenty, one vote; and for every eight shares thereafter, one vote.

Commissioners  
to locate road.

SEC. 4. *Be it further enacted*, That the owners of a majority of all the shares subscribed, shall have power to appoint commissioners to lay off and make a location of said road, and make and ordain all by-laws for the government and regulations of said company and the officers thereof, and shall have authority, at any time, to remove from office the president and directors of said company, or any of them, and appoint others in their stead, and shall, from time to time, in general meeting, [make] all such by-laws, rules and regulations as may be necessary for the well ordering and better regulation of the affairs of said company, not inconsistent with the constitution and laws of the State and the United States. It shall be the duty of the president, to make a full and fair statement of the affairs of the company, at said general meeting of the stockholders,

and to employ such agents and officers as the affairs of the company may require.

SEC. 5. *Be it further enacted*, That it shall be the duty of the treasurer, to receive all moneys due the company; to keep a fair account of the same, and to perform all such duties as may, from time to time, be assigned to him by the stockholders, Duty of treasurer.

SEC. 6. *Be it further enacted*, That the stockholders, at their first general meeting, shall fix on the terms and proportion in which stock subscribed shall be paid, and shall have further power to declare the stock of delinquent stockholders forfeited. Payment of stock.

SEC. 7. *Be it further enacted*, That whenever said turnpike road is completed, or ten miles of it completed, it shall and may be lawful for said company to erect a toll gate, or toll gates, at such places as said company may deem proper, and demand and receive the following tolls, to wit: Ten cents for every man and horse; for six horse waggons, one dollar and fifty cents; for four horse waggons, one dollar; for three or two horse waggons, seventy-five cents; for stage coach, break waggon, four wheel pleasure carriage, one dollar each; and for gigs, sulkies, and all two wheel vehicles, fifty cents each. No person, who shall live within two miles of said road, and who shall do four days' labor on the same, shall be liable to pay said toll, and if the court of pleas and quarter sessions of Buncombe county shall see proper to allot a portion of the hands liable to work on public roads to work on said road as upon other public roads, then no citizen of said county shall be liable to pay said tolls, provided said court shall not allot less than thirty hands. Toll gates.

SEC. 8. *Be it further enacted*, That the president and directors shall see that said road is kept in good repair from the first of April to the first of December in each year, and if they fail to do this, then they shall be deemed and held guilty of a misdemeanor, and subject to indictment for neglect of duty as overseers of roads are now liable to indictment for neglect of duty. Repairs of road.

SEC. 9. *Be it further enacted*, That, if any person or persons shall, for the purpose of avoiding the payment of the above recited tolls, either break through or go around any of the said toll gates, such person or persons shall be subject to pay Avoiding toll.

five dollars, recoverable before any justice of the peace in the county of Buncombe. [*Ratified the 23d day of February, 1861.*]

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Chap. 182. AN ACT ENTITLED AN ACT TO AMEND AN AMENDED ACT TO INCORPORATE THE JONATHAN CREEK AND TENNESSEE MOUNTAIN TURNPIKE COMPANY, PASSED AT THE SESSION OF 1858-'59.

Amendment.

SECTION 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 act passed at the session of 1856 and 1857, and amended by an act passed at the session of 1858 and 1859, shall be so amended that the county of Henderson shall be entitled to receive from the agent of Cherokee bonds the same appropriation in the same manner and with the same limitation that the county of Haywood receives; that is, whenever the company shall receive from individuals two hundred dollars, then the agent shall subscribe two hundred dollars, and so on when the individual subscription is increased, the subscription shall be increased on the part of the State for the completion of the said road in Henderson county.

SEC. 2. *And be it further enacted,* That the stockholders in Henderson county shall have the power to determine the point at which the said road shall intersect the turnpike in Henderson county.

SEC. 3. *And be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

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Chap. 183. AN ACT TO INCORPORATE THE STATESVILLE AND TENNESSEE TURNPIKE COMPANY.

Commissioners.

SECTION 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 James M. Gentry and E. C. Bartlette of the county of Ashe, Dr. R. F. Hackett and A. B. Carmichael of the county of Wilkes, A. M. Bogle and Alfred

Conson of the county of Alexander, and Anderson Mitchell and C. A. Carlton of the county of Iredell, be, and they are hereby appointed commissioners to open books and receive Shares of stock. subscription of stock in shares of ten dollars each, to the amount of twenty thousand dollars, which sum, together with the amount hereinafter to be appropriated, shall constitute the capital stock of the company, in this act incorporated; and it shall be the duty of the said commissioners to open the books for subscription in Jefferson, Wilkesboro', Taylorsville and Statesville, and at such other places as they may think proper, after giving due notice of the time and place, by public advertisement, twenty days previous, on or before the first day of June next, and at such other times and places thereafter as they shall think proper, until the amount of twenty thousand Amount. dollars shall be taken in the stock of said company, and then the subscriptions thereto shall cease.

SEC. 2. *Be it further enacted*, That any incorporated town, Incorporated towns may subscribe. through its properly constituted authority, shall have power and be allowed to take such amount of the stock hereinbefore mentioned, not exceeding one hundred and fifty shares, as it may choose, the proposition to take such stock being first submitted to the freeholders of any such town by the authorities thereof, in the manner prescribed in the second section of the two hundred and fifty-first chapter of the laws of North Carolina, enacted at the session of 1854-'55. And any county, through which the said road may pass, may subscribe for any amount of such stock as a majority of the voters of any may approve, for which purpose, the courts of pleas and quarter sessions of said counties are hereby authorized to hold an election at the usual time and places of voting for members of the General Assembly.

SEC. 3. *Be it further enacted*, That whenever it shall appear State's subscription. to the governor of this State, by a certificate signed and sealed by the commissioners in this act named, or a majority of them, that the sum of ten thousand dollars has been subscribed and taken by solvent individuals and corporations, the governor is hereby authorized and required to direct the treasurer of the State to subscribe, on behalf of the State, for the stock in said company in this act to be incorporated, to the amount of ten thousand dollars in the capital stock of said company.

General meet-  
ing.

SEC. 4. *Be it further enacted*, That when the sum of five thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a general meeting of the stockholders, at the town of Wilkesboro', and if a majority of the stock shall be represented, in person or by proxy, it shall be lawful for the said meeting to appoint a president, treasurer and four directors, one of whom shall reside in the county of Ashe, one in the county of Wilkes, one in the county of Alexander, and one in the county of Iredell, who shall hold their office for one year, and until their successors are appointed. And it shall be the duty of the governor, when the sum of ten thousand dollars shall have been subscribed for and taken on the part of the State, as directed in the third section of this act, to appoint four directors on the part of the State, one of whom shall reside in the county of Ashe, one in the county of Wilkes, one in the county of Alexander, and one in the county of Iredell, and who shall hold their office during the pleasure of the governor. And these directors, together with president, treasurer and directors appointed by the individual and corporate stockholders, when so appointed, and their successors in office, shall constitute a body politic and corporate, under the name and style of the "Statesville and Tennessee Turnpike Company," and by that name may sue and be sued, plead and be impleaded in any of the courts of this State, and as such shall have succession and a common seal, and shall have the right to make all such orders, rules and contracts, and appoint all such agents, and to do all such other acts and things as may be necessary to carry into full effect the objects of the corporation, and shall have all such rights, powers and privileges as the like corporations in this State usually have: *Provided*, That in all elections of officers, after the State shall have become a stockholder, she shall be entitled to vote in proportion to the stock held by her.

President, &c.

Vote of stock.

SEC. 5. *Be it further enacted*, That the number of votes to which any stockholder may be entitled, shall be according to the number of shares he may hold in the proportion following; that is to say, for every one share, and not more than two, one vote; for every two shares, above two and not over ten, one vote; for every five shares above ten, and not above fifty, one vote; and for every ten shares, above fifty, one vote.

SEC. 6. *Be it further enacted*, That the said company have Road. power, and they are hereby authorized and required to construct a turnpike road from the town of Statesville, in the county of Iredell, to the Tennessee line, at or near where the old road leading from Taylorsville, in Tennessee, to Jefferson, crosses the State line; and the said company shall make the said road at least eighteen feet wide, clear of all obstructions, except where side cutting or blasting rock shall be necessary, and in such places said road shall be at least sixteen feet wide, clear of all obstructions, and the grade of said road shall not at any place be steeper than a rise or fall of one foot in sixteen; and the said company shall construct all such culverts, side and cross ditches, embankments and other works which may be necessary to finish the said road in good order; and the said company shall have a bridge or ferry across the Yadkin river, and across the South Fork of New river, at the places where said road shall cross these streams; and the said company shall have power to construct any other works, bridges or buildings which may be necessary for the construction or keeping in order the said road.

SEC. 7. *Be it further enacted*, That the said company shall Powers of company. have power to employ an engineer or other suitable person to survey the route of said road, to ascertain the grade, and, if the company shall direct, to estimate the cost of building said road, in the various regions through which it may pass, according to the provisions of this act.

SEC. 8. *Be it further enacted*, That the said company may Using highway. carry or construct their said road on or along any public highway, which may be now in existence in any county through which said road may pass, and may appropriate the same to their own use; but the said company shall not obstruct any such public highway until their road shall be in good order for use; and if any damage shall be done to any private property in building said road, or erecting the necessary buildings of said company, and the company cannot agree upon the compensation with the owner of such private property, then any agent, officer or director of said company shall apply to a justice of the peace, who, upon such application, shall order any constable or other lawful officer to summon a justice and three disinterested freeholders, whose duty it shall be to view

the property where the damages are said to be done, and assess the amount of compensation to be paid by the company to the owner of such private property, having regard both to the injury done and the benefit of the road, and if either party shall be dissatisfied with their assessment, they may appeal to the court of pleas and quarter sessions of the county wherein the damage is done.

County courts  
to appoint com-  
missioners to  
examine road.

SEC. 9. *Be it further enacted*, That when the said road shall be completed, the president shall notify the courts of pleas and quarter sessions of the county through which the road passes thereof; and each of the said courts shall forthwith appoint three commissioners, whose duty it shall be to examine so much of said road as lies in their respective counties, and if the said commissioners shall find that the said road is well constructed and completed, according to the requirements of this act, they shall certify the same to the clerk of the court by whom they were appointed; and the said clerk shall forthwith notify the president of the company of such certificate; and, thereupon, the said company shall have power to erect toll gates at such points upon the said road as they may think proper: *Provided*, That such toll gates shall be at least ten miles apart, and the said company shall have power to collect the following tolls, to wit: For every person on horseback, at the rate of one cent per mile; for every one horse wagon, one cent per mile; for every two horse wagon, two cents per mile; for every three horse wagon, two and a half cents per mile; for every four horse wagon, three cents per mile; for every six horse wagon, four cents per mile; for every one horse buggy, two and a half cents per mile; for every two horse buggy, three cents per mile; for every two horse pleasure carriage, four cents per mile; for every sulky, two and a half cents per mile; for every loose horse or mule or ass, led or driven, one-half cent per mile; for every cow beast, one-fourth of one cent per mile; for every hog or sheep, one-third of one cent per mile; and for every animal designed for exhibition, three cents per mile.

Corporate  
powers.

SEC. 10. *Be it further enacted*, That when the said turnpike road shall be completed, it shall be a public highway, and all persons shall have the right to use the same upon the payment of the proper tolls; and the said company shall have the

right to prevent any person from traveling over the said road, if they shall refuse to pay the tolls lawfully demanded; and if any person shall, for the purpose of avoiding the payment of toll, break through, or go around any of the toll-gates erected by the company, they shall forfeit and pay to the said company the sum of ten dollars for each and every offence, to be recovered by warrant, in the name of the company, before any justice of the peace in the county in which the offence may be committed.

SEC. 11. *Be it further enacted*, That when any twenty consecutive miles of said road shall be completed, it may be declared completed in the manner prescribed in section ninth of this act, and may be put in operation under the provisions of the ninth and tenth sections of this act.

SEC. 12. *Be it further enacted*, That any person may sub-  
 scribe for one or more shares of stock in the capital stock of said company, to be paid for in labor upon the construction of said road, under the direction of any agent or officer of the said company, at fifty cents per day; and when any person, so taking stock in the capital stock of said company, shall have worked out the same as directed, such person shall receive from the proper officers of the company a permission for himself and family to travel over the said road free of toll for ten years, and the stock of such person thereafter be transferred to the State upon the books of said company.

Stock may be  
subscribed in  
labor.

SEC. 13. *Be it further enacted*, That when one-half the amount subscribed by individuals and corporations shall be paid to the treasurer of the company, then one-half the amount subscribed by the State shall be paid, and when the remaining half subscribed by individuals and corporations shall be paid, then the remaining half subscribed on behalf of the State shall be paid; and if any person or corporation (as well those whose subscriptions are to be paid in labor as others) shall refuse or fail to pay their subscriptions, as demanded by the said company, the same may be recovered, by an action of debt or assumpsit, in the name of the company.

State's subscrip-  
tion.

SEC. 14. *Be it further enacted*, That if the company shall fail to keep the said road in good repair, they shall be deemed guilty of a misdemeanor.

Repairs.

County sub-  
scriptions.

SEC. 15. *Be it further enacted*, That the subscription of any county to the capital stock of said company, under the provisions of this act, shall be expended in the construction of the said road in the county making such subscription.

Construction to  
commence in  
two years.

SEC. 16. *Be it further enacted*, That the construction of the said road shall be commenced within two years from the ratification of this act, and the corporate existence of the said company, with all the rights, powers and privileges herein granted to them, shall continue thirty years.

SEC. 17. *Be it further enacted*, That the construction of the said road may be commenced at such several points as the company shall direct.

Toll.

SEC. 18. *Be it further enacted*, That nothing in this act contained shall be construed to prevent the said company from reducing the rates of toll upon the said road, if the interest of said company may be thereby promoted, or to prohibit the said company from making contracts, by the year, with mail contractors or others at reduced rates.

SEC. 19. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

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*Chap. 184.* AN ACT TO INCORPORATE THE SALEM AND THOMASVILLE TURNPIKE COMPANY.

Incorporated.

SECTION 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 Thomas T. Wilson, A. J. Stafford, E. A. Vogler, Jesse Shelley, D. W. C. Johnson, D. Lofton, and their co-subscribers and successors in office, their successors and assigns, be, and they are hereby declared to [be] incorporated into a company, under the name and style of "The Salem and Thomasville Turnpike Company," for the purpose of constructing a turnpike road from the town of Salem, in the county of Forsythe, upon the most practicable route to the town of Thomasville, in Davidson county; thence to the Silver Valley and Jackson Hill, and a branch road from Silver Valley to "Baltimore and Montgomery Mines," in Montgomery

county, with a capital stock of six thousand dollars, with the Capital stock. privilege of increasing it to ten thousand dollars, in shares of twenty dollars each.

SEC. 2. *Be it further enacted*, That under that name said Books to be opened. persons may open books in the town of Salem and in Thomasville, or in any other place they may think proper, and keep them open until a sufficient amount shall be subscribed; and said corporation may sue and be sued, plead and be impleaded, and have a common seal, and exist for the space of sixty years.

SEC. 3. *Be it further enacted*, That the stockholders shall Board. at their first annual meeting, and at every annual meeting thereafter, elect a board of not less than three directors, which directors shall choose a president, who shall continue in office until their next annual meeting, and until their successors shall be elected, and the board may supply a vacancy in their body.

SEC. 4. *Be it further enacted*, That in all other things the said company shall be governed in accordance with the provisions of the act for the government of turnpike and plank road companies, and shall have all the necessary and usual privileges of making by-laws for their government, condemning lands, collecting tolls, regulating bonds of their officers, representation by proxies, &c.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

AN ACT TO INCORPORATE THE DOVER AND TRENTON TURNPIKE *Chap. 185.*  
AND PLANK ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners. *State of North Carolina, and it is hereby enacted by the authority of the same*, That Edward R. Stanly and George Green, of the town of Newbern, George W. Charlton, George West, Enoch Lane and Needham Busby and Robt. Brock, of Craven, John Shackelford, John H. Neathercut, Adonijah McDaniel, Farnifold McDaniel, James McDaniel, Daniel Perry, Eli W. Perry, Enoch Noble, David Green, Macon Foseur,

Farnifold Simmons, Jacob F. Scott, Amos L. Simmons, T. T. Gooding, Joseph Smith, Benjamin Askew, Charles Gerack and Alexander Watson, of Jones county, be, and they are hereby appointed commissioners for receiving subscriptions for the purpose of laying out and making a turnpike and plank road from the Atlantic and North Carolina Railroad to Trenton, in Jones county, beginning at a point on the Atlantic and North Carolina Railroad, two hundred yards below the fifty-six mile post leading from Morehead City to Goldsborough, at a point known as Savage's Shanty; and from thence a route to be designated hereafter by the president and directors of the company to the town of Trenton, in Jones county, or to some point near said town, to be fixed by the president and directors. And the said commissioners, or a majority of them, shall cause books to be opened at such times and places, and under the direction of themselves or such other persons as they may appoint; and the same shall continue open for two months, unless the sum of three thousand dollars shall be subscribed before that time, at which time the said books shall be returned to said commissioners at Newbern, in the county of Craven, who shall by public notice in one or more newspapers, appoint a general meeting of stockholders personally or by proxy, which meeting may continue until the business shall be finished; and if in the opinion of the stockholders in such general meeting assembled, a sufficient sum shall have been subscribed to make said road, or any part thereof, desired by those owning a majority of the stock so subscribed, said subscribers may organize themselves into a company and accept this charter, when they, their heirs or assigns, shall constitute a body politic and corporate, under the name and style of the "Dover and Trenton Turnpike and Plank Road Company," and as such may sue and be sued, plead and be impleaded, and have perpetual succession, and a common seal, and all other rights necessary for the objects of the company; and such of the subscribers as may be present at the said meeting, or those representing a majority of the stock, shall have power to elect a president and four directors for conducting the business of the company for one year, and until others are elected, and enter upon the duties assigned them by the company; and every proprietor of stock, by writ-

Location of road.

Books to be opened.

General meeting.

Corporate name.

President, &c.

ing under his hand, may depute any other stockholder to vote for him at any general meeting, and the vote of such proxy shall be as effective to all intents and purposes, as if the proprietor were personally present and voting for himself.

SEC. 2. *Be it further enacted*, That after the organization of the company, as prescribed in the first section of this act, the president and directors thereof, in case they deem it necessary and proper, may, and they are hereby authorized to appoint commissioners to re-open books at such times and places as they may and shall direct, and keep the same open until the requisite amount to finish the road may be subscribed, which books shall be returned to the president and directors of said company, and the persons so subscribing, their heirs and assigns, shall become stockholders in said company to the amount so subscribed by them as such, entitled to all the rights and privileges conferred by this act on the original subscribers. Books for further subscriptions.

SEC. 3. *Be it further enacted*, That the capital stock aforesaid shall be divided into shares of twenty-five dollars each, and any person may subscribe for one or more shares; the shares shall be paid at such time and places, and by such instalments as the president and directors shall direct, they first giving public notice twenty days; and if any person holding any share in said company shall fail to pay the instalments as called for in pursuance of this act, the company may sue for and recover the same in any tribunal having jurisdiction thereof, or they may expose to sale the shares which such delinquent may hold by giving ten days' public notice of the same. Shares.

SEC. 4. *Be it further enacted*, That the president and directors, or a majority of them, on the behalf of the corporation, have power and authority to contract for the construction, improving and repairing said road; and the said president and directors may appoint such managers as they may deem necessary; and when five miles of either end of the road shall be completed, a toll-gatherer or toll-gatherers may also be appointed, who must give bond and security for the faithful performance of their several duties, and be removed at pleasure. Contracts.

SEC. 5. *Be it further enacted*, That at every semi-annual meeting, an equal dividend of all the nett profits arising from Dividends.

the tolls shall be ordered to be made to the proprietors of said company, in proportion to their several shares, which nett profit shall not exceed twenty five per cent.

Votes.

SEC. 6. *Be it further enacted*, That in all meetings of the proprietors, each stockholder shall be entitled to one vote for each share owned by him in said company.

Duration of charter.

SEC. 7. *Be it further enacted*, That as a compensation to said stockholders for the expenditures made under this act, the profits of said road are invested in them, their executors and assigns, for the period of ninety-nine years, to be computed from the erection of the first toll-gate, in proportion to the respective shares; and it shall and may be lawful for the president and directors during the said term to demand and receive, at some convenient toll-gates to be by them erected, such tolls as they prescribe: *Provided*, The tolls so collected do not exceed in annual profits the sum aforesaid; and the agent of the company, under the direction of the company, may refuse a passage along said road and through the said gates, until the toll required by said company shall be paid; and if any person shall pass said gates without paying the toll, the company may sue [for] the same before any tribunal having cognizance of the same.

Toll gates.

Width of road.

SEC. 8. *Be it further enacted*, That said road shall not be less than fifteen feet wide, and may be twenty-five feet wide, at the discretion of the president and directors, who shall be appointed to locate and manage the same.

Public highway.

SEC. 9. *Be it further enacted*, That said road shall be taken and considered a public highway, free for the passage of persons, animals and carriages of every description, on the payment of tolls authorized by this act.

Right of way.

SEC. 10. *Be it further enacted*, That the president and directors may agree with the owners of any land over which said road is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be *feme covert*, under age, or *non compos*, or out of the State, on application to any two justices of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county to summon a jury of twelve freeholders to meet on the lands to be valued on a day expressed in said warrant, not less than ten nor more than twenty days thereafter; and the sheriff, on the

receipt of said warrant, shall summon the jury, and when met, shall administer an oath or affirmation—*provided*, six or more appear—that they will impartially value the land in question, and consider the damages the owner thereof may sustain in consequence of being divested of his property therein, and that he will not in his valuation spare any person through favor, nor injure any one through malice and hatred; and the inquisition so taken shall be issued by the sheriff and six or more jurors, and returned to the clerk of the county court of said county to be recorded; and in all such cases the jury is hereby directed to describe the lands valued, and such valuation shall be conclusive; and the president and directors shall pay the sum to the owner of the land valued, or their representatives; and if neither can be found in the State, or if found, shall refuse to receive the money, then the clerk of the county court; and on payment thereof, the said corporation shall be seized in fee of the land so valued: *Provided*, no such condemnation shall authorize said company to appropriate any house, yard or garden of any person without the consent of the owners.

SEC. 11. *Be it further enacted*, The president and directors may agree with the proprietors for a quantity of land, not exceeding four acres at any one place, at or near each place intended for the collection of tolls, for the purpose of erecting the necessary buildings; and in case of disagreement, the same proceedings may be had, and the same conveyance shall follow, as prescribed in the preceding section. Land for buildings.

SEC. 12. *Be it further enacted*, That any stockholder may transfer his stock, by a deed registered in the company's books, after due proof of its execution, and not otherwise, except by will; which shall also be proved and registered in the books of the company before the person claiming under the will shall be entitled to any part of the profits: *Provided*, That no transfer shall be made except for one or more whole shares; and that no share shall at any time be sold, conveyed, transferred or held in trust for the use and benefit of another, whereby the said president and directors, or stockholders, members of said company or any of them, shall be made to answer any such trust; but that every such person appearing to be the owner of stock shall, as to others of the company, be to every intent and purpose taken absolutely as such; but between the trustees and Transfer of stock.

the person for whose benefit such trust shall be executed, the common remedy may be pursued.

SEC. 13. *Be it further enacted*, That if at a general meeting of said company, held for the election of officers, directors and managers of said company, a majority of stock shall not be represented, then and in that case the president and directors then in office shall continue therein until a majority of the stockholders so constituted can be had.

SEC. 14. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

*Chap. 186.* AN ACT TO INCORPORATE THE WILMINGTON AND WRIGHTSVILLE TURNPIKE COMPANY.

SECTION 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 to open books in the town of Wilmington, under the direction of Edward P. Hall, Thomas H. Wright, John A. Sanders, William H. Lipsett, George Harriss, Richard H. Grant and William A. Wright, or any two of them, for the purpose of securing subscriptions to an amount not exceeding thirty thousand dollars, in shares of fifty dollars each, for the purpose of constructing a road from the town of Wilmington, or from some point on the road of the Wilmington and Topsail Sound Plank Road company, to some point at or near Wrightsville Sound, in the county of New Hanover.

SEC. 2. When the sum of one thousand dollars shall be subscribed for on the book, to be opened as aforesaid, the subscribers, their executors, administrators and assigns, shall, and are hereby declared to be incorporated, by the name of "The Wilmington and Wrightsville Turnpike Company," and as such corporation shall have perpetual succession, and enjoy all the rights and powers, and be subject to all the penalties and liabilities set forth in chapter 26, entitled "Corporations," of the Revised Code of North Carolina; and enjoy all the rights, powers and privileges, and be subject to all the provisions of chapter 61, entitled "Internal Improvement," of said Revised

Books to be opened.

Capital stock.

Body corporate.

Code, so far as the same is applicable to corporations created for the construction of turnpike roads.

SEC. 3. It shall be lawful for the directors of said corpora-<sup>Tolls.</sup>tion to demand and receive by such agent as they may appoint, such reasonable tolls as they may determine, from all persons using the road to be constructed, or any part thereof; and if any person or persons shall use said road, or any part thereof, without paying the toll due for the portion of said road so used by him, after the same has been demanded, every such person, if white, or a free person of color, shall pay a fine of five dollars, to be recovered in the name and for the use of said corporation, by\* warrant before any justice of the peace for the county of New Hanover; and if such person be a slave, shall receive such punishment by whipping as shall be adjudged by any justice of the peace for said county, under a warrant to be issued in the name of such corporation against such slave: *Provided, however,* such whipping shall in no case exceed twenty-five lashes.

SEC. 4. If any person shall wilfully or maliciously injure, or <sup>Injury to road.</sup>in any manner damage or obstruct said road, or any toll-gate, bridge, or other property of such corporation, or shall counsel, advise, aid or assist any person so to do, such person or persons so offending shall be liable to indictment therefor in the county or superior courts of the county of New Hanover, and on conviction, shall be fined or imprisoned at the discretion of the court in which such conviction shall take place. [*Ratified the — day of February, 1861.*]

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1850-'51, *Chap. 187.*  
AMENDATORY OF AN ACT ENTITLED AN ACT TO INCORPORATE  
THE M'DOWELL AND YANCEY TURNPIKE, PASSED AT THE SES-  
SION OF 1848 AND '49.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same,* <sup>\$3,000 appropri-</sup>  
That in addition to the subscription already made on the part  
of the State to the McDowell and Yancey Turnpike road, that  
the Internal Improvement board are hereby authorized, in the  
manner provided by section third of said act of 1850 and '51,

to make an additional subscription on behalf of the State of three thousand dollars to said road.

Governor to appoint commissioners.

SEC. 2. *Be it further enacted*, That the governor shall appoint three commissioners on the part of the State, who, with two others to be appointed by the said company, shall constitute the board of directors of the same. [*Ratified the 19th day of February, 1861.*]

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### MISCELLANEOUS.

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*Chap. 188.* AN ACT TO AUTHORIZE CERTAIN PERSONS IN THE COUNTY OF WAKE TO SEND THEIR CHILDREN TO A COMMON SCHOOL IN THE COUNTY OF GRANVILLE.

Authority given.

SECTION 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 may and shall be lawful for Allen Baily and Wm. C. Mangum, of common school district No. 57, in the county [of] Wake, to send to the school in district No. 47, in the county of Granville: *Provided*, That the children of the said Baily and Mangum shall be numbered in the county of Wake.

Division of school fund.

SEC. 2. *Be it further enacted*, That the said Allen Baily and Wm. C. Mangum shall annually report in writing the number and names of their children over six and under twenty-one years of age to the board of superintendents of common schools of Wake county, at the time and under the penalty prescribed for the reporting of the number and names of the children in the various districts in the State by the committees thereof. And the said board of superintendents, when dividing the school fund of the county among the districts, shall consider the families of the said Baily and Mangum as constituting a separate district.

Reports.

SEC. 3. *Be it further enacted*, That at the end of the schools in district No. 47, in Granville county, the said Baily and Mangum shall make reports of the same to the chairman of the board of superintendents of Wake county, in the manner that other reports from schools are made, and shall be authorized to accompany said reports with a draft on the said chair-

man of Wake county for any sums in his hands due to them as a separate district, and in favor of the teachers of said school in district No. 47, in the county of Granville.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23rd day of February, 1861.*]

AN ACT TO AUTHORIZE THE SALE OF THE OLD JAIL, IN THE *Chap. 189.*  
COUNTY OF WILKES.

SECTION 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 C. J. Cowles, S. J. Jennings and E. M. Wellborn, of the county of Wilkes, be, and they are hereby appointed commissioners to sell the old jail of Wilkes county, and the lot of land on which it is situated in the town of Wilkesboro'. Authorizes sale.

SEC. 2. *Be it further enacted*, That the aforesaid commissioners, or a majority of them, are hereby directed and required to advertise the sale of the aforesaid property, at the court-house door in Wilkesboro', and three other public places in the county, for at least thirty days previous to the sale, and that they sell the property aforesaid at the court-house door in Wilkesboro' publicly, giving a credit of six months; and that the commissioners aforesaid be required to take bond and good security, made payable to them as commissioners; and that they may sell the old jail and the lot on which it stands, either together or separately, as they may think best, and when the purchase money shall fall due, the said commissioners shall proceed to collect the same and pay it over to the county treasurer of Wilkes county, to be by him applied to the use of said county. And upon the payment of the purchase money aforesaid, it shall be the duty of said commissioners to make title to the property herein directed to be sold, as aforesaid. Sale to be advertised.

SEC. 3. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

Chap. 190. AN ACT TO REPEAL AN ACT PASSED AT THE SESSION OF 1858-'9, ENTITLED "AN ACT TO LIMIT THE POWERS OF DIFFERENT CONSTABLES IN CHEROKEE AND ROBERSON COUNTIES TO THE DISTRICTS TO WHICH THEY ARE ELECTED."

Repealing  
clause.

SECTION 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 so much of the above recited act as relates to the counties of Cherokee and Roberson be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its ratification. [*Ratified the 26th day of January, 1861.*]

Chap. 191. AN ACT TO INCORPORATE THE GREENSBORO' HOTEL COMPANY.

Body corporate.

SECTION 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 David McKnight, Peter Adams, W. J. M. Connel, E. P. Jones, Joab Hiat, C. G. Yates, D. P. Weir, C. P. Mendenhall, Jesse H. Lindsay, and such other persons as are now with them, or as hereafter may be associated with them, their successors and assigns, shall be, and are hereby created, constituted and declared a body corporate and politic, by the name of the "Greensboro' Hotel Company," and by that name they, and their successors, for thirty years, may [have] a common seal, and shall be capable of suing and being sued, pleading and being impleaded in all the courts of this State and the United States, and may hold, possess, acquire and enjoy real and personal estate, and shall exist for thirty years.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of fifty dollars each, and shall be declared personal estate.

Officers, &c.

SEC. 3. *Be it further enacted,* That said company shall have power and authority to make rules and by-laws for its good government, to provide for the appointment of the directors, president and other officers of said company, the mode of

transfer and representation of its stock, the penalties and forfeitures to be imposed on delinquent subscribers, the manner and time in which stock forfeited may be sold, and the mode of transferring the same, and all other matters and things necessary for the proper management and conduct of said company.

SEC. 4. *Be it further enacted*, That this act shall be in [force] from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO PROVIDE FOR TAKING THE LIST OF TAXABLES IN *Chap. 192.*  
OREGON DISTRICT, 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 county court of Beaufort county be, and are hereby authorized to appoint a justice of the peace to take the list of taxables in Oregon district of Beaufort county; also, to appoint a district board of assessors to value the lands in said district under the same regulations as they are now empowered to appoint them for the various captain's districts of said county. [*Ratified the 26th day of January, 1861.*]

AN ACT TO INCORPORATE WARREN LODGE, NO. 101 A. Y. M. *Chap. 193.*

*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 and members who are at present, or in future may be of Warren Lodge, No. 101 of Free and Accepted Masons, in the town of Kenansville, county of Duplin, be, and they are hereby incorporated into a body politic and corporate, under the name and style of "Warren Lodge, No. 101 of Free and Accepted Masons;" and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business.

By-laws.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of the State or of the United States.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day February, 1861.*]

Chap. 194. AN ACT FOR THE APPOINTMENT OF AN ADDITIONAL INSPECTOR OF FLOUR, PROVISIONS AND FORAGE IN THE TOWN OF WILMINGTON.

An additional inspector to be appointed.

SECTION 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 court of pleas and quarter sessions for New Hanover, at the first term after the passage of this act, may, in their discretion, appoint one inspector of flour, provisions and forage, in addition to the two by them already appointed to serve until the March term, A. D. 1862, of said court, and to perform the same duties, receive the same fees, and be subject to the same rules, regulations and restrictions, in his said office, as the said two inspectors are now by law bound to perform and receive, and be regulated and governed by and under the act or acts of Assembly authorizing the appointment of said inspectors of flour, provisions and forage in said town of Wilmington, prescribing the duties, regulating their fees, and controlling and sustaining them, in all regards, in their said office.

Future appointments.

SEC. 2. *Be it further enacted*, That the said court may, in like manner, at the said March term, A. D. 1862, of said court, and at the time fixed, to wit: their March term every two years thereafter, appoint three inspectors of flour, provisions and forage for said town, instead of two, as heretofore, and under the same rules, regulations and restrictions as have been heretofore prescribed in the appointment of the said two inspectors.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 10th day of December, 1860.*]

AN ACT TO INCORPORATE THE INDEPENDENT ORDER OF ODD *Chap. 195.*  
FELLOWS, SWANNANOA LODGE, NO. 56, AT ASHVILLE, IN THE  
COUNTY OF BUNCOMBE.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.  
*State of North Carolina, and it is hereby enacted by the au-*  
*thority of the same,* That Samuel G. Keer, E. J. Aston, J.  
L. Henry, John Hilderbrand, Daniel Stevenson, and their as-  
sociates, who are members of Swannanoa Lodge, No. 56, at  
Ashville, in the county of Buncombe, of Independent Order  
of Odd Fellows, be, and they are hereby incorporated into a  
body politic and corporate, under the name and style of  
"Swannanoa Lodge, No. 56, Independent Order of Odd Fel-  
lows," and by that name may have perpetual succession and  
a common seal which may be altered at pleasure, sue and be  
sued, plead and be impleaded in any court of record, or before  
any justice of the peace in this State, contract and be con-  
tracted with, acquire, hold and dispose of personal property  
for the purposes and benefit of said Lodge, and for such library  
as it may see proper to establish, and also such real property  
as may be required for the convenient transaction of the busi-  
ness of the same.

SEC. 2. *Be it further enacted,* That said corporation shall By-laws  
have power to pass all necessary by-laws and regulations for  
its government and government of any library it may see  
proper to establish: *Provided,* Such by-laws and regulations  
may not be inconsistent with the constitution and laws of this  
State or of the United States.

SEC. 3. *Be it further enacted,* That this act shall be in  
force and take effect from and after its ratification. [*Ratified*  
*the 19th day of February, 1861.*]

AN ACT TO INCORPORATE "GREEN HILL CEMETERY," IN THE *Chap. 196.*  
COUNTY OF BUNCOMBE.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.  
*State of North Carolina, and it is hereby enacted by the au-*  
*thority of the same,* That Nicholas W. Woodfin, William John-  
ston, Jas. A. Patton, Bacchus J. Smith, Branch H. Merriman,

Jephtha M. Israel, Robert B. Vance, Alfred B. Churn, and such other persons as may associate themselves with them for the purpose hereinafter mentioned, be, and they are hereby made a body politic and corporate, by the name and style of "Green Hill Cemetery," and by that name may sue and be sued, plead and be impleaded in all the courts of this State, contract and be contracted with, and may have a common seal.

Powers.

SEC. 2. *Be it further enacted*, That said corporation may acquire, take and hold a lot or tract of land, containing not more than twenty-five acres, for the purpose of establishing a burial-ground at or near the town of Ashville, in the county of Buncombe, and may sell or otherwise dispose of the same, or any part thereof, to be used exclusively as a cemetery, or place for the burial of the dead; and all moneys received for or on account of the sale of lots in the said cemetery, shall first be applied by said corporation to the payment of the purchase money of the land which it may acquire, and the residue thereof shall be expended in improving and embellishing such land, and in such other way and for such other purposes as said corporation may deem expedient; and said corporation may acquire such personal property as may be necessary to effectuate the purpose contemplated by this act.

Property exempt from taxation.

SEC. 3. *Be it further enacted*, That the real estate of said corporation, and the lots or plots, when conveyed by said corporation to individual proprietors, shall be exempt from assessment and taxation, and not liable to be sold under any execution, or to be applied to the payment of debts by assignment under any insolvent law.

Injury to property.

SEC. 4. *Be it further enacted*, That if any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or grave-stone, or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of said cemetery, or of any tomb, monument or structure aforesaid, or of any cemetery lot within the cemetery aforesaid, or shall wilfully destroy, cut, break or impair any tree, shrub or plant within the limits of said cemetery, such person so offending shall be deemed and held guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned at the discretion of the court, and shall be moreover liable in an action of trespass which may be brought in the

Penalty.

name of said corporation for such damages by such unlawful act.

SEC. 5. *Be it further enacted*, That the land which said corporation is by this act authorized to acquire, shall, when dedicated to that purpose, remain forever dedicated to the purpose of a cemetery, and any lot or lots therein conveyed by said corporation may be so conveyed that upon such conveyance, or after there shall have been an interment therein, the said corporation may have authority to extend interments therein to such person or persons, or class of persons, as may be designated and prescribed in the conveyance under which said lot or lots shall be taken and held. Title to land.

SEC. 6. *Be it further enacted*, That said corporation may prescribe the form of conveyance for any lot or lots in said cemetery, and how the same shall be executed, and shall have full power to make all such by-laws and regulations as may be necessary to conduct the affairs of said corporation, and to improve and embellish said cemetery: *Provided*, The same be not inconsistent with the constitution and laws of this State and United States. Conveyance of lots.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 19th day of February, 1861.*]

AN ACT TO INCORPORATE KILWINNING LODGE, NO. 64, A. Y. M., *Chap. 197.*  
IN THE TOWN OF WADESBORO', COUNTY OF ANSON.

SECTION 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 officers and members who are at present, or in future may be of Kilwinning Lodge, No. 64, of Ancient York Masons, in the town of Wadesboro', county of Anson, be, and they are hereby incorporated into a body politic and corporate, under the name and style of "Kilwinning Lodge, No. 64, Ancient York Masons," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of Body politic.

said lodge, and also such real estate as may be required for the convenient transaction of its business.

By-laws.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its government which may not conflict with the constitution and laws of this State, or of the United States.

SEC. 3. *Be it further enacted*, That this act shall be in force and take effect from and after the ratification thereof. [*Ratified the 18th day of February, 1861.*]

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Chap. 198. AN ACT FOR THE RELIEF OF EVANS FERGUSON AND BEN SMITH.

Preamble.

*Whereas*, His Excellency Governor Ellis did, two or three weeks ago, issue his proclamation, offering a reward of four hundred dollars for the arrest and delivery to the sheriff of Northampton county of one Ephraim, a slave, charged with the murder of one Lucius Woodruff: *And whereas*, Evans Ferguson and Ben Smith, free persons of color, did arrest said Ephraim, and him safely keep till many citizens of said county took possession of him: *And whereas*, The governor is not authorized to pay to said Ferguson and Smith the reward aforesaid, because they failed to deliver said slave to the sheriff aforesaid: Therefore—

Governor authorized to pay reward.

*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 be, and is hereby authorized and instructed to pay unto the said Ferguson and Smith four hundred dollars out of any money in the treasury not otherwise appropriated. [*Ratified the 18th day of February, 1861.*]

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Chap. 199. AN ACT TO AUTHORIZE DANIEL P. JOHNSON AND AMBROSE SUTZ TO ESTABLISH A TOLL BRIDGE ON THE CATAWBA RIVER.

Authority given.

SECTION 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 Daniel P. Johnson, of Burke county, and Ambrose Sutz, of the county of Caldwell, their heirs, devisees and assigns, be, and they are hereby authorized and

empowered to erect and keep up a toll bridge across the Catawba river, at such point on said river as they may select as being most eligible and suitable to effect a direct communication between the town of Lenoir, in Caldwell county, and Icard station, on the Western North Carolina Railroad, in Burke county; and ask, demand and receive the following tolls, to wit: For every pleasure carriage, fifty cents; for every two-horse buggy, forty cents; for every one-horse buggy, twenty-five cents; for every five or six-horse wagon, seventy-five cents; for every four-horse wagon, fifty cents; for every three-horse wagon, forty cents; for every two-horse wagon, thirty cents; for man and horse, ten cents; for every one-horse wagon, twenty-five cents; for every cart, twenty cents; for every person on foot, five cents; for every loose horse and mule, five cents each; for every hog or sheep, two cents; for every cow, three cents; and for every animal on foot intended for exhibition, twenty-five cents.

SEC. 2. *Be it further enacted*, That every person who shall cross said bridge and refuse to pay the toll prescribed in this act shall, in addition to the toll for which he is liable, forfeit and pay the sum of five dollars, to be recovered before any justice of the peace by the owner or owners of said bridge. Refusing to pay toll.

SEC. 3. *Be it further enacted*, That from and after 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 it with convenience and safety, be subject to indictment, in the same manner that overseers of public highways now are. Public highway.

SEC. 4. *Be it further enacted*, That the county courts of Burke county, and of Caldwell county, upon the petition of the said Daniel P. Johnson and Ambrose Sutz, shall respectively appoint three disinterested freeholders in their respective counties, to view the banks of said river where the said bridge is to be located; and the freeholders appointed by Burke county court shall lay off to the use of said petitions [petitioners] one half acre of land on the side or bank of said river which is in Burke county, and assess the value thereof, and make report thereof to the county court next succeeding; and upon said petitioners paying to the owners the value of said land so Land to be laid off.

assessed, with all cost incurred in said county courts respectively [by] reason of their said petition, then the said courts respectively shall confirm the report of said commissioners, and condemn the aforesaid half acre of land on either bank of said river to the use of said petitioners: *Provided, however,* That nothing herein contained shall prevent the owner or owners of said land from taking an appeal from said judgment, as in other cases of appeal.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

Chap. 200.

AN ACT FOR THE RELIEF OF DANIEL DAUGHTERTRY.

Preamble.

*Whereas,* Daniel Daughtertry, of the county of Craven, lately intermarried with Jane L. Davis, also of said county, and at the time of said marriage the father of said Jane L. was not living; and it being ascertained subsequent to said marriage, that at the time of the celebration thereof, said Jane L. was not quite of the age of fifteen years, the said Daniel being thereby subject to all the pains, penalties, disabilities and forfeitures according to the act of Assembly in such cases provided; and it appearing that said marriage took place with the full and free consent of the mother and all the immediate family of said Jane L., and that the same is an eligible match, and the said feme covert possesses but a small estate, consisting principally of lands, and that her interest will be greatly promoted by releasing her said husband of the pains, penalties, disabilities and forfeitures aforesaid:

*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 said Daniel Daughtertry be, and he is hereby relieved, discharged and exempt from all the pains, penalties, forfeitures and disabilities under the provisions of the act of Assembly, Revised Code, chapter 68, sections 10 and 11, incurred by reason of his marriage with said Jane L. before she was of the age of fifteen years; and that the said Daniel have and enjoy all the rights, legal and equitable, as husband of

Relieved from operation of Rev. Code, chap. 68, sec's 10 and 11.

said Jane L., as he would have done had said marriage been solemnized after the said Jane L. had arrived at the age of fifteen years.

SEC. 2. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the 31st day of January, 1861.*]

## AN ACT TO AMEND THE REVISED CODE.

Chap. 201.

SECTION 1. *Be it enacted by the General Assembly of the* Amendment. *State of North Carolina, and it is hereby enacted by the authority of the same*, That the first clause of the thirty-second section of the sixty-sixth chapter of the Revised Code be amended, by striking out, in the second line of said section, the words, "shall levy a tax," and inserting the words, "may, if they think proper, levy a tax," instead: *Provided*, That this act shall not apply to any county in the State, except the counties of Ashe and Alleghany.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

AN ACT TO INCORPORATE THE "GREENSBORO' CEMETERY COMPANY." Chap. 202.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic. *State of North Carolina, and it is hereby enacted by the authority of the same*, That Jesse H. Lindsey, Peter Adams, Andrew Weatherby, James Sloan, Richard Sterling, D. P. Wier, David McKnight, N. H. D. Wilson, C. G. Yeates, W. J. McConnell, C. P. Mendenhall, or any five of them, and their successors, and all persons who may hereafter be associated with them, be, and they are hereby created a body politic and corporate in law, under the name and style of the "Greensboro' Cemetery Company," and shall be subject to all the rules and regulations contained in the Revised Code, chapter twenty-six, so far as they are applicable to such a

corporation, and not inconsistent with the provisions of this act.

Property exempt from execution and taxation.

SEC. 2. *Be it further enacted*, That the property of the said company, and the interest of each corporator therein, shall be exempt from execution, and shall not be subject to the payment of any taxes whatever; and that the rights and interests of the several corporators shall not pass into the hands of personal representatives, but, in the event of death, shall remain in the families of each, according to the course of descent.

SEC. 3. *Be it further enacted*, That no street, lanes, roads or alleys shall, at any time, be made or established over the lands of said company, or any part thereof, without its consent, nor shall the same be condemned or taken in any manner for any public use without such consent.

SEC. 4. *Be it further enacted*, That said company shall hold no more real estate than may be necessary for cemetery purposes and the transportation [transaction] of its business. [Ratified the 22d day of February, 1861.]

Chap. 203. AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF REYNOLDSON INSTITUTE, IN THE COUNTY OF GATES, AND SPRINGHILL ACADEMY, IN ROBESON COUNTY.

Sale prohibited.

SECTION 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 persons are hereby prohibited from selling spirituous liquors within two miles of Reynoldson Institute, in the county of Gates, and Springhill Academy, in Robeson county, on pain of forfeiting twenty-five dollars for each and every violation of this act, to be recovered by warrant before any justice of the peace of said county; one-half to the use of the person suing for the same, the other half to the use of the said institute, to be applied as the trustees may direct; and shall also be subject to indictment, and, on conviction, shall be fined not less than ten, nor more than fifty dollars.

Penalty.

SEC. 2. *Be it further enacted*, That no license to retail

spirituous liquors at the site, or within two miles of said institute, shall be granted, and, if granted, shall be void.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO INCORPORATE THE "ASHVILLE WATER COMPANY," *Chap. 204.*  
IN THE COUNTY OF BUNCOMBE.

SECTION 1. *Be it enacted by the General Assembly of the* Body corporate.  
*State of North Carolina, and it is hereby enacted by the au-*  
*thority of the same,* That W. D. Rankin, M. Patten, J. F. E.  
Hardy, E. J. Aston, M. M. Gains, and other persons who may  
unite with them to convey water to the town of Ashville and  
supply the same with water, and with a view to avail them-  
selves of the provisions of this act, shall and may become a  
body corporate and politic, under the name and style of the  
"Ashville Water Company," and as such shall have continual  
succession, sue and be sued, plead and be impleaded, contract  
and be contracted with, and have a common seal. Said corpo- Powers.  
ration may acquire lands and personal property necessary to  
effectuate the said purpose, not exceeding in value fifteen  
thousand dollars. The corporation shall be deemed to be con-  
stituted and formed so soon as the said persons, and such  
others as may associate themselves with them, shall assemble  
in general meeting and organize, by electing a resident [*presi-*  
*dent*], treasurer and five directors.

SEC. 2. *Be it further enacted*, That members of said cor- Powers.  
poration shall have full power to divide the capital of the  
same into shares; to make all necessary by-laws and regula-  
tions for its government and good regulation, not inconsistent  
with the constitution and laws of this State and the United  
States.

SEC. 3. *Be it further enacted*, That this act shall be in  
force from and after its ratification. [*Ratified the 18th day*  
*of February, 1861.*]

Chap. 205. AN ACT TO INCORPORATE THE WILMINGTON WATER WORKS COMPANY.

Body politic.

SECTION 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 Edward Ridder, Silas N. Martin, Joseph H. Flanner, Francis W. Potter, London, and all other persons who may associate with them in [in] the manner prescribed, shall be a corporation and body politic, by the name of the "Wilmington Water Works Company," and they are hereby invested with all the privileges, rights and powers confined [conferred] upon bodies corporate and politic, by the 26th chapter of the Revised Code.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital of said company shall consist of thirty thousand dollars, with the power to increase the same to sixty thousand dollars, to be divided into shares of fifty dollars each, and said company shall continue in existence thirty [30] years.

Powers.

SEC. 3. *Be it further enacted,* That said corporation shall have power to erect all such houses, tanks, hydrants, pumps and other fixtures in the town of Wilmington and its vicinity, necessary or convenient for the purposes of supplying the town of Wilmington or any part thereof with water, to lay pipes or other conductors for conveying water through, upon, over or under any or all of the streets, alleys or public lots or squares of the town of Wilmington, and also, from time to time, repair, re-construct, maintain and preserve all such works, fixtures, pipes, machines and other property held by them, as shall be necessary for conducting the business of said company.

Damage to property.

SEC. 4. *Be it further enacted,* That if any person or persons shall negligently or wilfully, by any means whatsoever, injure or destroy any conduit pipe, cock, machine, building or structure of any kind whatsoever, or anything appertaining to the works of said company, the person so offending shall forfeit and pay to said company double the amount of damage sustained by such injury, and the same may be recovered by any court of record in New Hanover county, and shall moreover be subject to indictment in said county, and upon conviction shall be fined or imprisoned at the discretion of the court.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

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AN ACT TO INCORPORATE "THE BUNCOMBE POWDER MANUFACTURING COMPANY," LOCATED IN BUNCOMBE COUNTY. *Chap. 206.*

SECTION 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 Nicholas W. Woodfin, William F. McKenan and — Crockford be, and they are hereby appointed commissioners, with power and authority to open books and receive subscriptions to the amount of fifteen thousand dollars, which shall constitute the capital stock of the company hereby incorporated for the purpose of the manufacture of powder. Commissioners appointed.

SEC. 2. *Be it further enacted*, That the said capital stock shall be divided into shares of one hundred dollars each, and as soon as two thousand dollars shall be subscribed, it shall be the duty of said commissioners, or any one of them, to notify the stockholders, by advertisement, to attend at such time and place as may be designated; and if a majority of the shares subscribed shall be represented at such meeting, then it shall be lawful for the stockholders 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 president and directors, when so appointed, and their successors in office, shall constitute a body corporate and politic in law, by the name and style of "The Buncombe Powder Manufacturing Company," and may sue and be sued, pleaded and be impleaded, and as such shall have a corporate existence for thirty years, shall have a common seal, and have all other and necessary powers incident to corporate companies, which may be necessary to effectuate the object had in view by this act. Shares of stock. Appointment of officers. Corporate title.

SEC. 3. *Be it further enacted*, That said company, at a general meeting of the stockholders, in pursuance of the provisions of the last section of this act, shall fix upon such regulations, in reference to the payment of the stock subscribed and the representation of the same, as they may deem proper, Regulations as to payment of stock.

and they shall have power to make all necessary by-laws and regulations, for the government of said company, not inconsistent with the constitution of this State and the United States.

SEC. 4. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification. [*Ratified the 23d day of February, 1861.*]

Chap. 207. AN ACT CONCERNING THE MANAGEMENT OF THE POOR IN THE COUNTY OF FORSYTHE.

Sale or delivery  
of spirits pro-  
hibited.

SECTION 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 not be lawful for any person to sell or deliver to any pauper residing at the poor-house of the county of Forsythe, any spirituous liquors, or liquor of which spirituous liquor may be a chief ingredient, without permission in writing from the overseer or keeper of the poor-house aforesaid for the time being.

Penalty.

SEC. 2. *Be it further enacted*, That any person offending against the provisions of this act shall forfeit and pay the sum of five dollars, one-half to the overseer or keeper of the poor-house aforesaid, for the use of the poor, and the other half to him who will sue for the same.

How recovered.

SEC. 3. *Be it further enacted*, That all penalties accruing under this act shall and may be recovered by warrant before any justice of the peace for the county of Forsythe. [*Ratified the 22d day of February, 1861.*]

Chap. 208. AN ACT TO INCORPORATE THE ALBEMARLE STEAM PACKET COMPANY.

Body corporate.

SECTION 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 Edward Wood, John H. Leary, Richard Paxton, Henry A. Bond, John Thompson, John Bond, Joseph Norcom, Thomas W. Hudgins, Robert R. Felton, Peter F. White, John M. Jones, Joseph S. Jones, John Hall, John T. Mebane, James M. Sumner, Benjamin S. Skinner, John

Skinner, James M. Whedbee, Hiram Freeman, John A. Anderson, James L. Anderson, Jackson B. Hare, Daniel Valentine, R. H. Shields and such other persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be, and are hereby created, constituted and declared a body corporate and politic, by the name of "The Albemarle Steam Packet Company," and by that Powers.

name shall be in law capable of suing and being sued, pleading and being impleaded, shall have a common seal, and be invested with all the rights and privileges, and be subject to all the regulations and restrictions contained in the 26th chapter of the Revised Code, so far as the same are applicable to such a corporation, and are not inconsistent with the provisions of this act.

SEC. 2. *Be it further enacted*, That the capital stock of Capital stock.

said company shall consist of sixty thousand dollars, with the privilege of increasing the same to one hundred and fifty thousand dollars, divided into shares of one thousand dollars each.

SEC. 3. *Be it further enacted*, That the said company Powers.

may, in addition to the steamboat now in course of construction, build such other steamers as the wants of the company may require from time to time, employ them in conveying passengers and freight in any of the waters of North Carolina and Virginia, as may appear expedient for the interest and well being of the company.

SEC. 4. *Be it further enacted*, That the said company shall Powers.

have power to hold, possess, acquire and enjoy such real and personal estate as may be necessary for the transaction of its business, and from time to time to make all necessary rules, regulations and by-laws for the government and direction of the concerns thereof, not inconsistent with the constitution and by-laws of the State and of the United States, and said company shall have corporate existence for thirty years.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

RESOLUTIONS  
OF A PRIVATE NATURE, PASSED BY THE  
GENERAL ASSEMBLY  
OF  
NORTH-CAROLINA.  
1860-'61.

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A RESOLUTION FOR THE RELIEF OF THE SECURITIES OF C. GRIGG.

*Resolved*, That the chairman of the board of superintendents of common schools for the county of Cleaveland be authorized and required to refund to G. Dickson, E. Rippy, A. R. Homesley, J. F. Stephens, Martin Rippy, Wm. McSwain and J. Carroll, securities of C. Grigg, late sheriff of said county, the sum of one hundred dollars, it being a forfeiture by the said sheriff for failing to pay over to said chairman the school tax due for the year one thousand and eight hundred and fifty-seven, which sum was paid by his securities. [*Ratified the 23d day of February, 1861.*]

Refunds \$100.

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RESOLUTION IN FAVOR OF JOSIAH COLLINS.

*Resolved*, That the public treasurer be, and he is hereby authorized and required to pay to Josiah Collins, agent for Thos. P. Devereux, H. R. Burgwin and T. P. Burgwin, (out of any money in the treasury not otherwise appropriated,) thirteen dollars, for taxes overpaid for the years 1857, 1858 and 1859. [*Ratified the 22d day of February, 1861.*]

Refunds over-  
paid taxes.

RESOLUTION IN FAVOR OF P. A. SMITH, ADMINISTRATOR OF THE ESTATE OF M. M. PLUNKETT, DEC'D.

SECTION 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 P. A. Smith, administrator of the estate of M. M. Plunkett, dec'd, late sheriff of Cabarrus county, be authorized and empowered to collect arrearages of taxes due said Plunkett: Provided, No person shall be required to pay any arrearages of tax who is willing to make oath or affirmation, or offer other satisfactory proof before any magistrate, that said tax has been paid: And provided further, That the privilege herein granted shall only extend to taxes due within three years next before this act shall go into effect.* Authorized to collect arrears.

SEC. 2. *Be it further enacted, That this act shall be in force for six months next ensuing from and after its ratification. [Ratified the 22d day of February, 1861.]*

A RESOLUTION IN FAVOR OF R. R. HEATH, GEORGE HOWARD, R. M. SAUNDERS AND W. A. JENKINS.

*Resolved, That the public treasurer be, and he is hereby authorized and directed to pay to Hon. R. R. Heath, Hon. George Howard and Hon. R. M. Saunders, judges of the superior court, the sum of ninety dollars each, for holding courts of oyer and terminer respectively in the counties of Currituck, Northampton and Caswell; and to W. A. Jenkins, attorney general, fifty dollars, for services in the court of oyer and terminer in Northampton county. [Ratified the 23d day of February, 1861.]* Pay for extra courts.

RESOLUTION IN FAVOR OF DANIEL TUCKER.

WHEREAS, It has been certified to the present General Assembly, by the county court of Lincoln county, that Daniel Tucker, a resident of said county, is an old, infirm and indigent militia-man, who was in the militia service of the State in Allowance of \$40.

the war of 1812, and that he is incapable of procuring subsistence for himself and family: Therefore,

*Resolved*, That the public treasurer pay to said Daniel Tucker, of Lincoln county, the sum of forty dollars, as an allowance for himself and family for one year. [*Ratified the 23d day of February, 1861.*]

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RESOLUTION IN FAVOR OF D. W. COURTS, PUBLIC TREASURER.

\$500 allowed.

*Resolved*, That D. W. Courts, Esq., be allowed to retain five hundred dollars, out of any money in his hands, as compensation for negotiating a loan of \$251,350 in specie, on behalf of the literary fund in 1859. [*Ratified the 23d day of February, 1861.*]

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RESOLUTION IN FAVOR OF THE ESTATE OF GEORGE CROFTON.

To pay \$69.

*Resolved*, That the public treasurer be, and he is hereby authorized and directed to pay to George H. Crofton, administrator of George Crofton, dec'd, late of Bladen county, the sum of sixty-nine dollars (\$69), amount overpaid by the said administrator's intestate as taxes, July 1, 1859, under a misapprehension of the revised law. [*Ratified the 25th day of February, 1861.*]

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RESOLUTION IN FAVOR OF L. N. B. BATTLE, ESQ.

Pays \$11 69.

*Resolved*, That the public treasurer be, and he is hereby authorized and required to pay to L. N. B. Battle, executor of Wm. L. Battle, dec'd, the sum of eleven dollars and sixty-nine cents (\$11 69), being amount of State tax overpaid by him. [*Ratified the 22d day of February, 1861.*]

## A RESOLUTION IN FAVOR OF CLARK BIRD.

*Resolved*, That the secretary of State be directed to issue a grant to Clark Bird, of the county of Macon, for a tract of land, known as section number eleven in district number seventeen of said county: *Provided*, That the said Clark Bird shall, within the year 1861, produce a statement from the agent of the State for the collection of Cherokee bonds, showing that his bonds, with approved security, are on file in the office of said agent for the amount heretofore fixed by law as the price of the said tract of land. [*Ratified the 23d day of February, 1861.*]

Issues grant of land.

## RESOLUTION IN FAVOR OF JESSE M'GEE, OF HAYWOOD COUNTY.

*Resolved*, That the agent for the State for the collection of Cherokee bonds be authorized and required to pay Jesse McGee, of Haywood county, twenty-five dollars, upon satisfactory proof that he has overpaid that amount into that office, and that the agent of the State be allowed that amount in the settlement of his accounts with the State. [*Ratified the 22d day of February, 1861.*]

Refunds.

## RESOLUTION IN FAVOR OF PRINCIPAL AND ASSISTANT CLERKS OF THE SENATE AND HOUSE OF COMMONS.

*Resolved*, That the public treasurer be, and he is hereby authorized to pay to the principal clerk of the Senate and the principal clerk of the House of Commons, one hundred and fifty dollars extra of what is now allowed by law for copying and preparing for the press the journals, and that they be allowed sixty days for the completion of the same.

\$150 each allowed.

*Resolved*, That the public treasurer be, and he is hereby authorized to pay the assistant clerk of the Senate and to the assistant clerk of the House of Commons one hundred dollars for their services. [*Ratified the 20th day of February, 1861.*]

\$100 each allowed.

## RESOLUTION CONCERNING THE DISTRIBUTION OF THE REVISED CODE.

Return of justices to be made.

SECTION 1. *Resolved*, That on or before the first day of July next, the secretary of State be, and he is hereby directed to write a circular letter to the clerks of county courts in each and every county of this State, requesting said clerks to inform him, under their seal of office, of names of the acting justices of the peace in their respective counties who have qualified since the passage of this resolution; also the names of those that are acting, who may have qualified since the act of 1858 and 1859, who may not have been furnished with a copy of the Revised Code, as well as those appointed at this session, and qualified before the rendition of the list hereby required to be made.

Report to governor.

SEC. 2. *Resolved, further*, That the secretary of State be required to lay the said information, when obtained, before the governor, whose duty it shall be to forward one copy of the Revised Code to each and every of the said justices whose names are submitted by said clerks.

Residue.

SEC. 3. *Resolved, further*, That it shall be the duty of the governor, after having completed the distribution of the Revised Code as aforesaid, to have all the remaining copies deposited in such manner and at such places as will best secure their safe keeping: *Provided, nevertheless*, That it shall still be the duty of the governor to cause sale to be made of the Code not hereby ordered to be distributed, as has been heretofore provided for by law. [*Ratified the 23d day of February, 1861.*]

## RESOLUTION IN FAVOR OF WM. THOMPSON.

Pays \$17.

*Resolved*, That the public treasurer be, and he is hereby authorized to pay to Wm. Thompson the sum of seventeen (\$17) dollars. [*Ratified the 23d day of February, 1861.*]

## RESOLUTION IN FAVOR OF E. P. STILLWELL, OF JACKSON COUNTY.

*Resolved*, That the secretary of State be authorized and requested to issue a grant to Ephraim P. Stillwell for a tract of land lying and being in the county of Jackson, district No. 8, and tract No. 138, when the said Stillwell shall produce, before the secretary of State, the certificate of Stephen Munday, agent of the State for the sale of certain lands in the year 1853, that he had purchased said land, and when he shall further produce the bonds for the purchase money which were given for said land. [*Ratified the 23d day of February, 1861.*]

Grant of land issued.

## RESOLUTION IN FAVOR OF JOHN L. CANTWELL.

*Resolved*, That his excellency the Governor, John W. Ellis, be authorized to draw upon the public treasurer for the sum of twenty dollars, to be paid to Col. John L. Cantwell, for executing special military orders. [*Ratified the 23d day of February, 1861.*]

Pays \$20.

## RESOLUTION IN FAVOR OF JAMES C. LUTER.

*Be it Resolved*, That the public treasurer be authorized to pay to James C. Luter, of the county of Orange, twenty-five dollars, for an overcharge of taxes in 1858, and that the public treasurer be allowed the same in his settlement. [*Ratified the 25th day of February, 1861.*]

Refunds.

## RESOLUTION IN FAVOR OF HENRY BAGBY.

*Resolved*, That the public treasurer of the State be authorized to pay to Henry Bagby the sum of fifty dollars, it being for tax paid to the sheriff of Orange which he was not bound by law to pay. [*Ratified the 25th day of February, 1861.*]

Refunds.

## RESOLUTION IN FAVOR OF CALVIN BISHOP.

Refunds.

*Resolved*, That the public treasurer be, and he is hereby authorized and required to pay Calvin Bishop the sum of twenty-five dollars, being amount of State tax over paid by him. [*Ratified the 22d day of February, 1861.*]

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## RESOLUTION IN FAVOR OF THE DOORKEEPERS.

Allows \$50 each.

*Resolved*, That the public treasurer be, and he is hereby authorized to pay to the principal and assistant doorkeepers of both houses of the General Assembly, fifty dollars each, as extra compensation as doorkeepers aforesaid. [*Ratified the 23d day of February, 1861.*]

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## RESOLUTION IN FAVOR OF QUENT BUSBEE AND OTHERS.

Pays \$250.

*Resolved*, That the public treasurer pay to Quent Busbee, for professional services and expenses in investigating under the appointment of the governor and council the financial condition of the Albemarle and Chesapeake Canal Company, and amount of work done, &c., on that improvement, the sum of two hundred and fifty dollars.

*Resolved*, That the public treasurer pay B. F. Moore, Esq., for professional services, three hundred dollars. [*Ratified the 25th day of February, 1861.*]

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## RESOLUTION IN FAVOR OF THOMAS DIGGS, OF ANSON COUNTY.

Refunds.

*Resolved, by the General Assembly of North Carolina*, That the public treasurer be instructed to pay to the order of Thos. Diggs, of Anson county, the sum of fifty-six dollars and one cent, ( $\$56\frac{1}{100}$ ) amount of taxes overpaid by him for the year 1859. [*Ratified the 26th day of January, 1861.*]

## RESOLUTION IN FAVOR OF S. M. RAY.

*Resolved*, That B. M. Gardner, one of the sureties of S. M. Ray, late sheriff of Yancey county, be, and he is hereby authorized and empowered to collect all arrears of taxes due the said S. M. Ray, late sheriff as aforesaid, for the years 1858 and 1859, and that said collections shall be for the benefit of all the sureties for the said years: *Provided*, That nothing herein contained shall apply to any person who will voluntarily swear that he or she has paid his or her taxes for said years, or to administrators or executors. [*Ratified the 18th day of February, 1861.*]

Authorizes to collect arrears.

## RESOLUTION IN FAVOR OF JOHN PATE.

*Resolved*, That the public treasurer pay to John Pate three dollars and eighty-six cents out of any moneys in the treasury not otherwise appropriated, the same being an overcharge in taxes. [*Ratified the 18th of February, 1861.*]

Refunds.

## RESOLUTION IN FAVOR OF JAMES H. MOORE.

*Resolved*, That the public treasurer be, and is hereby authorized and required to pay to J. H. Moore ten dollars out of any moneys in the treasury not otherwise appropriated. [*Ratified the 23d day of February, 1861.*]

Pays \$10.

## RESOLUTION IN FAVOR OF ED. YARBOROUGH.

*Resolved*, That the public treasurer be authorized to pay to Edward Yarborough one hundred and nine dollars. [*Ratified the — day of January, 1861.*]

Pays \$100.

RESOLUTION CONCERNING THE TWO DOORS OF THE GALLERY,  
AND THE DOOR OF THE HALL.

Appropriation. *Resolved*, That the door-keeper be instructed to have green baize screens put to the two doors of the gallery of this house, and to repair the screen at the door of the hall, and that the expenses be paid by the treasurer. [*Ratified the 26th day of January, 1861.*]

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RESOLUTION IN FAVOR OF W. L. POMEROY.

Pays \$275. *Resolved*, That the treasurer of the State be authorized to pay W. L. Pomeroy the sum of two hundred and seventy-five dollars for stationery furnished to the legislature: *Provided*, on examination, the same is correct. [*Ratified the 23d day of February, 1861.*]

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RESOLUTION IN FAVOR OF THE SURETIES OF W. W. WARD, LATE  
SHERIFF OF MARTIN COUNTY.

Remits penalty. *Resolved*, That the public treasurer be, and he is hereby authorized and required to release to the sureties of W. W. Ward, late sheriff of Martin county, (against whom judgment is now pending in the superior court of Wake county,) the sum of one thousand dollars, the penalty imposed for failure of said Ward to make his return according to the same, to be released when the said sureties shall have paid the amount of taxes due the State by said Ward, and all costs for obtaining judgment for the same.

*Resolved, further*, That the provisions of this resolution shall extend to the sureties of James E. Exum, sheriff of Greene county. [*Ratified the 20th day of February, 1861.*]

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RESOLUTION IN FAVOR OF W. W. WATSON.

Pays \$10 25. *Resolved*, That the public treasurer be directed to pay to W. W. Watson ten dollars and  $\frac{25}{100}$  for carpeting and repairing

hall doors, &c., as per annexed account; and the [that] he be allowed the same in the settlement of his account:

RALEIGH, Nov. 3d, 1860.

*Legislature of North Carolina,*

To W. W. Watson, Dr.

To laying carpet in library in Com. Hall, -	\$ 1 50	} \$ 10 25
To tacking green baize on two tables, - -	95	
Dec. 4. Laying carpet in library in Senate Chamber, - - - - -	1 50	
To tacking green baize on two doors, 75c.,	1 50	
To " " " on two vestibules,	3 50	
\$1 75, - - - - -	3 50	
To " " on two doors in Com. Hall, - - - - -	1 50	
	<hr/>	

[Ratified the — day of February, 1861.]

RESOLUTION IN FAVOR OF JASPER PRITCHETT.

*Resolved,* That the secretary of State be, and he is hereby Amends grant. authorized and instructed to amend a grant issued to Jasper Pritchett, of Buncombe county, on the eighth day of December, one thousand eight hundred and thirty-six, number 3,458, so as to conform to the plat attached thereto, as will more fully appear of record in the secretary's office, and that the said Jasper Pritchett or his assigns be permitted, upon the alteration of the said grant, to have the same registered in the register's office of Buncombe county. [Ratified the 20th day of February, 1861.]

RESOLUTION IN FAVOR OF DANIEL WILLIS AND DAVID LEWIS.

*Resolved,* That the public treasurer be, and is hereby Remits penalty. instructed to pay Daniel Willis and David Lewis, sureties of John S. Willis, late sheriff of Bladen county, the sum of one thousand dollars, collected from them as a penalty for the

failure of the said John S. Willis, sheriff as aforesaid, to settle his taxes in the year 1859. [*Ratified the 11th day of February, 1861.*]

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RESOLUTION IN FAVOR OF J. L. WARD, OF POLK.

Refunds.

*Resolved*, That the public treasurer be authorized and required to pay out of any money in the treasury not otherwise appropriated, to J. L. Ward, sheriff of Polk county, one hundred and thirty-six dollars and sixty-one cents, being the amount overpaid by him in his settlement of the State taxes for the year 1859. [*Ratified the 20th day of February, 1861.*]

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RESOLUTION IN FAVOR OF GRAY BRYAN.

Refunds.

*Resolved*, That the treasurer of the State pay Gray Bryan nine  $\frac{22}{100}$  dollars, which was overpaid by him in the settlement of his taxes. [*Ratified the 20th day of February, 1861.*]

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RESOLUTION IN FAVOR OF JONAS JINKENS, OF JACKSON COUNTY.

Amends grant.

*Resolved*, That the Secretary of State be, and is hereby authorized and instructed to amend a grant issued to Jonas Jinkens, of Jackson county, on 28th day of December, 1854, No. 1,682, so as to conform to the plat attached thereto, as will more fully appear of record in the secretary's office, and that the said Jonas Jinkens be permitted, upon the alteration of the said grant, to have the same registered in the register's office of Jackson county. [*Ratified the 18th day of February, 1861.*]

RESOLUTION IN FAVOR OF THE SURETIES OF G. H. HOLLAND,  
LATE SHERIFF OF HAYWOOD COUNTY.

*Resolved*, That the sureties of G. H. Holland, late sheriff of Haywood county be authorized to collect any arrearages of taxes due him: *Provided*, Nothing herein contained shall be construed to extend to any person who will voluntarily swear that they have paid the same. [*Ratified the 19th day of February, 1861.*] Authority to collect arrears.

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## RESOLUTION IN FAVOR OF WILLIAM PEACE, &amp;C.

*Resolved*, That the public treasurer be, and he is hereby authorized and directed to pay to William Peace fifteen hundred dollars for losses sustained by buildings on Burke square, in the city of Raleigh: *Provided*, That before the said sum is paid over by the treasurer, the said William Peace shall convey to the State of North Carolina by deed, to be approved by the treasurer, all his title and interest in said buildings situate on Burke square. [*Ratified the 20th day of February, 1861.*] Pays \$1,500.

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RESOLUTION IN FAVOR OF JAMES S. IVES, OF THE TOWN OF  
NEWBERNE.

*Resolved*, That the public treasurer be, and he is hereby instructed to refund to James S. Ives, of the town of Newberne, the sum of fifty dollars, it being a forfeiture incurred for not enlisting his store in the said town in the year 1859. [*Ratified the 18th day of February, 1861.*] Refunds.

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## RESOLUTION IN FAVOR OF M. C. NORMAN, OF YADKIN COUNTY.

*Resolved*, That the treasurer pay to M. C. Norman, of Yadkin county, the sum of seven dollars and thirty-four cents, (\$7 34), an excess of taxes paid by him in the year 1857. [*Ratified the day — of February, 1861.*] Refunds.

## RESOLUTION IN FAVOR OF LEAH COLEMAN.

Grant to be  
issued.

*Resolved*, That Leah Coleman be authorized to file her bonds, with approved security, in four equal annual instalments, with the agent of the State for the sum heretofore fixed by law as the price of tract No. 137, in district No. 3, Cherokee county lands; and if said bond shall be paid when they become due, the secretary of State is hereby directed to issue a grant to the said Leah Coleman for the above named tract of land. [*Ratified the 31st day of January, 1861.*]

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## RESOLUTION IN FAVOR OF D. C. LILLY.

Refunds.

*Resolved*, That the State treasurer pay to John A. Lilly, as guardian of the minor heirs of D. C. Lilly, twenty-one dollars and twenty-four cents, on account of this amount paid by him into the State treasury by mistake in his taxes for the year 1855. [*Ratified the 31st day of January, 1861.*]

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## RESOLUTION IN FAVOR OF THE SECURITIES OF GEORGE W. GLASS.

Remits for-  
feiture.

*Whereas*, it appears that George W. Glass, former sheriff of McDowell county, fled from the State without paying the taxes due the State from said county for the year 1858-'9: *And whereas*, Alberta Higgins, Elijah Morris and others, the securities to the bond of said George W. Glass, paid, as doth appear, the full amount of taxes due and unpaid by the said George W. Glass, and also paid the sum of one thousand dollars, the forfeiture incurred by said George W. Glass for failing to settle the taxes due as aforesaid: Therefore,

*Resolved*, That the public treasurer be authorized, and is hereby required so to do, to pay to said Alberta Higgins, Elijah Morris and others, the securities, the sum of one thousand dollars, the amount of the forfeiture incurred by the said George W. Glass, sheriff. [*Ratified the 21st day of December, 1860.*]

## RESOLUTION IN FAVOR OF COOPER PRINCE AND JOHN H. HARWOOD.

*Resolved,* That the secretary of State be, and he is hereby Corrects grant. authorized to correct the name of John H. Harwood in a grant of land issued to him, and that the surveyor for Cherokee county be directed to re-survey tract No. 193, in the 4th district of said county, correcting the calls in the original survey; whereupon the secretary of State shall cancel the grant heretofore issued to Cooper Prince for said tract, and issue a grant to him conforming to the survey. [*Ratified the 31st day of January, 1861.*]

STATE OF NORTH CAROLINA,  
OFFICE OF SECRETARY OF STATE, }  
*April, 1861.* }

I, RUFUS H. PAGE, Secretary of State in and for the State of North Carolina, do 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 the session of 1860-'61.

RUFUS H. PAGE, *Secretary of State.*

PRIVATE LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS

FIRST EXTRA SESSION, 1861.

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RALEIGH:

JOHN SPELMAN, PRINTER TO THE STATE.

1861.



PRIVATE LAWS  
OF  
NORTH-CAROLINA,  
FIRST EXTRA SESSION,  
1861.

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MISCELLANEOUS.

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AN ACT TO EXTEND THE CHARTER OF THE BANK OF THE STATE *Chap. 19.*  
OF NORTH CAROLINA FOR CERTAIN PURPOSES.

*Be it enacted by the General Assembly of the State of* <sup>Powers of the</sup>  
*North Carolina, and it is hereby enacted by the authority of* <sup>act of 1833-'4</sup>  
*the same,* That all the corporate powers, privileges and li- <sup>extended.</sup>  
abilities conferred and imposed on the Bank of the State of  
North Carolina by the act passed in the year 1833-'4, enti-  
tled "An act to establish a bank in the State of North Caro-  
lina," and by an act passed at the same session supplemental  
thereto, and also by an act passed at the session of 1834-'5, to  
amend the same, be, and the same are hereby continued and  
extended until the first day of January, 1865, so far as the  
same may be necessary for the purpose of enabling said bank  
to settle and close their concerns, of prosecuting and defending  
suits by and against them, of disposing of, conveying their  
property, and of dividing their capital stock, and no further.  
[Ratified the 11th day of May, 1861.]

*Chap. 20.* AN ACT TO REPEAL AN ACT APPROPRIATING TWO THOUSAND FIVE HUNDRED DOLLARS FOR LIGHTING AND HEATING THE CAPITOL.

Repeals act.

*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 act passed at the regular session of this General Assembly appropriating two thousand five hundred dollars for lighting and heating the capitol, be, and the same is hereby repealed. [*Ratified the 9th day of May, 1861.*]

*Chap. 21.* AN ACT TO REPEAL AN ACT, PASSED AT THE SESSION 1860-61, ENTITLED AN ACT TO APPOINT A TAX COLLECTOR FOR THE COUNTIES OF WAYNE, HAYWOOD, &C., AS TO CERTAIN COUNTIES, AND AMEND THE SAME.

Repeals act as to certain counties.

SECTION 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 so much of an act, entitled an act to appoint a tax collector for the counties of Wayne, Haywood, &c., at the session 1860-'61, as applies to the counties of Chatham, Orange, Iredell, Davidson, Union, Robeson, Surry, Anson and Watauga, be, and the same is hereby repealed, and the sheriffs of these counties shall have the same power and authority to collect all taxes and be under the same obligations in respect thereto as if the said act had never passed.

Tax collectors.

SEC. 2. *Be it further enacted,* That all tax collectors, appointed or to be appointed by virtue of the said act, or by virtue of another act, passed at the same session, extending the provisions of said act to other counties, shall have the same power and authority to collect all taxes, of every description, which sheriffs had before the said act was passed.

Justices may appoint tax collectors.

SEC. 3. *Be it further enacted,* That the justices of the county courts of the counties of Greene and Hertford, may appoint a tax collector for said counties, at the next county court, to serve until the regular time prescribed for the appointment in said act, and that all appointment of tax collectors, heretofore made under the authority of said act, whether made

at the first or second term of the county court, after the first day of January, 1861, be, and the same are hereby confirmed.

SEC. 4. *Be it further enacted*, That an act, passed at the session 1858-'59, authorizing the appointment of a tax collector for the county of Robeson, be, and the same is hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH A *Chap. 22.*  
NEW COUNTY BY THE NAME OF MITCHELL.

SECTION 1. *Be it enacted by the General Assembly of the* County line. *State of North Carolina, and it is hereby enacted by the authority of the same*, That an act passed at the late session of the General Assembly, entitled an act to lay off and establish a new county by the name of Mitchell, be so amended as to run from the top of the Grand Father Mountain, with the old Watauga line, to the Blue Ridge; thence with the said Yancey line, and according to said act, around to the beginning.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

AN ACT TO ALTER THE NAME OF THE NORTHAMPTON GUARDS. *Chap. 23.*

*Be it enacted by the General Assembly of the State of North* Amendment. *Carolina, and it is hereby enacted by the authority of the same*, That an act passed at the late session of the General Assembly, entitled an act to incorporate the "Northampton Home Guards," be, and the same is hereby altered and amended by striking out the word "home" in the name of the company in the said act mentioned, so that the name of said company shall be as follows, to wit: "The Northampton Guards. [*Ratified the 9th day of May, 1861.*]

Chap. 24. AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AND OTHER CITIES AND TOWNS.

Preamble.

*Whereas*, The exigencies of the times demand that the commissioners of the city of Raleigh should be authorized to make additional appropriations: *And whereas*, The now existing power of taxation is insufficient to carry out such purposes: Therefore—

Power to increase taxes.

SECTION 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 commissioners of the city of Raleigh, and the incorporated authorities of all the cities and towns in this State, may, in the manner prescribed in the charters thereof, annually lay, levy and collect taxes on the subjects by said charters taxable, to an amount not exceeding double the maximum limit therein authorized: *Provided*, That the tax on goods, wares and merchandise shall not exceed twenty-five cents on every hundred dollars' value.

Proviso.

May provide for families of soldiers.

SEC. 2. That said commissioners may, in their discretion, pending hostilities provide for the needy families of the citizens of said cities and towns engaged in the active military or naval service of this State, or of the government of which this State is a part, or of any such citizen, or his family wounded or disabled in said service. [*Ratified the 7th day of May, 1861.*]

RESOLUTIONS  
OF A PRIVATE NATURE, PASSED BY THE  
GENERAL ASSEMBLY  
OF  
NORTH-CAROLINA,  
AT ITS  
FIRST EXTRA SESSION,  
1861.

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RESOLUTION IN FAVOR OF THE DOORKEEPERS OF THE SENATE  
AND HOUSE OF COMMONS.

*Resolved*, That the public treasurer pay to the principal and assistant doorkeepers the sum of ten dollars each for extra services for servant hire. Allows \$10 each. [Ratified the 13th day of May, 1861.]

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RESOLUTION IN FAVOR OF W. H. AND R. S. TUCKER.

*Resolved*, That the public treasurer pay W. H. & R. S. Tucker fifty-nine dollars and twenty-nine cents for sundry articles purchased by the doorkeepers for the use of the last Legislature, and that he be allowed the same in the settlement of his accounts. To pay \$59.29. [Ratified the 11th day of May, 1861.]

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RESOLUTION IN FAVOR OF JOHN C. PALMER.

*Resolved*, That the public treasurer be, and he is hereby authorized and required to pay to John C. Palmer the sum of ten dollars, amount of the accompanying account. To pay \$10. [Ratified the 11th day of May, 1861.]

## RESOLUTION IN FAVOR OF HENRY J. BROWN AND OTHERS.

Pays \$16.

*Resolved*, That the public treasurer pay Henry J. Brown sixteen dollars and fifty cents, Strother & Marcum sixteen dollars for one committee desk, and for printing blanks; also, W. W. Crowder four dollars and eighty-five cents, for bible and testament. [*Ratified the 11th day of May, 1861.*]

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## RESOLUTION IN FAVOR OF H. D. TURNER.

Pays \$26.15.

*Resolved*, That the public treasurer be, and he is hereby authorized and directed to pay to H. D. Turner twenty-six dollars and  $\frac{15}{100}$ , amount of above account, and that he be allowed the same in the settlement of his account. [*Ratified the 10th day of May, 1861.*]

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## RESOLUTION IN FAVOR OF COL. B. LEECRAFT.

Pays \$36.09.

*Resolved, by the General Assembly*, That the treasurer be authorized to pay to Col. Benjamin Leecraft the sum of eighty-six  $\frac{9}{100}$  dollars, money expended by him for the support of the troops in Fort Macon before the said fort was ordered to be taken by the Governor. [*Ratified the 10th day of May, 1861.*]

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## RESOLUTION AUTHORIZING THE TREASURER TO PAY EDWARD YARBROUGH TEN DOLLARS.

Pays \$16.

*Resolved*, That the treasurer of the State be, and is hereby authorized to pay Edward Yarbrough ten dollars out of any moneys in the treasury otherwise unappropriated. [*Ratified the 9th day of May, 1861.*]

## RESOLUTION TO PAY COMMISSIONERS TO PEACE CONFERENCE AT WASHINGTON AND MONTGOMERY, ALABAMA.

*Resolved*, That the public treasurer pay to Thomas Ruffin, Sr., D. M. Barringer, David S. Reid, George Davis and John M. Morehead six dollars per day each for every day employed in going to, attendance on and returning from the peace convention or conference held in the city of Washington, D. C., in February last, and that the same per diem be paid to David L. Swain, M. W. Ransom and J. L. Bridges, as commissioners sent to the Southern Confederate States, assembled at Montgomery, Alabama, in February last, and that the same mileage be allowed to all that is allowed to members of this General Assembly. [*Ratified the 8th day of May, 1861.*]

Compensation to commissioners.

## RESOLUTION CONCERNING THE REGIMENT OF VOLUNTEERS NEAR RALEIGH.

*Resolved*, That the regiment of volunteers now encamped near the city of Raleigh be, and it is hereby authorized to elect its field officers at the place where the troops are now encamped, and that any law to the contrary, so far as it may affect this regiment, and no further, is repealed.

Authorizes to elect field officers.

*Be it further Resolved*, That said troops be at once inspected and mustered into the service of the State for the period of twelve months, and that the commander-in-chief shall have full power to order said troops into the service of the Confederate States, or the States of Virginia or Maryland, for the term of their enlistment: *Provided*, That these resolutions shall be read to the several companies by the captains thereof, and the term and nature of the service required of the troops aforesaid shall be explained to the men before they are mustered into service, and that no volunteer who has heretofore volunteered shall be required to be mustered into service unless he distinctly expresses his willingness, by signing the muster roll of his company, to serve beyond the limits of the State, as provided in this resolution. [*Ratified the 10th day of May, 1861.*]

Troops to be mustered into service.

Resolutions to be read to troops.

A JOINT RESOLUTION PROVIDING FOR SPECIAL MESSENGERS FOR  
THE EXECUTIVE DEPARTMENT.

Special messenger appointed.

*Resolved*, That the Governor of the State be, and he is hereby authorized to send a special messenger, with copies of the act calling a convention of the State, to such counties as he may think proper, and that the expenses of such messengers be paid out of any money in the public treasury not otherwise appropriated. [*Ratified the 1st day of May, 1861.*]

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STATE OF NORTH CAROLINA, }  
OFFICE OF SECRETARY OF STATE, }  
*June, 1861.* }

I, RUFUS H. PAGE, Secretary of State, in and for the State of North Carolina, do 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 first Extra Session of 1861.

RUFUS H. PAGE, *Secretary of State.*











