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PUBLIC LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT THE

SESSION OF 1865-'66, AND 1861-'62-'63 AND 1864,

TOGETHER WITH

IMPORTANT ORDINANCES

PASSED BY

THE CONVENTION OF 1866.



RALEIGH:

ROBT. W. BEST, PUBLISHER.

1866.



PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,

PASSED BY THE
GENERAL ASSEMBLY
AT ITS SESSION OF 1865.

BANKS.

AN ACT TO EXTEND THE CHARTER OF THE BANK OF THE STATE OF *Chap. 1.*
NORTH CAROLINA.

SECTION 1 *Be it enacted by the General Assembly of the* Extends charter to Jan'y 1, 1868, and gives power to make assignment.
the State of North Carolina, and it is hereby enacted by the
authority of the same, That the charter of the Bank of
the State of North Carolina shall be, and the same is
hereby extended to the first day of January, eighteen
hundred and sixty-eight, and that it shall have the power
of making an assignment of all its assets for the equal
benefit of all its creditors whenever it may deem it ex-
pedient to do so.

SEC. 2. *And, be it further enacted,* That this act shall
go into effect upon its ratification. [*Ratified the — day*
December, A. D., 1865.]

DEEDS.

AN ACT TO EXTEND THE TIME OF REGISTERING DEEDS AND OTHER *Chap. 2.*
CONVEYANCES.

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

Extends time for registering deeds, conveyances, etc., not heretofore registered.

the same, That all grants of land in this State, all deeds of conveyance, all powers of attorney, and every other instrument in writing which is required or allowed to be registered within a given time, and have not been proved and registered within such time, may be proved and registered within three years after the passage of this act, under the same rules, regulations and restrictions as heretofore appointed by law, and when so proved and registered, shall be as good and valid as if they had been duly proved: *Provided*, That nothing herein contained shall be so construed to extend to mortgages and conveyances in trust, and to marriage settlements. [*Ratified this — day of December, A. D., 1865.*]

RAILROADS.

Chap. 3. AN ACT AUTHORIZING AND DIRECTING THE RENEWAL OF CERTAIN STATE BONDS IN THE HANDS OF THE WILMINGTON, CHARLOTTE & RUTHERFORD RAILROAD COMPANY.

Preamble,

WHEREAS, The bonds issued under the said act since the twentieth day of May, one thousand eight hundred and sixty one, express on their face that they are payable in good and lawful money of the Confederate States: whereby said bonds, held by said Company, being only a nominal price in market, although it was intended by the act aforesaid that they should be payable in specie, and they were accepted by said Company under the belief that they were payable in specie; therefore, for the relief of said Company,

Authorizes re-issue of certain bonds, to be payable in U. S. currency.

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 upon the surrender of any of said bonds to the Public Treasurer, (the stockholders of said Company, in general meeting, having first expressed their approval of this act,) he shall issue to said Com-

pany bonds to an amount not exceeding four hundred and fifty-five thousand dollars, bearing six per cent. interest, with coupons payable semi-annually, payable in good and lawful money of the United States, at the same time specified in the bonds surrendered, and at such place as the Public Treasurer may prescribe: *Provided*, That the Public Treasurer shall apply the coupons due on bonds of the said Wilmington, Charlotte & Rutherford Railroad Company, held by the State in payment of Coupons due on such bonds of the State as may be surrendered for exchange under the provisions of this act. Proviso.

SEC. 2. *Be it further enacted*, That if the Public Treasurer shall elect to make the bonds, which he is authorized to issue under this act, payable elsewhere than at the Public Treasury, in Raleigh, then it shall be conditioned precedent to their issue, that the Wilmington, Charlotte & Rutherford Railroad Company, before such issue, shall substitute for their bonds now held by the State and payable in Raleigh, their bonds for the same amount, and payable at the same time and place, as the bonds hereby authorized to be issued by the Public Treasurer. Gives Public Treasurer discretionary powers.

SEC. 3. *Be it further enacted*, That the bonds of the Wilmington, Charlotte & Rutherford Railroad Company, now filed with the Public Treasurer, or which may be substituted under the provisions of this act, shall have all the securities, and be in all respects subject to the provisions of the said act of the sixteenth of February, one thousand eight hundred and sixty-one. The bonds issued, or to be substituted therefor, shall be subject to provisions of former act.

SEC. 4. *Be it further enacted*, That the benefit of this act shall extend to such of the aforesaid bonds only as were owned and held by said Company on the first day of December, one thousand eight hundred and sixty-five. Provisions of act extend only to bonds held by said Co., Dec. 1, '65.

SEC. 5. *And be it further enacted*, That this act shall be in force immediately after its ratification. [*Ratified this 16th day of December, A. D., 1865.*]

REVISED CODE.

Chap. 4. AN ACT TO AMEND SECTION THIRD, CHAPTER EIGHTY-SIX, OF REVISED CODE.

Amends sec. 3,
ch. 36, Revised
Code, entitled
"Poor."

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 section third, chapter eighty-six of the Revised Code, entitled "Poor," be amended so as to read after the word "Court House," "or such other place as may be agreed upon by a majority of said Court."

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified this 14th day of December, 1865.*]

POLICE FORCE.

Chap. 5. AN ACT TO MODIFY AN ORDINANCE TO ORGANIZE A TEMPORARY FORCE FOR THE PRESERVATION OF LAW AND ORDER.

Modifies ordinance of Convention, by authorizing election of officers.

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 ordinance to organize a temporary force for the preservation of law and order, passed and ratified in Convention October the eighteenth, one thousand eight hundred sixty-five, be and the same is hereby modified so that in all cases where the forces, authorized by said ordinance, have not been organized, the necessary officers shall be elected by the citizens enrolled, and shall not be appointed by the Justices of the Peace.

SEC. 2. *Be it further enacted,* That this act shall take effect, and be in force from and after its ratification. [*Ratified the 15th day of December, 1865.*]

SUPERIOR COURT CLERKS.

AN ACT TO QUALIFY THE SUPERIOR COURT CLERKS LATELY *Chap. 6.*
ELECTED.

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 chairman of each County Court and four other Justices of the Peace in each and every county in the State, shall have power and are hereby required to cause to come before them at their respective county sites, as soon as possible after the passage of this act the Superior Court Clerks elected in their counties on the second Thursday of November last, and administer the usual oaths to them and cause them to give the usual bond with good securities.

Requires Superior Court Clerks to appear before Chairman of County Court take oaths of office and give bond.

SEC. 2. *Be it further enacted,* That said Clerks, after their qualification as above required and after the termination of the Provisional Government, shall enter on the discharge of the duties and be subject to the same liabilities as Superior Court Clerks have heretofore been.

Clerks to enter on their duties on termination of Provisional Government.

SEC. 3. *Be it further enacted,* That said Justices of the Peace shall have the oaths aforesaid subscribed and return the same together with the bonds, to the first regular term of the Superior Court that may be held after the termination of the Provisional Government, according to section seventh, chapter nineteenth, of the Revised Code.

Requires justices of the peace to make returns at the first term of the Superior Court.

SEC. 4. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 16th day of December, 1865.*]



RESOLUTIONS
OF A PUBLIC NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
AT THE
SESSION OF 1865.

RESOLUTIONS ADOPTING THE CONSTITUTIONAL AMENDMENT
ABOLISHING SLAVERY WITHIN THE UNITED STATES.

WHEREAS, The Congress of the United States, by ^{Preamble} joint resolutions, approved on the first day of February, in the year of our Lord, one thousand eight hundred and sixty-five, proposed an amendment to the Constitution of the United States, for the ratification of the Legislatures of the several States, which amendment is in the following words, to wit:

“ARTICLE THIRTEETH.

‘SECTION 1. Neither slavery nor involuntary servitude, ^{Amendment} except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.’

‘SECTION 2. Congress shall have power to enforce this article by appropriate legislation.’

‘Approved February 2, 1865.’”

Resolved, therefore, by the Senate and House of Commons of the General Assembly of the State of North Carolina, ^{Accepts and ratifies the constitutional amendment,} That the aforesaid proposed amendment of the Constitution of the United States be, and the same is hereby accepted and ratified by this State.

Preamble and resolutions to be transmitted to President and Sec'y of State.

Resolved, That a certified copy of the foregoing preamble and resolutions be forwarded, by His Excellency, the Provisional Governor, to His Excellency, the President of the United States, and also to the Secretary of State of the United States. [*Ratified the 4th day of December, 1865.*]

RESOLUTIONS DECLARING THE LOYALTY OF THE PEOPLE OF NORTH CAROLINA.

Preamble.

WHEREAS, There are numerous indications that a large portion of the people of the Northern States of the Union have been led to believe that the people of North Carolina are not well disposed towards them, and towards the General Government: *and whereas*, it appears from a telegram from his Excellency, the President of the United States, to the Provisional Governor of the State, recently published in the public prints of this city, that the President has been misinformed as to the views and sentiments of the people of North Carolina, and especially as regards the issues involved in the late elections of this State: *And whereas*, it is right and proper that this General Assembly should correct, as far as may be in its power, such erroneous impressions, and vindicate the character of the State, therefore,

Declares that the people have accepted in good faith the terms of the President.

Resolved, That the people of North Carolina have accepted the terms offered them by the President of the United States, and have complied with all the conditions laid down by him as necessary to restore our constitutional relations with the other States of the Union; and that they have done so in good faith, and with the intention and determination to preserve and maintain them.

Declares people of N. C., loyal to government of U. S.

Resolved, That the people of North Carolina are loyal to the government of the United States, and are ready to make any concessions not inconsistent with their honor and safety, for the restoration of that harmony upon which their prosperity and security depend.

Resolved, That we have confidence in the ability, integrity and patriotism of Andrew Johnson, President of the United States; and that in behalf of the people of North Carolina, we return our thanks to him for the kindness, liberality and magnanimity which he has displayed towards them.

Confidence expressed in and thanks tendered the President.

Resolved, That a copy of these resolutions be transmitted to His Excellency, the President of the United States, and to the Congress, when it shall assemble. [*Ratified the 9th day of December, A. D., 1865.*]

Authorizes transmission of resolutions to President and Congress.

RESOLUTION OF INSTRUCTION TO THE ATTORNEY GENERAL TO BRING SUIT AGAINST RAILROADS FOR FORFEITURE OF THEIR CHARTER WHERE THEY HAVE GRANTED EXCLUSIVE PRIVILEGES TO PERSONS OR COMPANIES.

Resolved, That in the event of any contract having been entered into by any Railroad Company in this State with any person or company, whereby preferences or exclusive rights of transportation, either in priority, or arrangements is given to such person or company, the Attorney General is hereby instructed to institute proceedings against such Railroad Company for a forfeiture of its charter. [*Ratified the 14th day of December, 1865.*]

Attorney Gen. to institute suits in certain cases.

RESOLUTIONS CONCERNING THE NORTH CAROLINA INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

Resolved, That the Board of Directors of the North Carolina Institution for the Deaf and Dumb and the Blind, be requested to resume the regular exercises of the Institution on the first day of January, in the year of our Lord, one thousand eight hundred and sixty-six.

Board of Directors requested to resume regular exercises.

Resolved, That His Excellency, W. W. Holden, Provisional Governor, be requested to furnish such funds as may be absolutely necessary for the support of the Insti-

Prov. Gov'n'r requested to furnish funds.

tution during the continuance of the Provisional Government. [*Ratified the 16th day of December, A. D., 1865.*]

RESOLUTION CONCERNING THE PER DIEM AND MILEAGE OF THE OFFICERS AND MEMBERS OF THIS LEGISLATURE.

Per diem :
Speakers, \$10;
members, \$6;
principal and
ass't clerks,
\$10; enrolling
clerks, \$7;
door-keepers
\$7.

mileage, 20c.

Resolved, That the Speakers of the two Houses of this General Assembly receive ten dollars per day each, each member six dollars per day; principal and assistant clerks, ten dollars per day each; enrolling clerks, seven dollars per day each; principal and assistant door-keepers each, seven dollars per day; and that each member and officer of the General Assembly, in addition thereto, shall be entitled to receive twenty cents per mile coming from and returning to his residence to the capitol, over the most direct road. [*Ratified the 8th day of December, A. D., 1865.*]

RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO SEND CONVENTION DOCUMENTS TO THE CLERKS OF THE COUNTY COURTS OF THE STATE.

Authorizes
Sec. of State to
transmit doc-
uments to C. C.
Clerks.

Resolved, That the Secretary of State be authorized and required to procure and transmit to each County Court Clerk in the State ten printed copies of the Ordinances and Resolutions of the State Convention. [*Ratified the 14th day of December, A. D., 1865.*]

PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS SESSION OF 1865.

CHARTERS.

AN ACT TO INCORPORATE THE DURHAM ACADEMY IN THE *Chap. 1.*
COUNTY OF ORANGE.

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 M. A. Angier, Solomon Shep-
herd, Z. J. Lyon, John B. Green, and Robert F. Morris,
with their successors, be and they are hereby incorporated
by the name and style of "the Durham Academy," and
by that name may have power to sue and be sued, pur- Title, powers,
chase and hold lands and do all other acts necessary and etc.
proper for the education of youth; subject, nevertheless,
to the regulations and restrictions in the twenty-sixth
chapter of the Revised Code, so far as they are applicable
to corporations of this nature.

SEC. 2. *Be it further enacted,* That this act shall be in
force from and after its ratification. [*Ratified the 16th*
day of December, A. D., 1865.]

Chap. 2. AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE
ACROSS THE FRENCH BROAD RIVER, IN THE COUNTY OF
BUNCOMBE.

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 Alfred Alexander, of the county of Buncombe, and such persons as he may see proper to associate with him, and their heirs and assigns be, and they are hereby authorized and empowered to erect and keep up a toll-bridge across the French Broad River, at or near where the said Alfred Alexander now lives, ten miles north of Asheville, in the county of Buncombe.

Tolls fixed by County Court of Buncombe. SEC. 2. *Be it further enacted,* That the amount of tolls to be charged and received by the owner or owners of said bridge shall be determined by the county court of Buncombe County, whose duty it shall be to establish the rate of tolls, and cause the same to be entered on record in said Court.

Fines imposed for non-payment of tolls. SEC. 3. *Be it further enacted,* That if any person or persons, after the completion of the said bridge, shall pass over the same and refuse to pay the tolls as fixed by law, that every such person or persons shall forfeit and pay the sum of five dollars, to be recovered by the owner or owners of said bridge, by warrant before a justice of the peace.

Liabilities of owners of bridge. SEC. 4. *Be it further enacted,* That in case of failure on the part of the owners of said bridge to keep the same in good repair, so that the public may cross in safety, the said owner or owners shall be subject to indictment in the County or Superior Courts of Buncombe County.

Grant to continue 30 years. SEC. 5. *Be it further enacted,* That this grant shall continue for the space of thirty years; and, this act shall be in force from and after its ratification. [*Ratified the — day of December, A. D., 1865.*]

AN ACT TO AMEND AN ACT RATIFIED TWENTY-NINTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE, IN REFERENCE TO AMENDING THE CHARTER FOR BUILDING A BRIDGE ACROSS THE PASQUOTANK RIVER. Chap. 3.

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 entitled an act to extend the time for the duration of the charter for erecting a bridge across the Pasquotank river, ratified the twenty-ninth day of January, one thousand eight hundred and forty-nine, be, and the same is hereby so amended as to authorize and empower Dorsey Sanderlin, Esquire, of the county of Camden, his heirs and assigns, to construct and use, for the space of ten years, a good and sufficient boat or flat, according to dimensions hereinafter named, in the place of the bridge required by the above recited charter. Amends former act.
Authorizes construction of boat in lieu of bridge.

SEC. 2. *Be it further enacted,* That the said Sanderlin, his heirs and assigns, shall not be permitted to take or receive in current money any higher tolls than that named in the charter aforesaid, under a fine of ten dollars for each offence, to be recovered under a warrant before justice of the peace either in the county of Camden or Pasquotank. Tolls.

SEC. 3. *Be it further enacted,* That within ninety days from the ratification of this act, the said Dorsey Sanderlin, his heirs or assigns, be, and the same are hereby required to prepare a good and sufficient boat as aforesaid, under a penalty of one hundred dollars, to be recovered by the Wardens of the Poor of Camden County. The dimensions of said flat or boat shall be at least forty feet in length, and twelve feet in breadth at the bottom, with a good and sufficient railing on each side, and a bar or chain across each end; it shall be of good and strong material, well built and kept in proper repair. Boat to be in use in 90 days after passage of act.
Dimensions of boat.

SEC. 4. *Be it further enacted,* That the said Dorsey Sanderlin, his heirs and assigns, may be held liable under Liabilities.

an indictment for a breach of any part of this act, and upon conviction, may be fined in a sum not less than ten, nor more than one hundred dollars.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. *Ratified the — day of December, A. D., 1865.*

Clap. 4. AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1854-'55, TO INCORPORATE THE LITTLE RIVER TURNPIKE COMPANY.

Stockholders
permitted to
surrender cer-
tain privileges

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 act be and is hereby amended as follows, to wit: First. That the said turnpike company, at their next annual meeting, or any meeting thereafter, a majority of the stock being represented in said meeting, may, by a majority vote, and said vote entered on their books, surrender their chartered privileges to all that part of said road north of the late residence of C. C. Orr, dec'd, at the foot of the mountain, and retain all their rights and privileges to the south end of said road, from the late residence of the late C. C. Orr, deceased, across the mountains south to the South Carolina line, with the privilege of keeping but one toll-gate at a time on said road, subject to removal, or changed to any other point on said road by the directors, at their own appointment, with the privilege of collecting the following tolls, or less, at their discretion, to wit: For sheep and hogs, two cents each; for cattle, horses or mules, five cents each; man on horseback, ten cents; wagons and carts drawn by one horse, twenty-five cents; and twenty-five cents additional for every additional horse that may be attached to carts and wagons of larger size; fifty cents for buggies and carriages drawn by one horse; and fifty cents for every additional horse attached to buggies or carriages drawn by more than one horse; animals for exhibition or show twenty-five cents each.

Tolls.

SEC. 2. *Be it further enacted*, That the said Turnpike Company shall only be held responsible for that portion of the road retained by them, from the late residence of the said C. C. Orr, deceased, to the South Carolina line, and that they shall be released from all liabilities on the North end of said road; but shall be required to keep the South end of said road so retained, in good traveling order, at least fifteen feet wide, with a grade not to exceed one foot in ten, and the bridges twelve feet wide. And that the chartered privileges to said Company be extended to a term of fifty years from the time they commence the collection of tolls on the same. [*Ratified the 15th day of December, A. D., 1865.*]

Stockholders responsible for only that portion of the road retained by them.

Chartered privileges extended to a term of 50 yrs.

AN ACT TO INCORPORATE STOKESBURG LODGE, NO. 220, OF A. Chap. 5.
Y. M., IN THE COUNTY OF STOKES.

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 Master, Wardens and members of the Stokesburg Lodge, number two hundred and twenty, of Free and Accepted Masons, at Stokesburg, in the county of Stokes, be and they are hereby constituted a body politic and corporate, by the name and style of "Stokesburg Lodge, No. 220, of Free and Accepted Masons," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general, exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature. And,

Body politic.

Title, power, etc.

SEC. 2. *Be it further enacted*. That this act shall be in full force and effect from and after its ratification. [*Ratified the 14th day of December, A. D., 1865.*]

MISCELLANEOUS.

Chap. 6. AN ACT TO PROVIDE FOR THE HOLDING OF COURTS IN THE COUNTY OF WASHINGTON.

Preamble. WHEREAS, The Court House in the town of Plymouth, in Washington county, was destroyed by fire in the month of December, one thousand eight hundred and sixty-two, Therefore,

Authorizes the holding of courts in Plymouth, N. 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 Courts may be held in any place or places in the town of Plymouth, at the regular time of holding Courts in said county, wherever a majority of the justice of the peace of said county may agree: *Provided*, That in case a majority cannot agree, that it shall be in the power of the special Court to decide.

Proviso.

Justices of the Peace to determine where courts shall be held in Plymouth. SEC. 2. *Be it further enacted*, That the chairman of the County Court shall direct the sheriff of said county to summon all the justices of the peace in said county to attend at Plymouth at any time for the purpose of deciding where the Courts shall be held.

Confirms all former acts. SEC. 3. *Be it further enacted*, That all acts and judicial proceedings, entered upon record by any Court or Courts, held in the town of Plymouth, county of Washington, since the burning of the Court House of said county, be and they are hereby confirmed and legalized.

Clerks of the courts not compelled to keep their offices at court house until offices are provided. SEC. 4. *Be it further enacted*, That the clerks of the Superior and County Courts shall not be compelled to keep their offices at the Court House, as required by chapter nineteen and section fifteen, of Revised Code, until a Court House and suitable offices shall be provided. All laws and clauses of laws coming in conflict with this act are, as to this act, hereby repealed.

SEC. 5. *And, be it further enacted*, That this act shall be in force from and after its ratification. [Ratified the 14th day of December D., 1865.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONCERNING *Chap. 7.*
THE COUNTY SITE OF MITCHELL COUNTY," AND REPEALING
THE SAME.

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 to amend an act of the General Assembly at the adjourned session of one thousand eight hundred and sixty-two, chapter second, in relation to the county site of Mitchell county, ratified the eleventh day of February, one thousand eight hundred and sixty-three, is hereby repealed, and that the act passed at the General Assembly at the session of one thousand eight hundred and sixty-two, chapter fifth, and ratified December second, one thousand eight hundred and sixty-two, in relation to the county site of Mitchell county, is hereby declared to be in full force, and that the justices of the peace of Mitchell county proceed to locate the county site of Mitchell county as therein directed.

Repeals act of 1862, chap. 2, relative to the county site of Mitchell Co.

Confirms act of 1862, ch. 5.

Justices authorized to locate county site.

SEC. 2. *Be it further enacted,* That all laws and clauses of laws coming in conflict with this act are hereby repealed.

SEC. 3. *And, be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 16th day of December, A. D., 1865.*]

AN ACT TO AUTHORIZE THE RALEIGH AND GASTON RAILROAD COMPANY TO ESTABLISH A FERRY AT GASTON FOR THE TRANSPORTATION OF PASSENGERS AND FREIGHT ACROSS ROANOKE RIVER. *Chap. 8.*

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 Raleigh and Gaston Railroad Company shall have the right, and they are hereby authorized and empowered, to establish a ferry across Roanoke river, at Gaston, for the purpose of transporting across said river, all passengers and freight taken to or

Empowers R. & G. Railroad to establish a ferry across Roanoke river at Gaston.

intended for railroad transportation going North or coming South, in the same manner and under like rules and regulations as said Railroad Company had the right of transporting passengers and freight across said river on the bridge, before its destruction.

SEC. 2. *Be it further enacted*, That said ferry shall be established at the same point on the river as the bridge was before its destruction.

SEC. 3. *And, be it further enacted*, That this act shall be in force immediately after its ratification. [*Ratified the 16th day of December, A. D , 1865.*]

Chap. 9.

AN ACT CONCERNING THE BURNING OF THE REGISTER'S BOOKS IN THE COUNTY OF BURKE, AND THE DESTROYING OF THE RECORDS AND UNREGISTERED PAPERS, BY THE FEDERAL ARMY, IN THE REGISTER'S OFFICE IN THE COUNTY OF SAMPSON

Preamble.

WHEREAS. By the burning of the Register's books of the county of Burke and the destruction of other records and papers; also, the destroying of records and unregistered papers, by the Federal army, in the Register's office in the county of Sampson, many of the evidences of titles have been destroyed and the proof thereof become difficult:

Copies of all deeds, etc., destroyed, to be recorded and registered.

SECTION 1. *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 copies of all such deeds, instruments and papers as may be of record and registry, upon proof of the genuineness of the same, shall be recorded and registered.

Intermediate deeds admitted to registration in certain cases.

SEC. 2. *Be it further enacted*, That where the original deed, or deeds, shall be lost and there are no copies of the same, copies of any intermediate deed conveying the same land, upon satisfactory proof before any Court of such conveyance having been made, shall be admitted to registration in the same county where such original deed should have been proven.

SEC. 3. *Be it further enacted*, That any person who shall have been in the continued and quiet possession of any land, tenements or hereditaments situated in the counties of Burke and Sampson or any other county (the registration of such deeds having been in the counties of Burke or Sampson) claiming them as his own for the space of seven years, under known boundaries, the title thereof being out of the State, shall be deemed to have been lawfully possessed under color of title of such estate therein, although he may exhibit no conveyance therefor: *Provided*, That such possession shall have commenced before the destruction of the Register's books, and also that such person, or any one claiming under him, shall make affidavit and produce satisfactory proof to the Court, that the possession was rightfully taken, and shall make affidavit that the original deeds in the chain of title are lost and that there are no copies in existence, and that the registration of such deeds were destroyed by fire.

Color of title admitted in certain cases.

Proviso.

SEC. 4. *And be it further enacted*, That the provisions of an act passed at the session of the Legislature one thousand eight hundred and fifty eight-fifty nine, chapter thirty-second, in relation to the public records of the county of Pitt, be and the same are hereby extended to the counties of Burke and Sampson. [*Ratified the 14th day of December, A. D., 1865.*]

Provisions of act of 1858-'9, ch. 32, extended to Burke and Sampson counties.

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF THE GENERAL ASSEMBLY OF 1860-'61, ENTITLED "AN ACT TO APPOINT TAX COLLECTORS FOR BERTIE AND OTHER COUNTIES." *Chap. 10.*

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 said act as refers to the county of Bertie is hereby repealed.

Repeats so much of act of 1860-'61, as refers to Bertie county.

SEC. 2. *And be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of December, A. D., 1865.*]

RESOLUTIONS
OF A PRIVATE NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH CAROLINA,
AT ITS
SESSION OF 1865.

RESOLUTION IN FAVOR OF L. G. WARD.

Secy of State
to issue grants

Resolved, That the Secretary of State be and he is hereby authorized to issue to L. G. Ward, security of Abraham Sellers, deceased, grants to the following entries in the county of Jackson, to wit: Numbers three hundred and nineteen, three hundred and twenty, three hundred and twenty-one and three hundred and twenty-three, when he is satisfied the purchase money for the same has been paid, according to law, by him as security of the said Abraham Sellers. [*Ratified the — December, A. D. 1865.*]

RESOLUTION IN FAVOR OF HONORABLE ZEBULON B. VANCE.

Pardon asked
for

Resolved, by the General Assembly of North Carolina, That the members of this body having entire confidence in the loyalty and honor of Honorable Zebulon B. Vance, would be pleased to see an extension of the Executive clemency in his pardon, and believe that this action would be highly gratifying to the people of the State.

Resolutions to
be forwarded
to the Presi-
dent.

Resolved, That the Speakers of this body be and they are hereby instructed to lay these Resolutions before His Excellency, the Provisional Governor, and ask him to forward them to the President of the United States, with the assurance that the action of this Assembly, in the premises, springs from a sincere desire to promote the patriotic aims of His Excellency, the President, in reconstructing the Union and restoring to it the blessings of domestic tranquility. [*Ratified the 6th day of December A. D., 1865.*]

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE, }
December 23d, 1865. }

I, ROB'T. W. BEST, Secretary of State in and for the State of North Carolina, do hereby certify that the foregoing are true copies of the original Acts and Resolutions on file in this office. Given under my hand, this 23d day of December, 1865.

ROB'T W. BEST,
Secretary of State.

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1866.



PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SPECIAL SESSION OF 1866.

ASYLUMS.

AN ACT CONCERNING THE NORTH CAROLINA INSTITUTION FOR *Chap. 1.*
THE DEAF AND DUMB AND THE BLIND.

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 he is hereby authorized to pay to the Treasurer of the North Carolina Institution for the Deaf and Dumb and the Blind, such sums as may be absolutely necessary for the support of the Institution during the years 1866 and 1867, not to exceed the sum of twenty thousand dollars for each year. Appropriation.

SEC. 2. *Be it further enacted,* That the Public Treasurer be, and he is hereby authorized to pay to the Treasurer of said Institution, fifteen hundred dollars, to be applied towards making the necessary repairs to the buildings and enclosures, and purchasing such furniture as is absolutely necessary for the comfort of the inmates of the Institution. [*Ratified the 9th day of February, A. D., 1866.*] Appropriated \$1,500.

Chap. 2. AN ACT TO SECURE A BETTER GOVERNMENT FOR THE INSANE ASYLUM.

Repeals sec. 7,
8 and 9, ch. 2,
act of 1858-9.

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 seven, eight and nine of chapter two of the Laws of North Carolina, passed at the session of eighteen hundred and fifty-eight-fifty-nine, be and the same are hereby repealed.

Five super-
visors to be
appointed by
Governor.

SEC. 2. *Be it further enacted,* That the government of the Insane Asylum shall hereafter be vested in five supervisors to be appointed biennially by the Governor, and the Governor be, ex-officio, chairman of the board; and the said board of supervisors shall be appointed by the Governor within ten days after the ratification of this act, and they shall hold their office until the first day of January, one thousand eight hundred and sixty-seven, or until their successors shall be appointed; *Provided, nevertheless,* That the Governor shall have power at any time to remove any member of said board of supervisors and to fill vacancies occasioned by such removal from office or otherwise.

Proviso.

Term of of-
fice.

SEC. 3. *Be it further enacted,* That the biennial appointments of said board of supervisors shall be made within thirty days after the inauguration of the Governor, and the said board shall continue in office until their successors shall have been appointed.

Powers, etc.

SEC. 4. *Be it further enacted,* That the said board of supervisors, when appointed, shall have all the powers now vested in the board of directors, and the executive committee of the Insane Asylum, by chapter sixth, of the Revised Code, and by chapter two, of the Laws of North Carolina, passed at the session of eighteen hundred and fifty-eight—fifty-nine, except as is otherwise provided by this act.

Supported by
appropria-
tions from the
Pub. Treas'y.

SEC. 5. *Be it further enacted,* That from and after the first day of October, eighteen hundred and sixty-six, all dues to the Insane Asylum, from any and all sources,

shall be paid into the Public Treasury, and that the said Asylum shall be supported, from and after the expiration of the present fiscal year, by direct appropriations from the Public Treasury.

SEC. 6. *Be it further enacted,* That from and after the expiration of the present fiscal year, the charges for paying patients shall be three hundred dollars per annum, and the charges of indigent patients shall be two hundred and fifty dollars per annum, to be paid, in all cases, without limitation as to number of the counties from whence said indigent patients are sent.

Charges for patients.

SEC. 7. *Be it further enacted,* That the Superintendent of the said Asylum be required to issue the notices to county trustees, as provided for in section twenty-sixth, chapter six. Revised Code, and section four, chapter two, Laws of eighteen hundred and fifty-eight-fifty-nine, so as to place them in the hands of the sheriffs of the counties to which they are sent, on or before the twentieth day of December, in each year, and that said sheriffs be required to serve said notices on the county trustees on or before the first day of January next ensuing, and make returns of said notice, with the date and manner of executing the same, to the said Superintendent, on or before the first day of March next ensuing, and that the said Superintendent be required to file his certificate of the amount due from each county, with the Public Treasurer, on or before the eleventh day of January in each and every year.

Super'tend't
issue notices
to County
Trustees.

Sheriffs to
make returns.

SEC. 8. *Be it further enacted,* That the said Superintendent be required to issue notices forthwith to the sheriffs of different counties of the amounts due from their counties for the support of the indigent insane for the year one thousand eight hundred and sixty-five; and the justices of the peace for said counties, at the first levying of taxes, after the receipt of said notice, are hereby required to levy taxes in their respective counties for the purpose of raising money to pay such dues into the Public Treasury, and such money, when collected, shall be paid into the

Superinten-
dent to issue
notices to the
Sheriffs.

Public Treasury ; and any officers neglecting, failing or refusing to discharge the duties devolved upon him, by this section, shall be deemed guilty of a misdemeanor, and shall be prosecuted therefor in the Superior Court of the county.

SEC. 9. *Be it further enacted*, That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Supervisors authorized to draw funds from Treasury for support of Asylum.

SEC. 10. *Be it further enacted*, That the board of supervisors shall be, and they are hereby authorized to draw from the Treasury of the State, such sums as they may find, on full investigation, to be necessary to support the Asylum and keep the same in proper repair during the present fiscal year : *Provided*, The aggregate thus drawn shall not exceed thirty-five thousand dollars.

Proviso.

SEC. 11. *And, be it further enacted*. That this act shall take effect from and after its ratification. [*Ratified the 10th day of March. A. D., 1866.*]

BANKS.

Chap. 3. AN ACT TO ENABLE THE BANKS OF THIS STATE TO CLOSE THEIR BUSINESS.

Preamble.

WHEREAS, The financial policy of the Federal Government, adopted to maintain the national credit, with the heavy taxes imposed by that Government, on the banks of the State, makes it absolutely necessary that said banks should close their business, and renders a further continuance of their corporate existence idle and useless to the people of the State.

Permits banks to file bills in court of equity, requiring cre for to establish claims.

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 the stockholders of any of the banks, chartered by the General Assembly of this State, shall be unwilling to close the business of their

banks, and by assignment, and are desirous to appropriate all the estate and effects of such bank, for the benefit of its creditors, and to close its business and surrender their chartered rights and franchises, in conformity with the subsequent provisions of this act, such stockholders may, by their bill in equity, in the name of such bank, filed in the Court of Equity, of the county in which the principal bank or any of its branches may be located, require the creditors of such bank to prefer and establish their demands within such time, (not less than twelve months after decree therefor) or shall be allowed by the court. The court shall, upon filing such bill, appoint as commissioner a suitable person acquainted with the business of such bank, who shall be paid for his services such sum as may be allowed by the court. Such commissioner shall give bond, with ample security, payable to the State for the faithful discharge of his duties, in such sum as shall be approved by the court, which bond shall be filed in court, and may be sued on for the use of such persons as the court may allow.

Commissioner
appointed by
court.

SEC. 2. *Be it further enacted*, That the commissioner appointed as aforesaid, upon filing the bond required of him, shall forthwith become, and so long as he shall continue such commissioner, and no longer, shall be vested with all the estate, effects and rights of action which such bank possessed, had or held or was vested with, at the time of filing such bill, and which such bank could at that time have lawfully sold, assigned or transferred, including all debt due to such bank or to any person for its use, and all liens and securities therefor. The court may require such bank, by its cashier or other proper officer, to endorse, without recourse, all such bills or notes, draw all such checks or orders for money, and execute such other paper writings as the court shall deem necessary or useful to enable the commissioner to demand or recover and receive the estate and effects of such bank for the benefit of its creditors. The commissioner shall have the like remedy

Commissioner
to take charge
of bank effects.

Towers of
O'Connell's

to recover and receive all the estate, debts and effects, belonging to such bank at the time of filing its bill, as such bank might have had if no proceedings had been made under this act; and should any such bank have made any sale or transfer of its property or effects, fraudulent as to its creditors, but valid as between the parties, in such cases, such commissioner shall stand in the place of the creditors, and may recover and receive such property or effects so fraudulently sold or transferred, although such bank could not have done so. In all suits, prosecuted by such commissioner at law or in equity, the plaintiff shall be styled "The Commissioner, (adding thereto the name of the particular bank for which he has been appointed the Commissioner);" and if at the time of filing such bill, by any bank, any action at law or proceeding or suit in equity shall be pending in the name of such bank for the recovery of any estate, debt or demand, which might or ought to be vested in such commissioner as aforesaid, such commissioner shall be admitted to prosecute the same in like manner and to like effect; and no suit pending at any time for the recovery of any estate, debt or demand in the name of such commissioner shall be abated by the death or removal of such commissioner, but a commissioner to be appointed in such case, (as is hereinafter provided) shall be admitted to prosecute the same in like manner and to like effect as if the same had been originally commenced by him.

Title.

Commissioner
to act under
orders court.

SEC. 3. *Be it further enacted*, That the commissioner aforesaid shall, in all things connected with the discharge of his duties, as commissioner, act under the direction and orders of the court; and if any such commissioner shall refuse or unreasonably delay or neglect to obey any rule, order or decree of the court, it shall be the duty of the court to remove such commissioner; and upon such removal or upon any vacancy by death or otherwise, the court shall appoint some other person commissioner, who shall enter into bond in such sum as the court shall direct,

Duties of court
in certain
cases.

in like manner and for the like uses and purposes as provided in cases of the commissioner first appointed; and, thereupon, all the estate, property, effects, debts and rights of action, vested in such bank, at the time of filing its bill, not before lawfully disposed of by any former commissioner, shall forthwith be vested in such new commissioner as legally and effectually as if he had been the commissioner first appointed; and the court shall have the power to require any former commissioner or the representative of any deceased commissioner to surrender to such new commissioner any such estate, effects, money, or evidences of debt, which, of right, should be in the hands or possession of such new commissioner.

SEC. 4. *Be it further enacted,* That all demands of creditors may be preferred and proved before such commissioner, and for all purposes connected with the investigation of the demands of any person, claiming to be a creditor, as aforesaid, the commissioner shall have power to administer all oaths required in the course of such proceedings. Any supposed creditor, whose claim shall be wholly or in part disallowed by any commissioner, may appeal to the court, when the same shall be determined according to the course of the court or decided at law, as the court may direct; and in all such appeals the case shall be docketed in the name of the creditor against "The commissioner of (adding the name of the bank of which he is Commissioner);" and shall be tried and determined as like suits between the other parties. In all cases in which any such commissioner shall be a party, whether plaintiff or defendant, and it shall appear that there has been mutual credit given by the bank and any other corporation or any person, who is the opposite party, or there are mutual debts between them, whether such debts be due and payable or not, or whether demand has been made for the same or not, the account between the parties shall be stated, and one debt shall be set off against the other, and the balance of such account only shall be allowed or paid

Commissioner may administer oaths in certain cases.

Appeal may be taken by creditors.

Mutual debts between banks and creditors, how settled.

on either side respectively, and the costs, in all cases, shall be paid by either party, as the court shall direct. The commissioner shall, from time to time, prepare statements in writings of all claims allowed by him, showing the character of such claims and the evidence on which their validity is based, and there shall be no application of any funds in the hands of such commissioner to the satisfaction in whole or in part of any claims whatever, except under a rule or order of the court therefor.

No claim paid except by order of court.

Claims against banks barred of recovery if not established within certain time.

SEC. 5. *Be it further enacted,* That the court shall make all proper orders and decrees for the collection of the assets of such bank, of every nature and description, and for the payment of the costs and expenses incident to the proceedings. The creditors, whose claims and demands have been proved and established, as aforesaid, against the estate and effects of such bank, in the hands of the commissioner, shall be entitled to payment in satisfaction of the same out of the assets in hands of such commissioner as the court shall order and direct; and all such claims and demands not presented, proved and established, according to the provisions of this act, within the time allowed by the decree of the court therefor, shall be barred of recovery by any action at law or other proceeding in equity; and any suit brought for their recovery, otherwise than is herein provided, shall, on the plea of the commissioner of such bank, be abated, or on his motion, dismissed.

Notice of filing of bill to be published for thirty days in newspapers.

SEC. 6. *Be it further enacted,* That it shall not be necessary, in any bill filed under this act, to make any particular persons or corporations parties by name, but it shall be sufficient if the defendants be denominated creditors of the particular bank in behalf of which suit may be instituted; and notice of the bill shall be published for the space of thirty days, so soon as it may be filed, in at least fifteen newspapers, one of which shall be published in the city of Raleigh; one in the city of Charleston, South Carolina; one in the city of Richmond, Virginia; one in the

At what places.

city of Baltimore, Maryland; one in the city of Philadelphia; one in the city of New York; one in the city of Augusta, Georgia; one in the city of Montgomery, Alabama; one in the city of New Orleans; one in the city of Nashville, Tennessee.

SEC. 7. *Be it further enacted*, That any one of the Judges of the Supreme Court, or of the Superior Courts of law and equity, shall have power at his chambers, from time to time, to make any such rules, orders or decrees as may be necessary or required, for expediting the settlements of all controversies between any commissioner appointed under this act, and other parties, for the guidance and instruction of any commissioner in any matter connected with the discharge of his duties, for the removal or appointment of a commissioner, or for the speedy execution of any of the powers by this act conferred on a court of equity.

Powers of Judges of Supreme and Superior Courts.

SEC. 8. *Be it further enacted*. That the filing by or on behalf of any bank, of a bill in the court of equity under the provisions of this act, shall, upon the appointment and qualification of a commissioner, thereunder, be deemed and taken to all intents and purposes to be a surrender by such bank of all the corporate rights and franchises granted to such bank; and all laws by virtue of which any such bank there exists as a corporation, are hereby repealed, and such corporation shall be thereupon dissolved, and all the effects and consequences following or incident to the dissolution of a corporation at common law, shall ensue thereon, any statute law of this State to the contrary notwithstanding; *Provided, however*, That the estate, property and rights of action, vested in the commissioners as provided by this act, shall not be in any way divested or impaired thereby, nor shall the right of any creditor of such bank against such commissioner or against the estate or effects so vested in him be thereby impaired or in any way affected, and such commissioner shall thereupon be considered as the plaintiff in the pending proceedings;

Filing of bill by a bank deemed a surrender of charter.

Proviso.

Proviso.

And, provided, further. That should there be any balance remaining in the hands of any such commissioner, after the satisfaction of the claims of such creditors, the commissioner, under the direction of the court, shall distribute and pay the same to and among those who shall be justly entitled thereto as having been stockholders or members of such corporation at the time of its dissolution, as aforesaid, or their legal representatives.

Suits against bank by the branch bank, where instituted.

SEC. 9. *Be it further enacted,* That all suits on debts due the banks, contracted with a branch bank, shall be brought in the county where the bank was established, and if brought in any other county may be dismissed on motion.

SEC. 10. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 12th day of March, A. D., 1866.*]

CLERKS AND SHERIFFS.

Chap. 4.

AN ACT TO EMPOWER THE PROVISIONAL CLERKS OF THE COUNTY COURTS, OR THE CLERKS OF THE SUPERIOR COURTS, TO ADMINISTER OATHS.

Clerk to administer oaths.

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 Provisional Clerks of the Courts of Pleas and Quarter Sessions, or the Clerks of the Superior Courts are hereby fully authorized and empowered to administer the oaths prescribed by law to all the Justices of the Peace appointed by this Legislature, to the end that they may be qualified to enter upon and discharge the duties of their office.

Duties of clerks and sheriffs.

SEC. 2. *Be it further enacted,* That it shall be the duty of said provisional Clerks to furnish the Sheriffs of their respective counties with the names of the Justices appointed for their counties at as early a day as practicable; whereupon it shall be the duty of the said Sheriffs forth-

with to notify said Justices of their appointment and summon them to assemble at their respective Court Houses for the purpose of being qualified and organizing the Courts of Pleas and Quarter Sessions.

SEC. 3. *Be it further enacted*, That a copy of this act be furnished to the Clerks at as early a day as practicable.

SEC. 4. *And, be it further enacted*; That this act shall be in force from and after its ratification. [*Ratified the 23d day J nuary, A. D., 1866.*]

AN ACT TO CARRY INTO EFFECT AN ORDINANCE OF THE CONVENTION OF THE STATE OF NORTH CAROLINA, ENTITLED "AN ORDINANCE FOR THE ELECTION OF CLERKS AND SHERIFFS."

Chap. 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 Clerks elected by virtue of said ordinance shall hold their offices until their successors shall be elected and qualified in conformity to the provisions of chapter nineteen of the Revised Code, which election for said successors shall take place and be held on the first Thursday in August, in the year of our Lord, one thousand eight hundred and sixty-nine.

Appoints time for holding election for clerks.

SEC. 2. *Be it further enacted*, That the Sheriffs elected by virtue of said ordinance shall hold their offices until their successors are elected and qualified in conformity to the provisions of chapter one hundred and five of the Revised Code, which election shall take place and be held on the first Thursday in August, in the year of our Lord, one thousand eight hundred and sixty-eight. [*Ratified the 18th day of December, A. D., 1865.*]

Appoints time for holding election for sheriffs.

Chap. 6.

AN ACT TO LEGALIZE THE OFFICIAL ACTS OF SHERIFFS.

Legalizes cer-
tain acts of
sheriffs.

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 the official acts of Sheriffs who were *de facto* in office, and of their deputies, prior to the first of March, eighteen hundred and sixty-six, are hereby declared legal and binding: *Provided,* That said Sheriffs did not exceed in such official acts the powers and authority, intended to be vested in them by the laws of the State. [*Ratified the 12th day of March, A. D., 1866.*]

Proviso.

Chap. 7. AN ACT TO REDUCE THE BONDS OF SHERIFFS AND OTHER OFFICERS.

Penal bonds
reduced,

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 penal bonds of Sheriffs, Clerks and other officers, which are now required by law to be given, shall be the same bonds as is required by the Revised Code and for the same amount; and that all laws coming in conflict with this act are hereby repealed.

SEC. 2. *Be it further enacted,* That this act shall be in force from its ratification. [*Ratified this 12th day of March, A. D., 1866.*]

Chap. 8. AN ACT TO EXTEND THE TERMS OF OFFICE OF CERTAIN COUNTY OFFICES.

Certain officers
to hold places
until succes-
sors are ap-
pointed.

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 terms of office of the officers elected by the special terms of the Courts of Pleas and Quarter Sessions held pursuant to "An Act for the more complete re-organization of the State government

and for other purposes," which by an exact computation of time would expire before such time as their successors are to be elected according to the provisions of the Revised Code, is hereby extended to the term of the Courts of Pleas and Quarter Sessions at which their successors are to be appointed.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 10th day of March A. D., 1866*]

AN ACT TO DECREASE THE EXPENSES OF SHERIFF'S RETURNS.

Chap. 9.

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 Sheriffs of the several counties of the State may make their returns to the Treasurer of the State under "An ordinance to provide revenue for the year 1865, ratified in Convention, October eighteenth, one thousand eight hundred and sixty-five," by transmitting the same respectively due by them where the amount collected does not exceed five hundred dollars, together with the certificates of the Clerks as required in section twenty-four of said ordinance, to the Treasurer, by the hands of any member of the General Assembly, at its session to convene on the first Monday in February, one thousand eight hundred and sixty-six.

Allows sheriffs to make returns thro' members Gen. Assembly.

SEC. 2. *Be it further enacted*, That only such Sheriffs as appear and make returns in person to the Treasurer shall be entitled to the compensation allowed by section twenty-seven of said ordinance.

No compensation allowed.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of December, A. D., 1865.*]

Chap 10. AN ACT TO CONTINUE IN OFFICE CLERKS AND MASTERS IN EQUITY
UNTIL THEIR SUCCESSORS ARE APPOINTED.

Clerks and
Masters con-
tinued in office
in certain
cases.

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 Clerks and Masters whose term of office has expired without a successor having been appointed, and all Clerks and Masters whose office has been vacated by the ordinance of the Convention declaring vacant the offices of all officers of the State who have taken an oath to support the constitution of the Confederate States without successors, in such case having been appointed, be and the same are hereby continued in office until their successors are appointed according to the provisions of the Revised Code, chapter twentieth: *Provided,* That this act shall not be construed to have any application to cases in which the Judges have already appointed successors or shall appoint them prior to the ratification of this act.

Proviso.

Legaliz ng
certain acts.

SEC. 2. *Be it further enacted,* That all acts and proceedings had and done by said offices, which would have been lawful and regular had they been rightfully in office, be and the same are hereby ratified and confirmed.

SEC. 3. *And, be it further enacted,* [That this act shall be in force from and after its ratification. [Ratified the 3rd day of February, A. D., 1866.]

COLLEGES.

Chap 11. AN ACT TO AUTHORIZE THE PUBLIC TREASURER TO RECEIVE AND INVEST
THE LAND SCRIP DONATED TO THIS STATE FOR THE ESTABLISHMENT
OF AN AGRICULTURAL COLLEGE.

Treasurer au-
thorized to de-
mand and re-
ceive certain
donated lands
and scrip.

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 is designated and he is hereby authorized to demand and receive

the lands and land scrip to which the State of North Carolina is entitled, under an act entitled "An Act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, and amended by an act extending the time within which the States and Territories may accept the grant of lands and scrip under said act, approved April fourteenth, eighteen hundred and sixty-four; which donation was accepted by the Legislature of the State of North Carolina at this session.

SEC. 2. *Be it further enacted*, That the Public Treasurer is authorized by and with the advice and consent of the Governor to sell said scrip from time to time for the highest price which can be obtained in such market as he may deem best, and shall invest the proceeds in stocks of the United States or of the States, or some other safe stocks yielding not less than five per centum upon the par value of said stocks, and the said funds shall be held separate and apart from other public funds.

Treasurer authorized to sell scrip.

SEC. 3. *Be it further enacted*, That the Public Treasurer, to effect the objects of this act, shall have power to employ such agents as may be necessary, and the expenses incurred, not to exceed fifteen hundred dollars, shall be paid out of any moneys not otherwise appropriated on the warrant of the Governor.

Treasurer authorized to employ agent.

SEC. 4. *Be it further enacted*, That the Treasurer shall report his proceedings to the General Assembly.

SEC. 5. *And, be it further enacted*, That this act shall be in force from and after its ratification. [Ratified the 5th day of March, A. D., 1866.]

Chap. 12. AN ACT FOR ESTABLISHING A COLLEGE FOR THE EDUCATION OF TEACHERS AND MINISTERS OF THE GOSPEL OF THE COLORED RACE.

Preamble. WHEREAS, The well being of the State is greatly dependent on the religious and intellectual culture of the subjects thereof; *And, whereas,* there is at this time no College or literary institution where those of the colored race, who aspire to be teachers and ministers of the gospel, can receive a suitable education,

Body politic. SECTION 1. *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 Rev. Jesse Rankin, Rev. G. S. Murkland, Alexander McIvor, Rev. G. A. Russell, A. A. Willard, Rev. Jos. M. Atkinson, Rev. H. Hardie, Rev. E. H. Harding and Rev. W. L. Miller, and their successors duly elected and appointed, be, and they are hereby made, constituted and declared to be a corporation and body politic and corporate, in law and in fact, to have continuance thirty years, by the name, style and title of the "Trustees of the Freedmen's College of North Carolina," and by the name and title aforesaid, to have perpetual succession, and a common seal, and shall forever hereafter be persons able and capable in law, to take, receive and hold all manner of lands, tenements, rents, annuities and other hereditaments which shall, at any time or times, be granted, bargained, sold, released, divided, or otherwise conveyed to them and their successors, by any person or persons, or bodies corporate or politic; *and further,* That the said Trustees and their successors under the corporate name aforesaid, shall be able and capable in law to take, receive and possess all moneys, goods and chattels that shall be given, sold, or released, or bequeathed by any person or persons for the use of said College, and the same to apply according to the will of the doner, and all such lands, rents, tenements, hereditaments, moneys, goods and chattels, of what kind, nature, or quality soever the same may be, the said Trustees and

*Title, powers,
etc.*

their successors to have, hold possess, and use in special trust and confidence, for the purpose of establishing and endowing said College, at such site as they may select therefor, in the eastern part of the State of North Carolina.

SEC. 2. *Be it further enacted*, That the said Trustees and their successors, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, convey and confirm to the purchaser or purchasers, such lands, rents, tenements and hereditaments aforesaid, when the conditions of the grant to them, or the will of the devisee, does not forbid it; *and further*, That the said Trustees and their successors, by the name aforesaid, shall be able and capable in law, to sue and be sued, to plead and be impleaded, answer and be answered, in all courts of record whatever, in all manner of suits, complaints, pleas, matters and demands. Powers.

SEC. 3. *Be it further enacted*, That the said Trustees and their successors shall be, and are hereby authorized and empowered to make, ordain and establish such by-laws, ordinances and regulations for the government of said College, and the preservation of order and good morals therein, as are usually made in such seminaries, and to them may seem necessary: *Provided*, The same be not repugnant to the constitution and laws of this State or of the United States. Proviso.

SEC. 4. *Be it further enacted*, That the said Trustees and their successors shall have power and authority to make and use a common seal, with such devise and inscriptions as they may think fit and proper, and the same to alter and renew at their pleasure.

SEC. 5. *Be it further enacted*, That the said corporation shall consist of not more than forty-eight members, and that the Trustees named in this act, or a majority thereof, shall have power to appoint additional trustees, at such time or times as they may deem best, until the number specified is completed, the Trustees elected being mem- Number of Trustees.

bers of some branch of the Presbyterian Church, and shall have power to fill all vacancies occurring by death, resignation, or otherwise.

Duties of trustees.

SEC. 6. *Be it further enacted*, That the said Trustees and their successors, or a majority of them, shall have power to appoint a President, and such professors and tutors, as to them may appear necessary, whom they may remove for misbehavior, inability, or neglect of duty; *and, provided further*, if a majority of said trustees, and their successors, shall not convene for the purposes aforesaid, it shall and may be lawful for seven of said trustees to form a quorum to do business.

Proviso

✓ SEC. 7. *Be it further enacted*, That the trustees aforesaid, and their successors, shall have power to establish a manual labor preparatory department in connection with said College, and shall appoint all officers, and perform all acts necessary therefor.

Real estate limited.

SEC. 8. *Be it further enacted*, That the real estate held by the Trustees aforesaid in the State of North Carolina shall at no time exceed in quantity five hundred acres.

SEC. 9. *And be it further enacted*, That this act shall take effect and be in force from and after its ratification. [Ratified the 12th day of March, A. D., 1866.]

COURTS.

AN ACT CONCERNING INDICTMENTS IN THE COURTS OF OYER AND TERMINER. *Chap. 13.*

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 defendants in all bills of indictments found, but not disposed of, at the several Courts of Oyer and Terminer, recently held in this State under the direction of the Provisional Governor, shall be held to trial respectively at the next regular term of the Superior Court of the same counties, in the same manner as though the said bills had been found at a regular term of the Superior Court. *Ratified the 22nd day of February, A. D., 1866.]*

Defendants in bills of indictments held to trials in Superior Courts.

AN ACT TO RESTORE JURY TRIALS TO THE COURTS OF PLEAS AND QUARTER SESSIONS IN THIS STATE, IN CRIMINAL CASES. *Chap. 14.*

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 courts of pleas and quarter sessions of this State shall have jurisdiction to enquire into, try, hear and determine all petit larcenies, assaults and batteries, all trespasses and breaches of the peace, and all other crimes and misdemeanors, the judgment upon conviction whereof shall not extend to life, limb, or member, excepting those only whereof the original jurisdiction is given exclusively to a single justice of the peace, or to two justices of the peace, to the superior or to the supreme court.

Additional powers given

SEC. 2. *And, be it further enacted,* That all laws and clauses of laws, coming in conflict with this act are hereby repealed, and that it shall be in force from and after its ratification. [*Ratified 15th day of March, A. D., 1866*]

Chap. 15. AN ACT TO REGULATE THE TERMS OF THE SUPREME COURT AND FOR OTHER PURPOSES.

Sessions held
at Raleigh.

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 terms of the Supreme Court shall hereafter be held in the city of Raleigh twice in each year, beginning on the second Monday of January and June, instead of the terms now prescribed by law.

Certain causes
reinstated.

SEC. 2. *Be it further enacted,* Causes depending in said Court, which have been discontinued in consequence of the failure of the Judges to hold any of its regular terms, shall be reinstated on the docket by the clerk.

Notice given.

SEC. 3. *Be it further enacted,* That the publication of this act in some newspaper published in the city of Raleigh, for six successive weeks after its ratification, shall be deemed notice to the parties, their agents and attorneys.

SEC. 4. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 10th day of March, A. D., 1866.*]

Chap. 16 AN ACT TO CHANGE THE JURISDICTION OF THE COURTS AND THE RULES OF PLEADING THEREIN.

Jurisdiction
of Superior
Courts in cer-
tain cases.

SEC. 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 first day of July, eighteen hundred and sixty-six, the several superior courts of law shall have exclusive original jurisdiction to hear, try and determine all cases of a civil nature, not cognizable before a justice of the peace, and arising out of contracts entered into before the first day of May, in the year eighteen hundred and sixty-five, except when the proceeding shall be by attachment: *Provided,* That nothing herein contained shall prevent a court of pleas and quarter sessions from empannelling a jury to try contro-

Proviso.

versies respecting wills upon issues *devisavit vel non*: *Pro-* Proviso.
vided further, That all writ of debt, assumpsit, covenant
 and account issued to Spring term, one thousand eight
 hundred and sixty-six, shall be returned at Fall term,
 eighteen hundred and sixty-six: *Provided further*, That
 in all suits *ex-contractu* the defendant or defendants shall
 be allowed six months from the return term to plead to
 demur.

SEC. 2. *Be it further enacted*, That in all cases comunit- Defendants
 ted to the exclusive jurisdiction of the superior courts of given further
 law, by section first of this act, when suits have already time for trial.
 been brought and are now pleading in any of the said
 courts, it shall be the duty of the court to give the defen-
 dant further time for trial, until the Fall term of eighteen
 hundred and sixty-six, when the same shall stand for trial
 as other suits; in all other cases suits may be brought
 and prosecuted to judgment according to the regular
 course of the court.

SEC. 3. *Be it further enacted*, That in all cases as afore- Duty of Sher-
 said, pending in Superior Courts, in which judgments iff's and Clerks
 have been heretofore taken, or may be hereafter taken, in
 the Superior courts, and upon which executions have
 issued or may issue, it shall be the duty of the sheriff or
 other officer, in whose hands such executions have been
 or may be placed for collection to endorse a levy upon
 the property of the defendant or defendants sufficient to
 satisfy the same, and return such executions without
 making a sale; and upon said returns, it shall be the
 duty of the clerk, sixty days before the next term of the
 next Court to issue a *venditioni exponas* or *fiere facias*, at
 the election of the plaintiff, returnable to the next term
 of the Court for the costs and one-fifth of the sum recov-
 ered; and all alias executions upon judgments heretofore
 taken, shall be returnable in like manner, and shall issue,
 for the like proportion of the judgment: *Provided*, That Proviso.
 nothing contained in this section shall be held to revive
 dormant judgments.

On return of execution, duty of clerks.

SEC. 4. *Be it further enacted*, That upon the return of execution, as aforesaid, it shall be the duty of the clerk, sixty days before that term of the Court which is held twelve months from the term to which such executions was returned, to issue another *redditioni exponas* or *feri facias* at the election of the plaintiff returnable to said term for one-fourth of the remainder of the sum recovered and interest thereon; and upon said return it shall be the duty of the clerk, sixty days before that term of the Court which is held twelve months after said return, to issue executions as aforesaid for one-half of the remainder of the sum recovered and interest thereon; and upon said return it shall be the duty of the clerk, sixty days before that term of the Court which is held twelve months after said return, to issue execution, as aforesaid, for the remainder of the sum recovered and interest thereon: *Provided*, That if the defendant shall pay into office or file before the clerk a receipt from the plaintiff therefor, and any one of said installments before the time fixed for issuing execution, as aforesaid, in such case execution shall be stayed for said installment: *And, provided further*, That the judgment shall constitute a lien on the land of the defendant until said judgment is satisfied or the lien discharged by the act or laches of the plaintiff.

Proviso.

Proviso.

SEC. 5. *Be it further enacted*, That so much of the seventeenth section, chapter one hundred and five of the Revised Code, as subjects a sheriff to a penalty of one hundred dollars for not executing and returning process, be and the same is hereby repealed, except as provided in this act as to all penalties which may be alleged to have been incurred by a compliance with the provisions of this act.

Duties of Constables.

SEC. 6. *Be it further enacted*, That it shall be the duty of all constables and other officers to levy any executions which may be in their hands, issued upon judgments heretofore rendered by magistrates, and to return the same, together with said levies to justices of the peace who

issued the same, or to some other magistrate in said county, whose duty it shall be, upon the application of the plaintiff, to issue a *venditioni exponas*, returnable not sooner than twelve months from the date thereof, and for the like proportion of the sum recovered as hereinbefore prescribed on executions issued from the Superior Court, and so from twelve months to twelve months, until the judgment is satisfied; *Provided, however,* That when there is no personal property, or not sufficient to satisfy the plaintiff's demands, it shall be the duty of such officers to levy the execution on the defendant's land, and when there is no personal property, or the same shall have been exhausted by sales as herein directed, to return the same to the next Superior Court of the county, where the same proceedings shall be had as in cases of original jurisdiction in enforcing payment by execution. Proviso.

SEC. 7. *Be it further enacted,* That hereafter all civil warrants, issued by justices of the peace, where the proceeding is not by attachment, shall be made returnable for trial twelve months after the date of issuing such warrant and not before; and no justice of the peace shall have power or jurisdiction to try any such warrants before the expiration of twelve months from the issuing of the same; *Provided,* That the defendant is a resident of the State, and all executions issued by a justice of the peace, shall be made returnable twelve months from the issuing of the same; and upon trial of such warrant either party may appeal from the judgment to the next succeeding term of the Superior Court by giving security as is now provided by law in case of appeal from justices' judgments; and upon judgments there had, according to the course of the Court, and upon all judgments given by a magistrate, and no appeal therefrom, execution shall issue and be returnable in like manner and time and for the like proportion of the sum recovered as hereinbefore provided where suit is brought in the Superior Court: *Pro-* Justices' warrants, when returnable.

vided, however, That all proceedings before any justice or Proviso.

justices for any forcible entry or detainer, or against any other person holding over against a landlord, or in any other case founded in tort, where jurisdiction has heretofore been given, or may hereafter be given to one or more justices by existing law, shall not be subject to the provision, but all such cases may be prosecuted to judgment and execution in the manner prescribed by law prior to the eleventh September, eighteen hundred and sixty-one, or as provided in any act or acts touching such wrongs and conferring such jurisdiction.

Penalty for
oblation.

SEC. 8. *Be it further enacted*, That if any sheriff, clerk or other officer shall violate any of the provisions of this act, he shall forfeit the sum of two hundred dollars to be recovered by any person suing for the same in the name of the State, and shall also be subject to indictment for a misdemeanor.

SEC. 9. *Be it further enacted*, That none of the provisions of this act shall apply to the collection of the State or county revenue, or repeal any of the existing modes or remedies provided by law for the collection of the same.

Tax fees.

SEC. 10. *Be it further enacted*, That the tax fee upon justices' judgments, returnable to the Superior Court, shall be the same as is now taxed in the several County Courts.

Time extend-
ed to admin-
istrators, etc.

SEC. 11. *Be it further enacted*, That the time of four years be extended to executors and administrators, wherein to settle the estates of their testators or intestates, and a further time in which to plead; at the discretion of the Courts.

Benefits of act
not applied in
certain cases.

SEC. 12. *Be it further enacted*, That the provisions of this act, extending the time of pleading and the return of executions, shall not apply to cases arising under chapter seven, Revised Code, entitled attachment; but proceedings may be instituted and prosecuted to judgment, and execution in all respects as is provided in the said chapter or any act or acts since passed, concerning attachment.

SEC. 13. *Be it further enacted*, That any action or suit heretofore brought under any existing law returnable to the next Fall term of every Superior Court of law or equity, shall be deemed to have been properly brought to said Courts, as if instituted after the next Spring term of said Court, and shall be proceeded with according to the provisions of this act.

SEC. 14. *Be it further enacted*, That an act entitled “An Act to change the jurisdiction of the Courts and the rules of pleading,” ratified the eleventh day of September, eighteen hundred and sixty-one, and also an act entitled “An Act to restore the Courts and for other purposes,” ratified the fourteenth December, eighteen hundred and sixty-three, be and the same are hereby repealed; and except as herein otherwise provided, full jurisdiction, civil and criminal, as conferred in the County Courts, and the said Superior Courts of law and equity in the Revised Code shall be and the same is hereby restored: *Provided*, That no one of the provisions of this act, save the first section thereof, shall apply to suits upon the official bonds of sheriffs, coroners, constables, clerks of the County and Superior Courts, and clerks and masters in equity, nor debts contracted since the first day of May, eighteen hundred and sixty-five; but the remedy in such cases shall remain as existed in the year 1860.

SEC. 15. *Be it further enacted*, That in all suits brought by any bank of the State or by any assignee or endorsee of said bank, or any officer of said bank, that it shall and may be lawful for the defendant or defendants to set off by pleas or on trial any note issued by said bank or its branches, whether the same has been presented for payment or not, any law or usage to the contrary notwithstanding, but said plea of sett off, or set off on trial, shall not avail to carry costs against the plaintiff, unless there has been a tender of such payment before suit has been brought: *Provided*, That this act shall not apply to any

Repeal of former acts.

Proviso.

Suits brought by banks, how sett off.

Proviso.

debt reduced by the scale of depreciation of Confederate currency. [Ratified the 10th day of March, A. D., 1865.]

COLLECTING TAXES.

Chap. 18.

AN ACT TO EXTEND THE TIME FOR COLLECTING TAXES.

Preamble.

WHEREAS, By an ordinance of the late State Convention entitled "An Ordinance to provide revenue for the year 1865," ratified the eighteenth day of October, one thousand eight hundred sixty-five, it is made the duty of the sheriffs of this State to collect certain taxes in their respective counties, and pay over the same to the Public Treasurer before the first day of February, one thousand eight hundred and sixty-six: And, whereas, Doubts and difficulties existed on this subject, rendering a strict compliance on the part of said sheriffs impracticable at present.

Therefore,

Sheriffs allowed till Feb 20, 1866, to pay over certain 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 sheriffs of this State be allowed time until the twentieth day of February, one thousand eight hundred and sixty-six, to collect in their respective counties and pay over to the Public Treasurer the taxes imposed by the ordinance of the Convention aforesaid, ratified on the eighteenth day of October, one thousand eight hundred and sixty-five.

SEC. 2. *And be it further enacted,* That this act shall be in force from and after its ratification. [Ratified the 25th day of January, A. D., 1866.]

Chap. 19.

AN ACT TO PROVIDE FOR THE COLLECTION OF THE TAXES OF 1865 IN THE COUNTIES WHERE NO SHERIFF OR OTHER OFFICER WAS QUALIFIED UNDER THE REVENUE ORDINANCE OF THE CONVENTION.

Sheriffs charged with collections.

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 those counties, where, from any cause, no collecting officer was qualified under section

twenty-three, of the ordinance of the Convention, entitled "An Ordinance to provide revenue for the year 1865," the present sheriffs of said counties shall be charged with the collection of the taxes by said ordinance imposed, and shall have the powers and duties in said ordinance granted and imposed on the provisional sheriffs who were qualified thereunder.

SEC. 2. *Be it further enacted,* That returns of said collections shall be made under the rules and regulations prescribed in said ordinance to the Public Treasurer at such time as may be prescribed for the next regular return of taxes. Returns, how made.

SEC. 3. *And, be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 1st day of March, A. D., 1866.*]

AN ACT TO EXTEND THE TIME FOR COLLECTING TAXES UNDER THE *Chap. 20.*
REVENUE ORDINANCE OF THE CONVENTION.

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 time for collecting and making returns of taxes, imposed under the ordinance of the Convention, entitled "An Ordinance to provide revenue for the year 1865," be extended to the first Monday of May, 1866, at which time it shall be the duty of all delinquent sheriffs, and other collecting officers to make returns as provided in said ordinance. Sheriffs to make returns by 1st Monday in May, 1866.

SEC. 2. *Be it further enacted,* That it shall be the duty of the sheriff or other collecting officer, qualified under said ordinance, and of the existing sheriffs, if no person has been so qualified, or if the person so qualified has ceased to act, at any time prior to the first of November, Sheriff's duties

1866, to collect under provisions of said ordinance, all sums due thereunder, which have not been paid and to return the same, at the next regular return of taxes.

Further proceedings may be stopped in certain cases.

SEC. 3. *Be it further enacted*, That any person who may have entered into recognizance, under section 21st of said ordinance, may, before the return of the bond to the Superior Court, stop further proceedings, by answering freely as to his taxes, and paying the same to the Sheriff, together with a fee of one dollar to the Sheriff, and after such return to the Court, the prosecuting officer on such answer and payment shall enter a *nolle prosequi* in the case of the payment of costs by the defendant.

Sheriffs commissions.

SEC. 4. *Be it further enacted*, That where such additional returns of the sheriffs or collectors shall be less than one thousand dollars, they shall be allowed six per cent. commissions, when equal to one thousand dollars, and not exceeding two thousand dollars, five per cent., and when two thousand dollars and upwards, four per cent. commissions. [*Ratified the 10th day of March, A. D., 1866.*]

REVENUE.

Chap. 21.

AN ACT ENTITLED REVENUE.

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 support of the State Government, and to meet appropriations made by law, a tax shall be levied upon the subjects embraced in the following schedule, to be listed and paid as shall be directed by law.

SCHEDULE A.

Upon real estate.

1. Real property, with the improvements thereon, including entries of land, ten cents on every one hundred dollars of its value.

2. Every taxable poll one dollar; *Provided*, That persons maimed or permanently disabled, shall be exempt, also, such poor and infirm persons, as the County Court may declare and record fit subjects of exemption. Every person who, on the first day of April, shall have any person subject to poll tax as a member of his family, or in his employment, or living on his land or in his house, by consent of the owner of said lands, shall list such person and pay the tax, and may retain the same out of any moneys due him. Poll tax.

3. Every toll gate on a turnpike road, and every toll bridge, five per cent. on the gross receipts, and every gate across a highway, licensed by law, twenty dollars. Turnpike toll bridges etc.

4. Every ferry, the gross receipts of which amount to one hundred dollars and upwards, one per cent., amounting to five hundred dollars and upwards, five per cent., and one thousand dollars and upwards, ten per cent. Ferries.

Every studhorse and jackass owned in the State, let to mares for a price, six dollars, to be listed in the county of the owner, unless the price demanded for the season for one mare, shall exceed that sum, in which case the amount thus demanded shall be paid as tax. Studhorses and jackasses.

5. Every dollar of dividend or profit, not previously listed, declared, received or due, on or before the first day of April, in each year, upon money or capital invested in shares in the Bank of Washington, the Merchants' Bank of Newbern, the Bank of Wadesboro', the Bank of Fayetteville, the Commercial Bank of Wilmington, the Farmers' Bank of North Carolina, the Bank of Charlotte and the Bank of Yanceyville, nine cents; and in shares in all other banks or corporation and trading companies, and in steam vessels of twenty tons burden and upwards, four cents; and any persons listing any dividends or profit of the Banks herein specially named, shall be required to list the same separately from any other dividend or profit, for which he is liable to a tax, and also to specify the name of the bank from which said dividend is due or has been received. Dividend

Moneys due
from solvent
debtors.

6. One-tenth of one per cent. on moneys, if exceeding one hundred dollars, due from solvent debtors, including States and governments, (except bonds of the United States) or on hand, or on deposit with individuals or corporations within this State or elsewhere, the term "money" to include notes of the United States, or of any State or corporation, according to their value: *Provided*, That bonds of this State, issued after the 23d February, 1861, and the balance after deducting the money due and on hand, debts owing by the tax-payer as principal, and as surety where the principal is insolvent, shall only be liable. Persons holding such subjects of taxation, as guardian, clerk of any court, executor or administrator, trustee or agent of whatever kind, shall list and be liable to pay said tax.

Proviso.

Salaries.

7. Every State and county officer, every President and Cashier, or Treasurer, or other officer of any bank, railroad or other incorporated company, and all other salaried persons, except ministers of the gospel, whose annual salaries or fees amount to, or are worth five hundred dollars or upwards, one per cent. on such total salary and fees.

Net incomes
profits.

8. On the nett income and profits derived by each person, joint stock company and corporation, from any occupation, employment or business in which they may have been engaged, and from every investment of labor, skill, property or money, and the nett income and profit from any source whatever (except the salaries and fees named in the preceding section,) during the year preceding the first day of April in each and every year, to be listed under the head of "Income," as follows: If said income amounts to five hundred dollars, and is less than one thousand dollars, one per cent.; if amounting to one thousand dollars and below two thousand dollars, one and one-half per cent., if amounting to two thousand dollars, and below three thousand dollars, two per cent.; if amounting to three thousand and below four thousand

dollars, two and a half per cent. ; if amounting to four thousand dollars and below five thousand dollars, three per cent. ; if amounting to five thousand dollars and upwards, three and one-half per cent. The tax imposed in this section shall be in addition to other taxes in this act imposed, except where laid on gross receipts and dividends and profits elsewhere taxed under this act, and shall include interest on securities of the United States, of this State, or other State or government: *Provided*, Proviso. That in estimating the income for the year preceding the first day of April, 1866, those subjects on which taxes have actually been paid, under the revenue ordinance of the Convention, shall not be included.,

In estimating the nett incme, the only deduction by way of expenses shall be first, taxes other than the income tax due the State. Nett income, how estimated

Second. Rent for use of buildings or other property, or interest on actual incumbrance.

Third. Usual or ordinary repairs, but not for new buildings or permanent improvements.

Fourth. Cost or value of the labor, (except that of the tax-payer himself,) raw material, food, and all other necessary expenses incidental to the business, from which the income is derived.

9. Every carriage or other vehicle for the conveyance of persons, in use, worth at least fifty dollars, one per cent. on its value. Carriages, etc.

10. All gold and silver plate, gold and silver plated ware and jewelry worn by males, including, watch, watch-chains, seals and keys, when collectively of greater value than twenty-five dollars, one per cent. on their entire value. Gold and silver ware and jewelry.

11. Every harp and piano in use one dollar, every dirk, bowie-knife, pistol, sword-cane, dirk-cane and rifle-cane, (except arms used for musturing and police duty) used or worn about the person of any one at any time during the year, one dollar: *Provided*, That this tax shall not Harp and pianos, deadly weapons. Proviso.

apply to arms used or worn previous to the ratification of this act. and any person who shall wear said weapons, and fail to list the same, and pay the tax, shall be guilty of a misdemeanor.

Spirituons
and malt li-
quors.

12. Every resident of the State who brings into the State or buys from a non-resident, whether by sample or otherwise, spirituous liquors, wines or cordials, ale, porter, lager-beer, or other malt liquors, for the purpose of sale, fifteen per cent. on the amount of his purchases; every person who buys to sell again, spirituous liquors, wines or cordials, or malt liquors, from the maker, in this State, his agent, factor or commission merchant, ten per cent. on the amount of his purchases.

Real and per-
sonal estate of
certain heirs.

13. Upon all real and personal estate, whether legal or equitable, situate within the State, which shall descend or be devised or bequeathed to any collateral relation or person, other than a lineal descendant or ancestor of the husband or wife of the deceased, or husband or wife of such ancestor or descendant, or to which such collateral relation may become entitled, under the law, for the distribution of intestate estates, and which real and personal estate may not be required in payment of debts and other liabilities, the following per centum tax upon the value thereof shall be paid:

Class 1.

CLASS. If such collateral relation be a brother or sister of the father or mother of the deceased, or issue of such brother or sister, a tax of two per cent.

Class 2.

CLASS 2. If such collateral relation be a more remote relation, or the devisee or legatee be a stranger, a tax of three per cent.

The real estate liable to taxation shall be listed by the devisee or heir in a separate column, designating its proper per cent. tax.

E-state re-
duced to as-
sets.

The personal estate or real estate reduced to assets shall be liable to tax in the hands of the executor or administrator, and shall be paid by him, before his administration account is audited or the estate is settled, to the

sheriff of the county. If the real estate descended or devised shall not be the entire inheritance, the heir or devisee shall pay a *pro rata* part of the tax, corresponding with the relative value of the estate or interest.

If the legacy or distributive share to be received shall not be the entire property, such legatee or distributee shall, in like manner, pay a *pro rata* part of the tax, according to the value of his interest.

Pro rata tax.

Whenever the personal property in the hands of such administrator or executor, (the same not being needed to be converted into money in the course of the administration,) shall be of uncertain value, he shall apply to the County Court to appoint three impartial men of probity, to assess the value thereof; and such assessment being returned to Court and being confirmed, shall be conclusive of the value.

Estate of uncertain value, how ascertained.

To facilitate the collection of the tax on collaterals, every executor or administrator shall return in his inventory, whether the estate of the deceased goes to the lineal or collateral relations, or to a stranger, and if to collaterals, the degree of relationship of such collaterals to the deceased, under a penalty of one hundred dollars, to be recovered in the name and for the use of the State, and it shall be the duty of the clerk of the Court of Pleas and Quarter Sessions, to furnish the sheriff with the names of the executors and administrators, who make such returns, after each and every term of his Court.

Duty of administrator of collaterals.

Penalty for violation.

SCHEDULE B.

The sheriff shall collect the taxes as set forth in this schedule annually, unless otherwise directed, and grant to each party paying the tax, a license to carry on his business to the first day of July next ensuing, except in cases where the tax is on non-resident horse and mule drovers, in which case no license shall be required.

Duties of Sheriffs.

1. Every company of circus riders, or exhibitors of col-

- Circuses and menageries. lectures of animals, seventy-five dollars for each county in which they shall perform or exhibit for reward. Every separate exhibition, (commonly known as side shows,) accompanying such performers, or which cannot be seen without the payment of a separate charge, fifteen dollars for each county in which it is exhibited for a reward.
- Side shows.
- Theatricals and shows. 2. Every company of itinerant, stage or theatrical performers, or persons performing feats of strength or agility, or exhibiting natural or artificial objects, (except amateur performers,) twenty dollars for each county in which they exhibit for a reward, and two hundred dollars when such company performs for a longer time than two months in any county.
- Itinerant singers and performers. 3. Every company of itinerant singers or performers on musical instruments, or dancers or itinerant companies, who otherwise exhibit for the public amusement, ten dollars for each county in which they exhibit for reward.
- Insurance companies. 4. Every insurance company, incorporated by this State, except companies for mutual assurance, who take no policy out of the State, one hundred dollars.
- Hotels and eating houses. 5. Every hotel, restaurant or eating house one-half of one per cent. on the gross receipts, if exceeding three hundred dollars, and every gas company, and every telegraph company, one per cent. on gross receipts.
- Insurance agency. 6. Every agency of an insurance company, incorporated out of the State, five per cent. on gross receipts, and ten dollars for every county in which such company may have an agency.
- Bank agency. 7. Every agency of a bank incorporated out of the State, five hundred dollars.
- Brokers and bankers. 8. Every money or exchange, bond or note broker, private banker, or agent of a foreign broker or banker, shall pay the sum of one hundred dollars for each county in which he has an office or place of business; and every person acting for such broker, whether with or without compensation, shall be held and deemed a broker to all

intents and purposes, in the place or county in which he shall so act, and shall be liable for the above tax.

9. Every person who is not a resident of this State, and who shall come in this State in the capacity of, or as agent for a broker, and with the intention of exercising any of the functions of a money or exchange broker, shall pay the sum of one hundred dollars in each and every county in which he shall act as a broker, which tax shall be collected by the sheriff of the county and be accounted for as other taxes.

Brokers' agency.

10. Every person who shall propose to act as broker, according to the foregoing section, shall pay the tax to the sheriff of the county in the county in which said broker's business is to be transacted, and take a license for the same, which shall authorize him to act as broker for one year; and any person who shall act without such license, shall forfeit the sum of fifteen hundred dollars, to be recovered by the sheriff of the county where such tax may be due, one-third of which shall go to the sheriff and the remainder shall be accounted for as other taxes, and such persons so offending, shall be guilty of a misdemeanor.

Brokers' license.

Penalty for violation.

11. Every money or exchange, bond or note broker, and other persons mentioned in sections 8, 9 and 10, shall pay in addition to the tax therein named, five per cent. on the profits of their business.

Additional tax.

12. Every express company, four per cent. on gross receipts.

Express companies.

13. Every public billiard table, one hundred and fifty dollars, every private billiard table, twenty-five dollars, and every bagatelle table, twenty dollars.

Billiard tables

14. Every public bowling alley, whether called ninepin or tenpin alley, or by any other name, fifty dollars, every private bowling alley, ten dollars.

Bowling alleys.

15. Any person whose occupation or business is to keep horses or vehicles for hire, or to let, shall pay a tax of twenty-five dollars.

Livery stable keepers.

- Retailers of
liquors. 16. Every licensed retailer of spirituous liquors, wines or cordials, or retailer of malt liquors, fifty dollars for one year. In addition to this, such retailer shall list the amount of liquors, wines and cordials, as required in schedule A. of this act, and pay the tax there imposed.
- Itinerant den-
tists and da-
guerreotypists. 17. Every itinerant dentist, portrait or miniature painter, daguerrean artist and other persons taking likenesses of the human face, ten dollars for each county in which he carries on his business: *Provided*, That such person as shall furnish satisfactory evidence to the sheriff of the county in which he proposes to practice, that he is a resident of the State, and has listed the receipts of his profession for the previous year, shall be exempt from the tax imposed in this paragraph.
- Proviso
- Playing cards. 18. Every person who purchases in or out of the State for sale or gift, or brings into the State for sale or gift, playing cards, fifty cents for each separate deck or pack, so bought or brought into the State, during the year.
- Penalty. Every person failing to list and pay the tax mentioned in this section, shall, in addition, forfeit and pay five hundred dollars, to be recovered by the sheriff, by distress or otherwise, two hundred and fifty dollars of which is to be paid to the State as taxes.
- Agencies. 19. Every person that, for himself or as agent for another, at his regular place of business, sells riding vehicles manufactured out of the State, two per cent. on his sales.
- Auctioneers. 20. Every auctioneer, on all goods, wares or merchandize, whether the growth or manufacture of this country or imported from foreign countries, placed in his hands by a merchant resident in the State, whether owner or not, or by a commission merchant, one per cent. on the gross amount of sales; and if by itinerant traders, or such as are not residents of the State, five per cent, on the gross amount of sales, subject to all the regulations and exemptions set forth in the tenth chapter of the Revised Code, entitled "Auctions and Auctioneers."

21. Every merchant, merchant tailor, jeweller, grocer, druggist, apothecary, produce-dealer, commission-merchant, factor, produce-broker, and every other trader, who as principal or as agent for another, carries on the business of buying or selling goods, wares or merchandize of whatever name or description, and who is not taxed on his purchases in some other paragraph in this schedule, one-half of one per cent. on the total amount of his purchases, whether made in or out of the State, for cash or on credit.

Merchants,
grocers, etc.

Articles, the growth or manufacture of this State, if bought in the State, and other articles, the growth or manufacture of adjoining States, if brought into this State for sale, by the grower or manufacturer, shall pay a tax of one-tenth of one per cent.

Certain ar-
ticles.

22. Every non-resident merchant, drummer or agent, who shall come into this State and sell any goods, wares or merchandize, by sample or otherwise, whether delivered or to be delivered, shall pay a tax of one-half of one per cent., on the gross amount of such sale, made in any one year, and shall, before making such sale, obtain a written license from the sheriff of the county in which he proposes to do business, which the sheriff is authorized to issue whenever such person shall give bond, with security in the sum of five hundred dollars for the payment of the tax hereby imposed, at the time and under the same rules and regulations as are prescribed for the payment of merchant's tax; and any person violating the provisions of this paragraph, shall be liable to a penalty of five hundred dollars, to be collected by the sheriff, four hundred dollars of which shall be accounted for and paid as other State taxes, and he shall be further liable to indictment as for a misdemeanor.

Non-resident
merchants,
drovers, etc.

23. Every dealer in ready made clothing for males, one and one-half per cent. on the total amount of purchases.

Dealers in
ready made
clothing.

24. Every person, who for himself or as agent for

Patent med-
icines.

another, sells patent medicines, or nostrums, ten per cent. on the amount of his sales.

Non-resident
horse & mule
drovers.

25. Every non-resident horse or mule drover, or person who receives horses or mules to sell for a non-resident, one per cent. on the amount of each sale, due as soon as the sale is effected, and upon his neglect or failure to pay such tax, in every county in which he sells, he shall forfeit and pay the sum of one hundred dollars, which shall be collected by the sheriff by distress or otherwise, one-half to his own use and one-half to the use of the State. Every horse or mule drover shall be considered a non-resident, unless the sheriff has satisfactory evidence that he is a resident of the State; and the sheriff shall have power and authority to examine on oath at any time, any horse or mule drover or person who receives horses or mules to sell for another, as to whether he has made any sale or exchange, and as to whether he is a non-resident, or agent of a non-resident, and on his failure to answer he shall be subject to the same penalty as for failure or neglect to pay such tax.

Non-resident
Stud-horse or
jack.

26. Every stud-horse or jackass let to mares for a price, belonging to a non-resident of the State, ten dollars, unless the highest price demanded for the season for one mare, exceed that sum, in which case the amount thus demanded shall be paid for the license. The payment to one sheriff and the license under his hand, shall protect the subject in this paragraph taxed in any county of this State. Every such stud-horse or jackass shall be considered as belonging to a non-resident, unless the sheriff is furnished with satisfactory evidence that the owner is a resident of the State.

Peddlers.

27. Every person that peddles good, wares or merchandise, either by land or water, not the growth or manufacture of this State, or any drugs, nostrums or medicines, whether such person travel on foot or with a conveyance or otherwise, shall first have proved to the County Court that he is a citizen of the United States, and is of good

moral character, and shall have obtained from the court (who may, in its discretion, make or refuse,) an order to the sheriff to grant him peddler's license, to expire on the first of July next ensuing. And the sheriff, on production of a copy of such order, certified by the clerk of such court, shall grant such license for his county on the receipt of forty dollars tax: *Provided*, (1.) That not more Proviso. than one person shall peddle under one license. (2.) That any person who temporarily carries on a business as merchant in any public place, and then removes his goods, shall be deemed a peddler. (3.) That nothing in this act contained shall prevent any person from freely selling live stock, vegetables, fruit, oysters, fish, books, charts, maps, printed music, or the articles of his own growth or manufacture. (4.) That nothing herein contained shall release peddlers from paying the tax imposed in this act, on persons who deal in the same species of merchandize, which tax shall be collected or secured in the same manner as in the case of other merchants and traders.

28. Every itinerant who deals in or puts up lightning rods, ten dollars for each county in which he carries on his business. Lightning rod men.

29. Every itinerant who sells spirituous liquors, wines or cordials, not the product of his own farm, in quantities from one quart to one barrel, shall pay fifty dollars for every county, and be under the same rules and restrictions as peddlers, except that an order from court shall not be required for a license. Itinerant liquor dealers.

30. On every gallon of whiskey, brandy, or other spirituous liquors, made for his own use or for sale, by the person using any distillery, twenty-five cents, and a like sum on every gallon distilled for other persons, to be paid by the person distilling the same: *Provided*. That any person who shall distil without having previously obtained a license therefor from the county court, shall pay a tax of ten dollars for every day or part of a day in which he Spirituons liquors. Proviso.

may so distil; and it shall be the duty of the sheriff to distrain the still and fixtures for the payment of such tax: *Provided* further, That the foregoing proviso concerning license shall not be in force until thirty days from the ratification of this act: *And provided further*, That the foregoing proviso concerning license shall only apply to persons distilling spirituous liquors from grain: *Provided further*, That in any county in which there is no court in session at the time when this act shall go in force, the license may be obtained from any seven justices of the peace for said county.

Said tax shall take effect from the first day of January, 1866, and the sheriff shall collect the same quarterly on the first days of April, July, October and January.

Gypsies. 31. Every company of Gypsies, or strolling company of persons who make a support by pretending to tell fortunes, horse-trading, tinkering or begging, one hundred dollars in each county in which they offer to practice any of their crafts, recoverable out of any property belonging to any one of the company. But nothing herein contained shall be so construed as to exempt them from indictment, or penalties imposed by law.

32. Every license granted under the provisions of this act, shall be for twelve months from the issuing of the same.

SCHEDULE C.

Schedule C. The subjects embraced in this schedule shall be taxed the amount specified and the taxes collected and accounted for as follows:

On acts of incorporation or amendments thereto. 1. Every corporation that might become incorporated by letters patent under the provisions of chapter 26, Revised Code, entitled "Corporations," but shall fail to do so, and apply to the General Assembly and obtain a special act of incorporation, or shall obtain an act to amend their charter, whether it had been secured by letters patent under said law or by a special act, one

hundred dollars for each act to incorporate or to amend, which tax shall be paid to the Treasurer of the State.

2. No corporation shall organize under such special act of incorporation, obtained as set forth in the preceding section, or derive any benefit under such act to amend their charter, until it first shall have obtained a certified copy of such act from the Secretary of State, and the Secretary shall in no case furnish such copy until the company applying shall have delivered to him the Treasurer's receipt for the tax assessed in the preceding section, which receipt the Secretary shall file in his office.

3. The president and cashier of each of the banks in this State, on or before the first day of October, in each year, shall pay into the Public Treasury the following tax, to wit: If the profits divided among the stockholders of the banks under their charge during the year, amounted to not less than six and not more than seven per cent., one-half of one per cent. on the stock owned by individuals or corporations, if over seven and not more than eight per cent., three-fourths of one per cent. on the stock thus owned, if more than eight per cent. one per cent. In case the said officers of any bank shall neglect or fail to pay the tax as herein required, said bank shall pay double the amount of such tax, and the same shall be sued for and recovered by the Attorney General in the name of the State, in the superior court of the county of Wake.

8. Every license for an attorney to practice law in the county or superior courts, fifteen dollars, to be paid at the time of obtaining the same, to the clerk of the supreme court, who shall before the first day of October in each year, render to the Treasurer of the State, a list setting forth the names of the persons from whom received, and the amounts received, and pay into the Public Treasury the total amounts, less five per cent. commission for receiving and accounting for the same.

4. Every marriage license one dollar; every mortgage deed, marriage contract and deed in trust, made to secure

Secretary of State to furnish certified copies of acts of incorporation.

Bank stock tax.

Penalty for refusal to pay.

Attorney's license.

Marriage license, deeds, etc.

debts or liabilities, one dollar, and every other deed conveying title to real estate, when the consideration is three hundred dollars or upwards, fifty cents, payable to the clerk of the county court. No clerk shall grant such license or admit to probate such instrument, until the tax shall have been paid and the receipt shall be endorsed on such license or instrument, and be registered with the same.

Duty of clerk.

Property ex-
empted from
taxation.

5. All the property and other subjects of taxation, shall be annually taxed as by this act enacted, unless such property be expressly exempted from taxation by this or some other act; and the property and estate hereby exempted from taxation, are all such, and their profits as may belong to the United States, or to this State, or may belong to or be set apart and exclusively used for the University, colleges, institutes, academies, and schools for the education of youth, or the support of the poor or afflicted, or especially set apart for and appropriated to the exercises of divine worship, or the propagation of the gospel, or such as may be set apart and kept for graveyards and burial lots; all such property and estates, and their profits, as may belong to the State and county agricultural societies, and be set apart and used by them for agricultural fairs, and all such and their profits as may belong to any church or religious society, and be set apart and used by them for parsonages.

Former law-
repealed.

Proviso.

• Sec. 2. *Be it further enacted*, That all laws imposing taxes, the subjects of which are revised in this act are hereby repealed: *Provided*, That this repeal shall not be construed to extend to the provisions of any law, so far as they relate to the taxes listed, or which ought to have been listed, or may be due for the year one thousand eight hundred and sixty-five, or for any year previous thereto. [*Ratified the 12th day of March, A. D., 1866.*]

AN ACT FOR COLLECTING REVENUE.

Chap. 22.

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 of pleas and quarter sessions for each county, held after the first day of January, one thousand eight hundred and sixty-seven, and at the same time every four years thereafter, the Court shall appoint one justice of the peace, and two freeholders, men of skill and probity, for each captain's district in the county, who shall be styled the district board of valuation of their respective districts. The clerk shall issue a notice of his appointment to each man, within ten days and the sheriff shall serve the same within twenty days after the adjournment of the court. Should the court fail to make the required appointments, or should from any cause a vacancy occur, any three justices of the peace may make the required appointments, or fill the vacancy.

Assessors appointed.

SEC. 2. *Be it further enacted,* That this district board of valuation, shall, as near as practicable, ascertain the cash value of every tract of land, or other real estate, with the improvements thereon, situate in their district, either by viewing the premises or otherwise.

Duty of board of valuation.

SEC. 3. *Be it further enacted,* That in estimating the value, the board may call and swear witnesses to testify thereto, and they shall take into the estimate any fishery appurtenant thereto, or used with the land, also all mines of metal, stone or coal, or other metals, discovered or supposed to exist, whereby the price of the land is enhanced, also all machinery and fixtures for manufacturing or mechanical purposes, that have been erected or used on the land; when a tract of land shall be in one or more districts, the board of the district in which the owner resides, shall ascertain the value of the whole tract; and if the owner resides in neither of the districts the board of the district in which the larger part may lie, shall ascertain the value of the whole.

Mode of valuation.

Owner to provide list of his real estate.

SEC. 4. *Be it further enacted*, That the owner of the land, or (if he be a non-resident) his agent, shall furnish the district board with a list, including land entries, setting forth the separate tracts, and also the several contiguous tracts or bodies of lands, owned by him in the district, together with the names of the water courses or other noted places, on, or nearest to which they may be situated, and the number of acres, in each separate tract, or contiguous body of land.

Town lots.

SEC. 5. *Be it further enacted*, That town lots shall be listed separately, and each lot be numbered according to the plot of the town. Each separate body of land, and each town lot, shall be separately and distinctly valued and returned.

Oaths.

SEC. 6. *Be it further enacted*, That the district boards shall, in each case, administer the following oath to the person furnishing the required list: "You, A. B., do solemnly swear that the list by you furnished, contains a full statement of every tract of land and town lot in this district, for the taxes for which you are liable, either in your own right or the right of any other person, either as guardian, attorney, agent or trustee, or in any other manner whatsoever, to the best of your knowledge and belief, so help you God."

Penalty for refusal to take oath.

SEC. 7. *Be it further enacted*, That if any person shall refuse to furnish the list required above, or to take the oath prescribed in the preceding section, he shall be deemed guilty of a misdemeanor, and the justices of the peace of said board shall bind him over to appear at the next term of the superior court of the county, to answer the charge, and on conviction or submission, he shall be fined at the discretion of the court.

Case of non-resident.

SEC. 8. *Be it further enacted*, That when the owner of the land, or (if he be a non-resident of the State) his agent, be not a resident of the district, where the land is situated, the required lists, with affidavits of the same import as the above required oath, subscribed and sworn

to before and certified by a justice of the peace, may be transmitted to the district board of valuation, and if received before the board shall be ready to value the land contained in the list, such list shall be received as though tendered and sworn to by the owner or agent, in person. Surveyor authorized.

SEC. 9. *Be it further enacted,* That when the board of valuation are not furnished with a list sworn to as above required, or the owner or agent refuses to answer to the correctness of the statement, as to the number of acres contained in any tract of land, they may procure a county or other surveyor, and have the same surveyed. And the surveyor may receive the amount of his fees, and all expenses out of the owner of the lands, before a justice of the peace, by warrant or attachment.

SEC. 10. *Be it further enacted,* That the district boards of valuation, shall, as soon as practicable, after their appointment, proceed to value all real property in their respective districts, as above directed, complete the list and annex the following affidavit, subscribed and sworn to before a justice of the peace, who shall certify the same: Oath of District Board.
 "We do solemnly swear that we have diligently enquired and do not believe that there is any real property in the ——— district of ——— county, subject to taxation, that is not entered and valued in the above list, and the foregoing valuation of real property, with the improvements thereon, and privileges thereto attached, is, in our judgment and belief, the actual value thereof, in cash; and that in assessing the same, we have endeavored to do equal justice to the public, and to the individuals concerned, so help us God." This list and valuation shall remain in the hands of the justices of the peace of the board, and be open to the inspection of every one who wishes to examine it, until returned, as hereinafter directed.

SEC. 11. *Be it further enacted,* That on the second Monday of May, after the appointment of the district boards of valuation, the persons who were appointed as justices of the peace, to be members of the different district boards, shall meet at the courthouse and organize them- Time of meeting of County Board of Valuation.

selves into a county board of valuation, by electing by ballot one of their number chairman, and another secretary. In case a justice of the peace of any district board, from any cause, cannot attend, the elder of the two members of the board shall take his place.

Duty of board SEC. 12. *Be it further enacted*, That to this county board of valuation, shall the district boards of valuation make returns. This board shall carefully examine and compare all the lists, and if, in their opinion, the real property throughout the county shall not have been assessed by a uniform standard of value, they may reassess any district, or any separate tract or tracts, or lots of land.

Owner may apply for redress. SEC. 13. *Be it further enacted*, That if any one deem that too high a valuation was put on his land, he may apply to the county board of valuation for redress, and they shall duly consider the case, and decide, as in their judgment is right. The board may call, swear and examine witnesses, or in person view the land, about the value of which they are in doubt.

Quorum. SEC. 14. *Be it further enacted*, That two-thirds of the entire number of the members composing the county board of valuation, shall form a quorum for the transaction of business, and a decision of the majority of the members present shall stand as the decision of the board.

Duty in case of wrong valuation. SEC. 15. *Be it further enacted*, That if, in the opinion of the county board of valuation, any tract or tracts of land, or town lots, have been assessed at too low a value, they shall make lists of such tracts or lots, and post them in at least two conspicuous places in the courthouse, at the time of their adjournment. After they shall have examined and compared the lists, heard the complaints of all who feel themselves aggrieved by the valuation of their property, the board shall post the lists as above required, and adjourn until the fourth Monday in the same month, when they shall again meet at the courthouse, hear the complaints of all who may feel themselves aggrieved by their former action, or by the original valua-

tion, and decide each case as to them may appear right; and from this decision there shall be no appeal.

SEC. 16. *Be it further enacted*, That when the county boards of valuation shall have performed the duties on them imposed, they shall return the lists received of the district board of valuation, as by them revised and corrected, to the clerk of the County Court, before whom they shall subscribe and swear to the following affidavit, annexed to the lists returned: "We solemnly swear that the foregoing lists have been carefully examined and compared, and in our judgment and belief they do, as now corrected, exhibit the cash value of every tract or lot of land in this county, with the improvements thereon, and privileges thereto attached; and in the discharge of our duties we have endeavored to do equal justice to the public and the individuals concerned, so help us God." The clerk, on receiving the lists from the county board of valuation, shall record them in alphabetical order, keeping the return of each district separate from the other.

Lists returnable to the clerk.

Oath.

SEC. 17 *Be it further enacted*, That each member of the county and district boards of valuation shall receive, out of the county treasury, such compensation as the county court may allow, which, however, in no case shall exceed three dollars per day, for the time engaged in the discharge of his duty.

Compensation

SEC. 18. *Be it further enacted*, That at the first court of pleas and quarter sessions of each county, held after the first day of January, in each year, the court shall appoint for each captain's district, a justice of the peace, or freeholder of known skill and probity, to take the list of taxable subjects, and the names of such appointees, and the districts for which they were appointed, shall be advertised at the courthouse, during the term, by the clerk. Should the court fail to make such appointments, any three justices of the peace of the county may meet at the office of the county court clerk, on or before the first day of April, and appoint the takers of the list of taxables, and the clerk shall record such appointments.

List-takers appointed by Court.

Notices to be served.

SEC. 19. *Be it further enacted*, That notices of all appointments of takers of tax lists, as soon as made, shall be issued by the clerk to the sheriff, who shall serve them within ten days on such appointee, whose duty it shall be to advertise at three several places within the district, at least ten days before the time of listing, the places and times, when and where he will attend for the purpose of receiving the list of taxables, and the days thus determined on shall be between the second Monday in April, and the first Thursday in May

If one incapable, three justices may appoint.

SEC. 20. *Be it further enacted*, That should any person appointed to take the list of taxables, from any cause, become incapable to perform the duties, another shall be appointed by any three justices of the peace of the county, to be notified by the Sheriff for that purpose, and the person thus appointed shall take the list of taxables.

Refusal a misdemeanor.

SEC. 21 *Be it further enacted*, That if any person appointed to assess the value of lands, or to take the list of taxables, shall refuse, or willfully fail to discharge the duties of his appointment, he shall be deemed guilty of a misdemeanor.

Oath of list-taker.

SEC. 22. *Be it further enacted*, That every person appointed to take the list of taxables shall, before he enters on the discharge of his duties, take the following oath, administered by a justice of the peace: "I, A. B., do solemnly swear that I will well and faithfully discharge the duties imposed by law on me, as the taker of the list of taxables in — district, — county, without prejudice or impartiality, to the best of my skill and ability, so help me God."

List-taker may administer oath.

SEC. 23. *Be it further enacted*, That every person appointed to take the list of taxables, shall, on taking the above oath, be invested with full power to administer oaths, with all the other powers of a justice of the peace, so far as the same may be necessary to the proper discharge of his duties. Every person so appointed shall receive

Compensation

proper compensation for his services, as the county court may, in its discretion allow, to be paid out of the county treasury.

SEC. 24. *Be it further enacted*, That every taker of the list of taxables shall be furnished by the clerk of the county court with a fair copy of the returns made by the last preceding board of valuation, of the assessment of real estate in his district, and with the necessary number of printed forms of tax bills, furnished by the Comptroller, under the provisions of this act.

Returns of valuation furnished by Clerk.

SEC. 25. *Be it further enacted*, That every person shall, at such time and place as shall be designated by the person appointed to take the list of taxables, list all the real and personal estate, and other taxable subjects, enumerated in schedule A, of the "Act to raise Revenue, which were his property, or in his possession, or were the subjects of taxation, on the first day of April, of that year.

Owner to list his taxables.

SEC. 26. *Be it further enacted*, That lists of taxables of testators, intestates, minors, lunatics, insane persons, absentees, and other estates held in trust, shall be rendered by the executor, administrator, guardian, agent, trustee or *cestui que trust*, as the case may be.

Minors, lunatics, etc.

SEC. 27. *Be it further enacted*, That real estate shall be listed in the county where situated, and when a tract of land is divided by a county line, shall be listed in the county in which the larger portion shall be situated; except when the owner resides in one of the counties in which a portion of the tract is situated, in which case he shall list in the county in which he resides. Where the Pedee and main Yadkin river shall be the dividing line between counties, in that case the land shall be listed in the county where the same shall be situated.

Real estate where listed.

SEC. 28. *Be it further enacted*, That where any tract of land, or town lot, shall have been divided after the valuation of the board of valuation, the taker of the tax lists shall return the separate value of each part, making the aggregate value of the parts equal to the board valuation

Where land is divided after valuation.

of the entire tract or lot, and the taker of the lists may swear and examine witnesses, to aid him in making the return correctly.

Increase in
value since
1860.

SEC. 29. *Be it further enacted*, That when land, or town lots, after valuation, shall increase in value, by means of metal, coal or other valuable thing being discovered, or worked, or by reason of new buildings being erected; or where land, or town lots, after valuation, shall decrease in value, by reason of fire or other extraordinary causes, or by reason of failure of mines, the person taking the tax lists shall appoint and swear two respectable and disinterested freeholders, who, with him, shall revalue said land or lot, and such value shall be returned on the list, such valuation to be made for the present year on the basis of valuation of real estate in one thousand eight hundred and sixty, and thereafter on the basis of the last preceding valuation.

Decrease since
1860.

New valuation on basis
of 1860.

Valuation of
1860, for the
year 1866.

SEC. 30. *Be it further enacted*, That the taxes imposed by any law enacted at the present session of the General Assembly, shall be levied upon the last valuation of real estate made in the year one thousand eight hundred and sixty

Polls, when
listed.

SEC. 31. *Be it further enacted*, That every poll that is or will be of the required age, on the first day of April of any year, shall be listed that year.

Personal property, where
listed.

SEC. 32. *Be it further enacted*, That personal property and other subjects of taxation, unless otherwise directed, shall be listed in the district, where the owner or lister resides, that if the owner resides out of the State, they shall be listed in the district, where his agent or the person liable for the tax, may reside.

Tax-payers
attend at place
appointed.

SEC. 33. *Be it further enacted*, That at the time and place appointed by the taker of the tax lists, the inhabitants of the district shall attend, and the taker of the lists shall read over to each one, giving in his list, all the articles and subjects of taxation, and thereupon he shall render to the taker of the lists his list of taxables, and at the

same time taking the following oath: "You, A. B., do solemnly swear, that you have rendered a true and full statement of all subjects of taxation, which you, in your own right, or as agent of, or in trust for any other person, or in any other capacity, are by law required to list for taxation, according to your best knowledge, information and belief, so help you God."

Oath of tax
payers.

SEC. 34. *Be it further enacted*, That no taker of a tax list shall take the list of any one, without administering the foregoing oath, on pain of paying one hundred dollars to any one who will sue for it: *Provided*, That females, aged and infirm persons, and persons not resident in the county, or absent from the county during the days of listing taxables, may transmit their lists to the taker of tax lists, with the foregoing oath subscribed and sworn to, before and certified by a justice of the peace, which list, if transmitted to the taker of tax lists on or before the day appointed for taking the lists, shall be entered by him as though sworn to in his presence.

Penalty for
not adminis-
tering oath.

Females. &c.,
excepted.

SEC. 35. *Be it further enacted*, That if any person shall refuse to take the oath prescribed by this act, he shall be deemed guilty of a misdemeanor, and the taker of tax lists shall forthwith bind him over to appear at the next term of the superior court of the county, to answer the charge, and on conviction or submission, he shall be fined one hundred dollars at least more than the amount of his taxes.

Refusal to
take oath.

SEC. 36. *Be it further enacted*, That if any person neglect to list his taxables on the day or days appointed for that purpose, he may list at any time before the lists are returned to the court, under the same rules and regulations as laid down for listing on appointed days.

May list be-
fore return to
court.

SEC. 37. *Be it further enacted*, That every taker of the list of taxables, shall set down on the blank lists, furnished by the clerk, each article or subject of taxation in its proper column, against the names of the persons listing, arranged in alphabetical order and return the same

Duty of list
taker.

to the clerk of the county court on or before the first Monday in May next after the time prescribed for taking the lists. He shall further make out a list of all the persons that should have listed in his district, and shall have failed to do so and return the same, together with a copy of the last assessments of real estate in his district, as furnished to him by the clerk, under the provisions of this act, at the same time that he makes the return of the list of taxables.

Oath of list-
taker on re-
turn.

SEC. 38. *Be it further enacted*, That each return thus made shall have the following endorsement: "I, A. B., appointed to take the list of taxable in ——— district, do declare on oath, I have taken the within lists correctly set forth all the property and other subjects of taxation, required to be listed as rendered to me by the persons listing the same; that in each case the list of each person listing was rendered on oath in the manner prescribed and required by law; and that further, the list of persons who failed to list as required by law, contains the name of every delinquent in the district, for which I was appointed, to the best of my knowledge and belief;" which endorsement shall be signed by the person making the return, in the presence of the clerk of the county court, who shall attest the same: and, without such endorsement, signed and attested as herein required, the return shall not be received, unless it can be made to appear to the satisfaction of the court, that the taker of the list of taxables is prevented from attending the court by sickness or other unavoidable cause.

In what cases
Court receives
lists.

Relief on over
valuation.

SEC. 39. *Be it further enacted*, That the county court, on the prescribed oath, may take the list of any person applying to list his taxables, at any term of such court, held on, at or before the first Monday of October, upon his paying to the clerk fifty cents for recording the same. If any one shall be charged with more polls or other subjects of taxation, than he is liable for, he may apply to the county court for relief, and if the court shall find that he has

cause for complaint, it shall direct the clerk to render a true account thereof, and, the account thus rendered, certified by the clerk, shall be returned to the Comptroller, who shall credit the sheriff, with the overcharge, in his settlement of that year.

SEC. 40. *Be it further enacted,* That if the application for relief be made to the court, after the sheriff shall have settled the accounts with the Comptroller (twelve or a majority of the justices being present) shall carefully examine the case, and if in its opinion the applicant is entitled to relief, shall direct the clerk to record on the minute docket the cause of complaint, and the amount, which, in the opinion of the court, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the court, and deliver it to the applicant, who shall pay to the clerk a fee of fifty cents. Such copy shall then be transmitted to the Comptroller of the State, who, on finding the proceedings in conformity with the requirements of this section, shall credit the Treasurer of the State with the amount specified, and make an endorsement to that effect on the transcript. The Treasurer shall, on presentation of such copy thus endorsed, pay to the holder of the same the amount to be refunded.

How taxes refunded, after paid by sheriff.

SEC. 41. *Be further enacted,* That the clerk, on receiving the returns, shall record them at length in alphabetical order, keeping the return of each district separate from the other; and at the next county court, after they are directed to be made, shall set up in some conspicuous place at the court house, a copy of the whole, adding to the taxables of each person the amount of tax for which he is liable, and any clerk making default in any of the duties prescribed in this section, shall forfeit and pay one hundred dollars.

Clerk records returns.

SEC. 42. *Be it further enacted,* That the clerk on or before the first Monday in July next, after the lists are returned, shall return to the Comptroller an abstract of

Returns abstract to the Comptroller.

the same, showing the number of acres of land, and their value, and the value of town lots, and the number of white and black polls separately, and specify every other subject of taxation, and the amount as State tax, paid on each subject, and the amount paid on the whole. At the same time, the clerk shall return to the Comptroller an abstract of the lists of the poor, county and school taxes, paid in his county, setting forth separately the tax levied on each poll, and on each hundred dollars value of real property, for each purpose, and also the gross amount of taxes, of every kind, levied for county purposes.

Penalty for default of clerk.

SEC. 43. *Be it further enacted*, That if any clerk shall make default in any of the duties prescribed in the preceding section, or shall fail to return to the Comptroller, a copy of the sheriff's returns, made, sworn to, and subscribed as required in section eighty-seven of this act, he shall forfeit and pay to the State one thousand dollars, to be recorded against him and the sureties of his bond, in the superior court of Wake county, at the term next after the default, on motion of the Attorney General; and it shall be the duty of the Comptroller to inform the Attorney General of such default.

Clerks to furnish copy of lists to sheriff.

SEC. 44. *Be it further enacted*, That the clerk of the county court shall, on or before the first day of July, after taking the lists, deliver to the sheriff or tax collector of the county, a fair and accurate copy, in alphabetical order of the tax lists, which shall contain the public tax or tax payable to the Public Treasurer, and the taxes imposed by the justices of the county court: it shall likewise designate the separate amount of taxation due from each subject of taxation, and extend the aggregate amount due from each person in columns; and if any clerk shall fail to furnish the sheriff, at the time prescribed, with a copy of this description, he shall be deemed guilty of a misdemeanor, and the sheriff shall inform the grand jury thereof.

Compensation to clerks.

SEC. 45. *Be it further enacted*, That for services of the

clerks in relation to the taxes, not in this chapter specially provided for, they shall be paid by the county such sum as the court may allow.

SEC. 46. *Be it further enacted*, That the sheriff shall proceed forthwith to collect said taxes, and when he shall collect, by his deputies or others, who are not sworn, such persons shall, in open court, or before a justice of the peace of the county, take an oath faithfully and honestly to account for the same with the sheriff or other person authorized to receive them.

SEC. 47. *Be it further enacted*, That the sheriff shall give a receipt to each tax payer in which he shall show the amount paid, as State, and the amount paid as county tax, or separate receipts for each. Receipt to tax payers.

SEC. 48. *Be it further enacted*, That if any sheriff shall die, during the time appointed for collecting taxes, his sureties may collect them, and for that purpose shall have all the powers and means for collecting the same of the collectors and tax payers, as the sheriff would have had, and shall be subject to all the remedies, for collection and settlement of the taxes, on their bond or otherwise, as might have been had against the sheriff, if he had lived. If sheriffs die securities take act.

SEC. 49. *Be it further enacted*, That the sheriff and (in case of his death) his sureties shall have one year and no longer, from the day prescribed for his settlement, and payment of the State taxes, to finish the collection of all taxes; but this extension of time for collection shall not extend the time of his settlement of the taxes. Time allowed sheriffs.

SEC. 50. *Be it further enacted*, That the sheriff shall collect the taxes, as they are set down in the list, and moreover, shall collect of all persons whose taxables are not listed, double the tax imposed upon the same subjects; and as to any land not listed, which may not have been assessed at the last assessment, the same, in estimating the double tax, shall be deemed to be of the value, by the acre, of the highest valued tract adjoining thereto. Sheriff collect according to list. Double sheriff.

SEC. 51. *Be it further enacted*, That immediately on right to be taken.

receiving the tax lists, the sheriff shall advertise the fact, and that he holds them ready for inspection. He shall, also, request therein all persons to inform him of any taxables which may not be listed. For the more efficient collection of the taxes, the sheriff, at any time from the delivery to him of the lists, until the day prescribed for his settlement with the Treasurer, and for one year thereafter, may, and if there be need, shall distrain and sell the property of the tax payer to satisfy the same, selling first his personal and then his real estate. In each case in which the sheriff collects by distress, he shall be entitled to extra compensation of forty cents, to be collected with the tax.

When tax-payer is about to remove.

SEC. 52. *Be it further enacted,* That if any person liable to taxes, on other subjects than lands, shall be about to remove from the county after listing time, and before the period for collection, the sheriff shall make affidavit thereof before the clerk, and obtain from him a certificate of the amount of such person's tax and forthwith collect the same.

Where the tax payer has no property in county.

SEC. 53. *Be it further enacted,* That if any person be liable for taxes in any county, wherein he shall have no property, but shall be supposed to have property in some other county, and will not pay his tax, the sheriff shall report the fact to the county court, held next after the first day of October, and thereupon the court shall direct the clerk to issue a *feri facias* to the sheriff of that county, returnable to the court, whence it issued, for such tax, and the cost of process, and executing the same, which the sheriff shall execute in the manner of writs of execution in other cases; and the tax collected thereon shall be paid to the clerk of the court, and by him paid to the sheriff, to be accounted for as other taxes.

Sale under distress.

SEC. 54. *Be it further enacted,* That the sale under distress, of personal estate for taxes, shall be advertised ten days previous thereto, at three public places in the district, wherein the delinquent tax payer shall reside, and if he reside not in the county, then in the district, wherein the

taxables were or ought to have been listed, and the amount of tax, shall be stated in the advertisement.

SEC. 55. *Be it further enacted*, That the sale of land for ^{Sale of land} taxes due thereon, shall be made under the following ^{for taxes.} rules:

(1.) The sheriff shall return to the court of pleas and ^{Sheriff's return} quarter sessions of the county, held next after the first day of January, a list of the tracts of land, which he proposes to sell for taxes, therein mentioning the owner or supposed owner of each tract, and if such owner be unknown, the last known or reputed owner, the situation of the tracts and the amount of taxes, for which they are respectively to be sold, which list shall be read aloud in open court, recorded by the clerk upon the minutes of the court, and a copy thereof shall be put up in some public part of the court house.

(2.) The county court shall order the clerk to issue ^{Notice to is} notice to every person, whose land is returned as afore-^{sue.}said, and a copy of the notice shall be served by the sheriff, upon the owner or his agent, and returned to the next county court, and if the owner be a non-resident the clerk shall publish the same, in some newspaper printed in the State, in which advertisement shall be mentioned the situation of the lands, the streams on or near which it lies, the estimated quantity, the name of the owner, where they are known, and the names of the tenants or occupants of the same.

(3.) The sales shall be made within the two terms next ^{Sale, when.}succeeding the terms, when the returns are made of lands to be sold, and at such place in the county as is directed, for the sale of land under execution, and the whole expense, attending upon the advertisement and sales, shall be charged on the lands and be raised on the same.

(4.) The whole tract of contiguous body of land, belong-^{Mode of sale.}ing to one delinquent person or company, shall be set up ^{sale.}for sale at the same time, and the bid shall be struck off

to him who will pay the amount of taxes, with the expenses aforesaid, for the smallest part of the land.

Return of sale. (5.) At the second term next succeeding the term when the returns are made of lands to be sold, the sheriff shall return a list of the tracts actually sold for taxes; the quantity of the tract bought and to be laid off, the name of the purchaser and the sum paid to the sheriff, for taxes and charges, which list shall be read aloud by the clerk in open court, shall be recorded in the minutes of the court, and a copy thereof shall be put up by the clerk during the term, in some public part of the court house.

Penalty on Sheriff.

SEC. 56. *Be it further enacted*, That if any sheriff or clerk shall fail to perform any of the duties prescribed in sections 54 and 55, of this act, he shall forfeit and pay to the person aggrieved one hundred dollars, and shall moreover be liable, he and his sureties, on his bond, for all such damages as any one may sustain by reason of such default.

Infants, &c.

SEC. 57. *Be it further enacted*, That the land of an infant, lunatic, or person *non compos mentis*, shall not be sold for taxes: *Provided, however*, That when land may be owned by such persons, in common with another or others free of such disability, the share or interest of the person so free, shall be subject to be sold for the taxes due on the whole tract; but before setting apart the quantity bid off, the purchaser, by petition, shall cause the tract to be divided among the tenants in common, and the share or interest of the defaulting tax payer, being set apart, the purchaser may proceed to lay off on such share the quantity by him bid off, and secure the title as before provided, and the time necessarily employed in procuring such provision, shall not be reckoned against the purchaser.

Where owning jointly with those not under disability.

Time of redemption.

SEC. 58. *Be it further enacted*, That the owner, of land sold for taxes, under section 55, of this act, his heirs, executors or administrators, or any other person for them, may redeem the same from the purchaser, at any time within one year after the sale, by paying or tendering in payment

to the purchaser, or to the county court clerk of the county, where the land lies, the full amount of the price paid to the sheriff and twenty-five per cent. thereon.

SEC. 59. *Be it further enacted*, That if the land sold, shall not be redeemed within the period aforesaid, the purchaser may, at the end of that time, select the quantity of land struck off to him out of any part of the tract or body of which the same was laid off; the said quantity to be laid off in one compact body, as nearly square as may be, and adjoining to some of the outlines of the whole tract or body of land.

⁶ How land is to be divided to purchaser.

SEC. 60. *Be it further enacted*, That within one year after the time of redemption shall have passed, the purchaser, at his own cost, his heirs, executors or administrators, or any of them, may procure the quantity bid off, to be surveyed by the county surveyor, who shall make out and certify, under his hand, a fair plat of the survey, with the courses and distances fairly and truly set forth, and if the county surveyor, on request, shall fail to make such survey and plat, then any other surveyor may make and certify the same.

County surveyor to make plat.

SEC. 61. *Be it further enacted*, That the sheriff, on being presented with such certified plat, within the year after the time of the redemption has passed, shall convey to the purchaser the land therein contained.

SEC. 62. *Be it further enacted*, That when by any provision of the law, any sheriff or officer, other than the person who sold for the taxes, shall be authorized to execute a conveyance for the land, the purchaser shall apply to the county court, and on showing to the court that such purchase has been made, and the price paid to the sheriff w. o sold, and that he has paid the other taxes since accruing thereon, the court shall direct the present sheriff to execute a deed on the purchasers producing to him a certified plat and survey, as is provided for in sections 60 and 61, of this act.

Conveyance how made.

SEC. 63. *Be it further enacted*, That the purchaser of

Subject to taxes.

land, sold for taxes, under section 55; of this act, shall be considered as taking and holding the same, subject to all the taxes accrued from the first day of April in the year preceeding the purchase.

Penalty on surveyor.

SEC. 64. *Be it further enacted*, That if any county surveyor, being required within two months after the survey may be lawfully made, to survey the land bid off at sale for taxes, shall wilfully fail to do so, within four months after such request, he shall forfeit and pay to the purchaser, or his executor or administrator, one hundred dollars.

When struck off to the State

SEC. 65. *Be it further enacted*, That if no person will bid a less quantity than the whole land for the taxes, the bid shall be deemed the bid of the State, and the land shall be struck off to the State as the purchaser; and the sheriff shall report in writing, to the county court, at the time he returns the list of lands sold for taxes, what and whose lands are thus struck off to the State, describing them particularly, which report shall be recorded on the minutes of the court, and, thereupon, the title of said lands shall be deemed to have been vested in the State from the time of purchase.

Report to Comptroller.

SEC. 66. *Be it further enacted*, That the clerk shall, within twenty days after the return of the sheriffs reports of the land sold to the State, make and certify two copies thereof; one of which he shall transmit to the Comptroller, and the other deliver to the sheriff, (or to his sureties when they act) who shall deposit the same with the Secretary of State, to be by him recorded; and the Secretary shall grant to the sheriff a certificate, setting forth, what and whose lands, and the quantity and value thereof, have been sold for taxes and struck off to the State.

Penalty on Sheriffs.

SEC. 67. *Be it further enacted*, That if any sheriff or other person authorized thereto, shall sell for taxes, and strike off any land to the State, and shall fail duly to report the same to the county clerk, or to duly obtain and deposit a copy thereof with the Secretary of

State. The Comptroller shall, in his report to the Treasurer, charge such sheriff (or other person acting in his stead) with the sum of two thousand dollars, and the Treasurer shall recover the same as unpaid tax.

SEC. 68. *And be it further enacted*, That lands bid off for the State, may be redeemed in like time and under the same rules and regulations, as those purchased by individuals, except the payment (which shall be double in amount of all the taxes for which they were sold) shall be made to the Treasurer, and on his certificate thereof, shall, on being paid his fees, issue a grant to the original proprietor, his heirs or assigns, and at the same time, shall certify the payment to the Comptroller.

Redemption of land sold to the State.

SEC. 69. *Be it further enacted*, Lands bid off to the State, shall, as to the person for whose tax the land is sold, his heirs or assigns be liable to be entered as vacant lands, subject, nevertheless, to the right of redemption within the time prescribed.

Subject to entry.

SEC. 70. *Be it further enacted*, That when land shall be sold for its tax, and the sheriff shall die, or otherwise become unable to report his sales, his sureties may report the same within the time prescribed, and shall proceed as to the land bid off by the State, in the same manner as the sheriff might.

Sureties act if Sheriff die.

SEC. 71. *Be it further enacted*, That when any person shall sell his real property, and shall have no estate within reach of the sheriff, to satisfy the taxes due from him on any subject of taxation, the real property shall be bound for all such taxes.

Really bound for taxes.

SEC. 72. *Be it further enacted*, That every conveyance made by any deceased person, with the fraudulent intent to evade the collection of any tax by this act imposed, shall, as against the State, be void, and the taxes shall be chargeable at the suit of the State of North Carolina, on the property conveyed in the hand of vendees and assignees.

Fraudulent conveyance void.

SEC. 73. *Be it further enacted*, That if the sheriff, or

Land not assessed, Sheriff's duty.

other person, shall find that any land has not been assessed, he shall make it known to the county court, whereupon a board shall be appointed to assess the same, who shall proceed in the manner herein provided; and the court shall ascertain the amount of tax, which, within the ten preceding years the land has been liable for but not paid, and the sheriff shall be ordered, forthwith, to collect treble the amount, with interest, of all such tax, by distress or otherwise.

Sheriff's to inform Attorney General of omissions by tax-payers.

SEC. 74. *Be it further enacted*, That it shall be the duty of sheriffs to inform the Attorney General and Solicitors of the State, for the circuits and counties, concerning all the omissions by tax-payers done in their respective counties to defraud the State of their revenue; and the Attorney General and Solicitors of the State, for circuits and counties, upon information or good cause for suspicion, that any person has omitted to render his tax list, or has failed to render an accurate and fair list of all the property, estate and subjects on and for which he is liable to be taxed, shall file a bill in equity against the person so defaulting, and the answer of the defendant shall not be competent evidence against him, in any criminal or penal prosecution whatever. And whenever suit is brought, or a bill filed in behalf of the State, under any of the provisions of this Act, it shall be done in the name of the State of North Carolina, unless otherwise directed.

Comptroller furnish lists.

SEC. 75. *Be it further enacted*, That the Comptroller, at public cost, shall have prepared and printed forms, of tax lists, with all the articles and subjects of taxation, to be listed under this act or any future law, mentioned separately over the heads of parallel columns, in which the amount, or quantity, or description of each article or subject to be listed is set down; and he shall, annually, furnish each county court clerk with as many such blank lists, as, in the opinion of the clerk, may be required to supply the takers of the lists in his county; and further, the Comptroller, at public cost, shall have prepared and

printed other blank forms, adapted to the returns by this act, required to be made by the clerks of county courts and sheriffs, and he shall supply each clerk and sheriff with as many such blank forms, as, in his opinion, may be needed.

SEC. 76. *Be it further enacted*, That every freeman that shall arrive at age, after the first of April in any year, and before an election, may pay his poll tax for the year to the sheriff, or to his deputy, before the election, without listing. If any person, bound to list taxables in his own right, or the right of another, shall fail to list the same, or any part thereof, the sheriff shall collect from him and of his own proper estate, double the tax imposed on the subject or property not listed.

Freeman arriving at age after April 1st, may vote on paying tax.

SEC. 77. *Be it further enacted*, That the county court may release any person from the payment of a double tax, for failing to list his taxables, in case where it shall appear to the court, by satisfactory evidence, that such failure occurred, by reason of sickness of the party, at the very time when the list was taken, or when it may appear that he rendered a list, and his name was omitted to be entered, or was omitted in the duplicate, prepared by the taker of the list, to be returned to the clerk, or for other sufficient cause, to be judged of by the court.

County Court release from double tax, when.

SEC. 78. *Be it further enacted*, That on personal property, in the hands of executors and administrators, bequeathed to, or as distributive shares, to collateral relations or strangers, as set forth in schedule A, of the revenue act, in connection with real estate, descended or devised to collateral relations or strangers, the tax shall be paid to the sheriff direct.

Collateral tax paid to Sheriff.

SEC. 79. *Be it further enacted*, That every person, that is intended to be taxed in paragraphs 18, 19, 20, 21 and 27, of schedule B, of the revenue act, and shall have been carrying on his business twelve months before the first day of July, of any year, shall render the sheriff a statement of the amount of his purchases (or sales, as the said

Merchants, etc obtain license, how.

paragraph may require,) of taxable articles during the year ending on such first day of July, and shall sign and make an affidavit that his purchases, (or sales, as may be required,) during that period did not exceed the amount stated, and on his paying the taxes imposed and enumerated in schedule B, shall be entitled to carry on his business, until the first of July next ensuing.

Invested cases
give bond.

SEC. 80. *Be it further enacted,* That every person who is intended to be taxed in paragraphs 18, 19, 20, 21 and 27, of schedule B, of the revenue act, commencing to do business, or who shall not have been doing business for twelve months before the first of July, shall pay, at the end of the year for which his license is issued, the taxes on his purchases or sales, as set forth in said paragraphs, of schedule B, of the revenue act, and to secure the same, he shall, before the license is delivered, enter into bond, with good securities, payable to the State of North Carolina, in such sum as the sheriff may deem sufficient, conditioned, that he will render a true statement of the amount of his purchases (or sales as the act may require) for the period embraced in his license, and pay his taxes thereon, on the first day of July, when his license shall expire.

Forfeiture for
act'g without
license.

SEC. 81. *Be it further enacted.* That any person who shall carry on any business, intended to be taxed as per schedule B, of the revenue act, without having previously received a license as required, shall, in addition to the taxes, forfeit and pay one hundred dollars, to be collected by distress or otherwise, by the sheriff; one-half to his own use; and the other half to the use of the State.

To show li-
cense when re-
quired.

SEC. 82. *Be it further enacted,* That every person, intended to be taxed by sections 1, 2, 3, 17, 26, 27, 28, 29 and 30, of schedule B, of the revenue act, shall show his license to any justice of the peace, or constable, who may demand a view thereof, and it shall be the duty of every constable to demand such view. And if any such person fail to exhibit his license on demand thus made, he shall

forfeit and pay one hundred dollars, recoverable on a warrant, before a justice of the peace, one-half to the person suing out the warrant, and one-half to the use of the State, to be paid over to the sheriff and accounted for as taxes.

SEC. 83. *Be it further enacted*, That every sheriff shall keep a record of the taxes collected by him from the clerks of the courts, and under schedule B, of the revenue act, and of all forfeitures, arrears from insolvents, double taxes, and taxes on unlisted subjects, and on or before the second Monday in August, shall deliver to the clerk of the county court, a statement setting forth all sums received to that date, not previously accounted for, the date of such receipt, the person from whom received, the amount received from each person, the subjects on which received, and the aggregate amount accompanied by an affidavit, taken and subscribed by him, before the clerk, and attested by him, that the statement is correct, and that no receipt has been omitted. And the clerk shall, before the third Monday in August, send a duplicate of said statement and affidavit to the Comptroller of the State, register the same in a book kept in his office for that purpose, and keep a copy of the same, posted in a conspicuous place in the court house, until the first day of January next ensuing.

Sheriff to keep record of taxes

SEC. 84. *Be it further enacted*, That the clerk, on application of the Sheriff, shall deliver to him a true abstract of such return, which the sheriff shall deliver to the Comptroller, when he settles his accounts; and if any sheriff shall fail to deliver such abstract to the Comptroller, the Comptroller shall add to the taxes for which such sheriff is liable, one thousand dollars, and so report his account to the Treasurer.

Clerk to give abstract to Sheriff.

SEC. 85. *Be it further enacted*, That if any clerk shall fail to perform any of the duties required in the preceding three sections of this act, or shall falsely certify to the abstract of the sheriff's return, he shall be deemed guilty

Penalty on Clerk.

of a misdemeanor, and on conviction shall be removed from office.

Penalty on delinquent tax-payer.

SEC. 86. *Be it further enacted*, That, of any person taxed in Schedule "B," of the Revenue Act, refuses or fails to pay the taxes imposed, and leaves the county before the sheriff can collect the forfeiture, the sheriff may recover the tax and forfeiture, out of the delinquent, in any Superior Court of the State. The tax and forfeiture, when collected, shall be paid over by the sheriff as originally required.

Clerk to keep record of taxes received.

SEC. 87. *Be it further enacted*, That every clerk shall keep a record of the taxes received by him, and to the county court next preceeding the first of July of each year, and the first day of the term, shall return a statement, setting forth the date of each receipt, the person from whom received, the subject on which received, and the amount received from each person, and the aggregate amount received up to that date, and not previously accounted for; and to this statement, the clerk shall attach an affidavit that such statement is correct, and that no receipt, by himself or a deputy of his, has been omitted; which affidavit shall be taken and subscribed in the presence of the chairman of the court, and shall attest the same. And the county court clerk shall record such statement and affidavit in a book kept for that purpose in his office, and keep a copy of the same posted in some conspicuous place in the courthouse, from the time at which the return shall be made, until the first day of January next ensuing. And, on or before the second day of the term, the clerk shall pay the sheriff the amount of the taxes received, as set forth in said return, less five per cent. commissions, for receiving and accounting for said taxes.

Delinquent Clerks guilty of misdemeanor.

SEC. 88. *Be it further enacted*, That if any clerk shall fail to perform any duties required in the preceeding section, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be removed from office. And, if

any clerk shall fail to pay over to the sheriff the amount of taxes in his hands on the day specified, the sheriff shall inform the county solicitor of the default, and the county solicitor shall bring suit on his bond, and shall recover, in addition to the taxes withheld, or not accounted for, one hundred dollars, and the whole recovery shall be paid into the Treasury by the sheriff.

SEC. 89. *Be it further enacted*, That the sheriffs, and all receivers of public moneys, shall yearly settle their accounts with the Comptroller, between the last day of June and the first day of November of the present year, and thereafter between the last day of June and the first day of October of each year, (unless where the settlement of such persons may be specially directed to be made in another manner or at another time) so that it may be known what sum each one ought to pay into the Treasury: and the Comptroller shall forthwith report to the Public Treasurer the amount due from each accountant, setting forth therein, (if a sheriff's account) the nett amount due from the sheriff to each fund, and therefor the Treasurer shall raise an account against such person, and debit him accordingly.

When Sheriffs settle with Comptroller.

SEC. 90. *Be it further enacted*, That the sheriff, in making his settlement, as aforesaid, shall designate in a list by him rendered at the time, the different sources from which were raised the taxes, accounted for by him, and the particular amount of tax received from each source; and the Comptroller shall give to each sheriff a certified copy of such lists, which the Sheriffs shall deposit with the clerk of the county court of his county, for public inspection. In such settlement the sheriff shall be charged with the amount of public tax, as the same appears by the tax list transmitted to the Comptroller; also, with all double taxes, and taxes on listed property by him received, and with all other tax which he may have collected, or for which he is chargeable.

Sheriff to list sources of revenue.

SEC. 91. *Be it further enacted*, That he shall be credited with

Credits of Sheriff.

ted with the amount of State tax on hand bid off by the State, with the costs attendant on the sale and procuring the title, and with commissions on the whole, including the county revenue, on producing the certificate of the Secretary of the State, as is provided in section sixty-seven of this act. (2.) With all insolvent taxables, allowed by the court, as hereinafter provided; and when the sheriff shall be required to settle before such taxables are allowed, he shall be credited with them, in the next year's settlement, or the sheriff may at any time thereafter, on producing certificates of such taxables allowed, procure an order from the Comptroller or the Treasurer, for the amount thereof. And, in like manner, the sheriff shall have credit for any over payment made in former settlement, by reason of any error in the clerk's abstract of taxables.

Insolvent tax-
ables.

SEC. 92. *Be it further enacted*, That no insolvent taxables shall be credited to the sheriff, in his settlement with the Comptroller, but such as shall be allowed by the county court; a list whereof, containing the names and amounts, and subscribed by the sheriff, he shall return to the court, at some time preceeding said settlement, and the same shall be allowed only on his making oath that he has been at the dwelling house, or usual place of abode of each of the tax-payers, and could not, there or elsewhere in the county, find property wherewith to discharge his taxes, or such part thereof, as is returned unpaid; and that the persons whose names are contained in the list, were insolvent at, and during the time when, by law he ought to have endeavored to collect their taxes; such list shall be recorded on the minutes of the court, and a copy thereof, within ten days after its return, shall be set up by the clerk in some public part of the courthouse: *Provided*, That when the sheriff may be desirous of obtaining his allowance for insolvent poll tax, instead of swearing to his list, as the law now directs, the same may be submitted to the county court, a majority of justices

being present, who shall consider and examine said sheriff's list, and make him such allowance as they shall think just and proper

SEC. 93. *Be it further enacted*, That if any sheriff shall return to court as insolvent, the name of any person who is not listed, or has paid his taxes for the year, or shall, by himself or his deputy, collect from any person his tax, for the year, for which he has been returned as insolvent, without accounting for the same; or, if any clerk shall fail to record or set up the returns, as required in the preceding section, the person so offending shall forfeit and pay to the State one hundred dollars, and the county solicitor shall prosecute a suit for the same. False returns
of insolvents.

SEC. 94. *Be it further enacted*, That every sheriff, or other person allowed by law to collect an account in his stead, in settling his accounts with the Comptroller, shall take the following oath, administered by the Comptroller, and subscribed the same in the presence of the Comptroller, by whom it shall be attested; and the Comptroller shall make no settlement with the sheriff, or any one in his stead, unless he has sworn to and subscribed as hereby required: "I, A. B., sheriff of the county of —, do on this, the — day of —, one thousand eight hundred and —, make oath that the list now given by me is, to the best of my knowledge and belief, complete, perfect and entire, and doth contain the full amount of all moneys by me or for me received, or which ought to have been received on account of the public taxes for the year one thousand eight hundred and —, on listed and unlisted property, and all double taxes, and all taxes received from clerks of courts, and from insolvents not heretofore accounted for, and all taxes received, or which ought to have been received from any other and all other sources whatever; and I do further make oath that if I, or any person for me, shall hereafter collect any unpaid tax now due, and not rendered in said list, I will render a true account thereof, within one year after collecting the same." Oath of Sheriff.

Duty of Comptroller if Sheriff returns falsely.

SEC. 95. *Be it further enacted*, That if the Comptroller at any time shall have just cause to suspect that any sheriff, or other person accounting in his stead, may have made a false return, or sworn falsely in any matter relative to the collecting and accounting for any tax, he shall thereupon inform the officer prosecuting in the Superior Court of the county, wherein the offence was committed, who shall take such steps, as public justice may demand.

Sheriff's compensation.

SEC. 96. *Be it further enacted*, That the sheriff, for his services in collecting and paying the public taxes into the treasury, shall receive a compensation of two per cent. on the nett amount received by him from the clerk for taxes imposed by Schedule "C," of the Revenue Act, and four per cent. on the amount of taxes collected from every other source, to be deducted in the settlement of his account with the Comptroller. For collecting and paying county taxes, (for whatever purpose laid) the sheriff shall receive the same per centum compensation, as above allowed on public taxes.

SEC. 97. *Be it further enacted*, That for his settlement with the Treasurer, he shall be paid by the Treasurer three dollars for each day he may be necessarily engaged thereon, and three dollars for every thirty miles of twice the estimated distance from his home to the seat of government, by the most usual common highway.

Penalty on Sheriff for delinquency.

SEC. 98. *Be it further enacted*, That in every case of failure, by a sheriff or other accounting officer, to settle his accounts within due time, or to take the oath required on his settlement, the Comptroller shall forthwith report to the Treasurer the account of such sheriff or officer, deducting therefrom nothing for commissions or insolvents, but adding thereto one thousand dollars for the amount of taxes supposed not to appear in the list transmitted by the clerk, and if the whole amount be not paid, the Treasurer, on the motion of the Attorney General in the superior court of Wake county, at the first court after the default shall have occurred, shall recover judgment against

such defaulting officer, and his sureties, for the amount reported against him, without other notice than is given by the delinquency of the officer.

SEC. 99. *Be it further enacted*, That, to the end that their obligation and names may be known, the clerk of the county court, at the same time when he transmits to the Comptroller the tax-list, shall transmit to him also a copy, certified under the seal of the court, of the bond of the Sheriff, upon pain for his default of forfeiting to the State, one thousand dollars, which the Treasurer shall, and is hereby specially charged to collect, in like manner, and at such time as is provided in the preceding section.

Sheriff's bond
to be sent to
Comptroller.

SEC. 100. *Be it further enacted*, That the Register of every county, yearly, on or before the first day of September, shall transmit to the Comptroller a certified copy of the bond of the Clerk of the County Court, as the same is registered, upon pain of forfeiting for his default, to the State, one thousand dollars; which the sheriff is hereby specially charged to collect, in like manner, and at such time, as is provided in this act.

Clerk's bond
to be sent to
Comptroller.

SEC. 101. *Be it further enacted*, That in all suits directed by any law to be instituted on motion of the Attorney General, at the instance of the Treasurer or Comptroller, against any sheriff or clerk, and his sureties, a copy of the bond of such officer, certified as aforesaid, and sent to the Comptroller, and by the Comptroller certified, together with the default under his hand, shall be deemed sufficient evidence of the execution of such bond, and the default of the officer, to allow such judgment to be entered.

Suits against
Sheriffs, etc.

SEC. 102. *Be it further enacted*, That in case of default by the register to duly certify and transmit the bond of the clerk, in proper time, the Comptroller shall, forthwith, proceed to procure such certified copy, and also a copy of the bond of the register, certified by the keeper thereof, and shall proceed in the manner hereinafter provided,

Failure of Reg-
ister to send
bonds.

against them and their sureties, at the first superior court in Wake county, after copies shall have been procured.

Default of
Clerks, Sher-
iffs, etc.

SEC. 103. *Be it further enacted,* That in every case of default, by any clerk, sheriff or taker of the tax list, or assessor of the value of property, in the discharge of any of the duties by this act imposed on any of them, where no penalty is provided, the defaulting officer shall forfeit and pay to the State, for each default, one hundred dollars; and all the penalties, by this act imposed upon such officers, for the sole use of the State, may, where there is no special rule provided for recovering the same, be recovered in the name of the State, at the instance of the Treasurer, on motion of the Attorney General, or any of the Solicitors of the State.

Realty.

Certificate of
Treasurer, etc.

SEC. 104. *Be it further enacted,* That the certificate of the Treasurer or Comptroller, of any matter of default, in any of the said offices, occurring at the offices of the Comptroller or Treasurer, and copies of any papers, in said offices, duly certified by the proper keeper thereof, shall be admitted as evidence, in any suit or prosecution, whatsoever, against them or others, and about any other matter whatsoever.

Judgment on
motion ag'inst
defaulting of-
ficers.

SEC. 105. *Be it further enacted,* That the Treasurer may, on motion, obtain judgment in any court of record, against any person indebted to the State, in the same manner and under the same rules and regulations, which are prescribed in the case of delinquent sheriffs; and the court shall award execution, though the amount of the claim be within the jurisdiction of a justice of the peace.

Penalty for
perjury.

SEC. 106. *Be it further enacted,* That if any person shall wilfully and corruptly commit perjury, in any oath required to be taken or administered by any section of this act, such person shall be deemed guilty of a misdemeanor, and on conviction, shall be subject to the same pains and penalties as are imposed in section 29, chapter

34, of the Revised Code, entitled "Crimes and Punishments," on persons guilty of perjury.

SEC. 107. *Be it further enacted*, That if in any county, Special term authorized. it shall be impracticable or inconvenient to execute any duties, heretofore required to be done, at a regular term of the court of pleas and quarter sessions. the chairman thereof, shall call a special term of the court, giving ten days notice, which shall perform the said duties: *Provided*, That in all cases, where counties have failed to lay county taxes at the first term in this year, the court of pleas and quarter sessions held thereafter, or a special term called, according to this section, may lay the same.

SEC. 108. *Be it further enacted*, That all laws of this State, coming in conflict with this act, be and the same Conflicting laws repealed. are hereby repealed.

SEC. 109. *Be it further enacted*. That it shall be the duty Treasurer to issue instructions, etc. of the Public Treasurer to prepare instructions and forms for assessors, tax collectors, and others charged with the execution of this act, and the act of the present session, entitled "Revenue," for their guidance and direction in performing their several duties, and in case of doubt or difficulty, to obtain the opinion of the Attorney General, as to the true intent and meaning of said acts. The Treasurer shall cause to be printed, as soon as practicable, and distribute to the several counties, not less than ten copies for each member of the House of Commons, to which a county is entitled, of the aforesaid acts and instructions, and such additional number as in his judgment may be required for the use of his office.

SEC. 110. *And, be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 12th day of March, A. D., 1866.*]

REVISED CODE.

Chap. 23. AN ACT TO RE-ENACT CHAPTER SEVENTY, REVISED CODE, ENTITLED
“MILITIA,” AND TO AMEND THE SAME.

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 chapter seventeen of the Acts of the General Assembly of eighteen hundred and sixty-sixty-one, entitled “Militia Bill,” is hereby repealed; and that chapter seventy, Revised Code, entitled “Militia,” is re-enacted, with the following amendments, to-wit: strike out section eight, and insert, “The following are declared to be the regiments, brigades and divisions of the infantry, to be known and distinguished as here designated, namely :

Repeals ch. 17,
acts of 1860-1.

Re-enacts ch.
70, Revised
Code; with a-
mendments.

BRIGADES	COUNTIES.	No. Reg't.	How distinguished in counties where more than one reg't.
1st.	Currituck,	1	North. South.
	Camden,	2	
	Perquimans,	3	
	Pasquotank,	4	
2nd.	Chowan,	5	
	Hertford,	6	
	Gates,	7	
	Bertie,	8	
	“	9	
3rd.	Martin,	10	
	Washington,	11	
	Tyrrell,	12	
	Hyde,	13	
4th.	Beaufort,	14	
	Craven,	15	
	“	16	
	Pitt,	17	

BRIGADE.	COUNTIES.	No. of Regiment	How distinguished in counties where more than one reg't.
5th.	Carteret,	18	
	Jones,	19	
	Lenoir,	20	
	Onslow,	21	
6th.	New Hanover,	22	East N. E. River.
	“ “	23	West N. E. River.
	Sampson,	24	East of Big Coharie.
	“	25	West of “ “
7th.	Duplin,	26	
	Wayne,	27	Upper.
	“	28	Lower.
	Greene,	29	
8th.	Edgecombe,	30	Upper.
	“	31	Lower.
	Nash,	32	
	Wilson,	33	
9th.	Halifax,	34	Upper.
	“	35	Lower.
	Northampton,	36	
	Warren,	37	
10th.	Wake,	38	East of Raleigh.
	“	39	West of “
	Franklin,	40	
	Johnston,	41	
11th.	Granville,	42	North.
	“	43	South.
	Person,	44	
	Orange,	45	Hillsber’.
“	46	Hawfield.	
12th.	Caswell,	47	
	Alamance,	48	
	Chatham,	49	Upper.
	“	50	Lower.

BRIGADES.	COUNTIES.	No. of Regiment	How distinguished in counties where more than one Reg't.
13th.	Moore,	51	
	Harnett,	52	
	Cumberland,	53	Upper.
	"	54	Lower.
14th.	Bladen,	55	
	Brunswick,	56	
	Columbus,	57	
	Robeson,	58	Lower.
15th.	Robeson,	59	Upper.
	Richmond,	60	Lower.
	"	61	Upper.
	Montgomery,	62	
16th.	Randolph,	63	West.
	"	64	East.
	Davidson,	65	Lower.
	"	66	Upper.
17th.	Guilford,	67	West.
	"	68	East.
	Rockingham,	69	Lower.
	"	70	Upper.
	Forsythe,	71	
18th.	Stokes,	72	
	Sury,	73	North.
	"	74	South.
	Yadkin,	75	
19th.	Rowan,	76	
	Davie,	77	
	Iredell,	78	North of S. Yadkin.
	"	79	South of S. Yadkin.
20th.	Anson,	80	
	Union,	81	East.
	"	82	West.
	Stanly,	83	

BRIGADES.	COUNTIES.	No. of Regiment	How distinguished in counties where more than one Reg't.
21st.	Cabarrus,	84	North.
	Mecklenburg,	85	
	“	86	South.
	Gaston,	87	
22nd.	Lincoln,	88	
	Catawba,	89	Upper.
	Cleveland,	90	Lower.
	“	91	
23rd.	Wilkes,	92	Lower.
	“	93	Upper.
	Alexander,	94	
	Caldwell,	95	
24th.	Alleghany,	96	
	Ashc,	97	
	Watanga,	98	
	Mitchell,	99	
25th.	Burke,	100	North.
	“	101	South.
	McDowell,	102	
	Rutherford,	103	North.
26th.	Rutherford,	104	South.
	Polk,	105	
	Henderson,	106	
	Transylvania,	107	
27th.	Buncombe,	108	North.
	“	109	South.
	Madison,	110	
	Yancey,	111	
28th.	Haywood,	112	
	Jackson,	113	
	Macon,	114	
	Cherokee,	115	
	Clay,	116	

First Division	composed of	1st, 2d, 3d and 4th Brigades
Second	“	“ 5th, 6th, 7th and 8th “
Third	“	“ 9th, 10th, 11th and 12th “
Fourth	“	“ 13th, 14th, 15th and 16th “
Fifth	“	“ 17th, 18th, 19th and 20th “
Sixth	“	“ 21st, 22nd, 23rd and 24th “
Seventh	“	“ 25th, 26th, 27th and 28th “

Alters sections
80 and 83.

In section eighty, strike out the words “slaves or”
In section eighty-three, strike out the words “or runaway negroes,” and insert “persons.”

Certain officers
authorized to
enroll militia.

SEC. 2. *Be it further enacted*, That the officers appointed by virtue of an ordinance of the late Convention, are hereby authorized to enroll the militia according to the provisions of this act.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 12th day of March, A. D., 1866.*]

Chap. 24.

AN ACT TO ESTABLISH THE RATE OF INTEREST, AND REPEAL CHAPTER ONE HUNDRED AND FOURTEENTH, OF THE REVISED CODE, ENTITLED “USURY.”

Legal rate of
interest.

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 legal rate of interest upon all sums of money, where interest is allowed, shall be six per cent. per annum for such time as interest may accrue, and no more; *Provided, however*, That any person may, for the loan of money, but upon no other account, take interest at a rate so great as eight per cent., if both the consideration and the rate of interest shall be set forth in an obligation signed by the party to be charged or his agent. And if any person shall agree to take a greater rate of interest than six per cent. per annum, when no rate is named in the obligation, or a greater rate than eight per cent., when the rate is named, the interest shall

Proviso.

not be recoverable at law or in equity; and in all trials at law or in equity, when the plea of usury shall be relied on, the defendant may examine the plaintiff on oath, either by deposition or in open court, according to the course of court.

SEC. 2. *Be it further enacted*, That chapter one hundred and fourteenth, of the Revised Code, entitled "Usury," is hereby repealed, and this act shall be in force from its ratification. [Ratified the 12th day of March, A. D., 1866.] Conflicting law repealed.

AN ACT TO AMEND CHAPTER FORTY, REVISED CODE, ENTITLED "DRAIN- Chap. 25.
ING AND DAMMING LOW LANDS."

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 chapter forty, Revised Code, entitled "Draining and damming low lands," be amended as follows: Add to section twelve, the following words, "and also judgment for a like sum to be expended in subsequent repairs, as the court, on motion, may direct." Add to the chapter the two following clauses: Sixteen. Natural streams may be cleaned out, enlarged, widened or deepened under the same rules and regulations as herein provided for canalling. Seventeen. The clerk of the county court of Edgecombe shall keep a separate record of all the proceedings under and by virtue of this chapter. Amends ch. 40, Revised Code.

SEC. 2. *And be it further enacted*, That this act shall take effect and be in force from and after its ratification. [Ratified the 7th day of March, A. D., 1866.]

AN ACT TO AMEND THE SIXTY-FOURTH SECTION OF THE SIXTIETH Chap. 26.
CHAPTER, OF THE REVISED CODE.

SECTION 1 *Be it enacted by the General Assembly of the the State of North Carolina, and it is hereby enacted by the authority of the same*, That the sixty-fourth section, of the sixtieth chapter, of the Revised Code, be amended as fol- Amends chap. 60, sec. 64, Revised Code.

lows: That after the word "refuse," in the fifteenth line, shall be inserted "and all sound timber hereafter inspected and refused by reason of not showing heart and not squaring eleven, shall be culled and the refuse separated from the merchantable, except there be an agreement between the purchaser and the seller that the same shall not be done. The purchaser, or purchasers, receiving such timber, sold and inspected on the Cape Fear river, shall pay the seller or owner of such timber one-half the price for the refuse, which may be stipulated to be paid for the merchantable."

SEC. 2. *And be it further enacted*, That this act shall take effect from its ratification. [*Ratified the 12th day of March, A. D., 1866.*]

Chap. 27. AN ACT TO RE-ENACT THE FOURTH SECTION OF ONE HUNDRED AND
*SECOND CHAPTER, REVISED CODE.

Re-enacts ch.
102, sec. 4. Re-
vised Code.

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, chapter one hundred and two, Revised Code, be and the same is hereby in all things re-enacted.

SEC. 2. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 28th day of February, A. D., 1866.*]

Chap. 28. AN ACT TO AMEND THE FOURTH SECTION OF CHAPTER THIRTY-FIVE,
REVISED CODE, RELATIVE TO FUGITIVES FROM JUSTICE.

Governor to
offer reward
for apprehen-
sion of capital
felons.

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 chapter thirty-five, of the Revised Code, be so amended as to read, "authorize the Governor to offer the reward, therein pro-

vided for, for the apprehension of capital felons, who have fled from justice, to parts unknown, whether within or without the jurisdiction of the State.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 1st day of March, A. D., 1866.*]

AN ACT TO AMEND CHAPTER ONE HUNDRED AND ONE, SECTION NINE, OF THE REVISED CODE, ENTITLED "ROADS, FERRIES AND BRIDGES." *Chap. 29.*

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 section ninth, of chapter one hundred and one, of the Revised Code, be so amended as to read as follows: "It shall be the duty of the overseer of public roads, three days before the day of working, to summon all white males and free males of color, between the ages of eighteen and fifty, within the district, to meet at such times and places, as to the overseer shall seem convenient, for the repairing or making of such roads as may be necessary; and the overseer shall, at the same time, give notice to each free person what kind of tools they shall bring and work with on the road. And whoever shall, upon such summons, neglect the duty or any part thereof, required of him, shall forfeit and pay two dollars per day for each person or hand so neglecting or failing therein, which may be recovered of the father or guardian, having funds, if the person failing be a minor.

Amends chap. 101, sec. 9, Revised Code.

SEC. 2. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this act, be and the same are hereby repealed.

Repeals conflicting laws.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 7th day of February, A. D. 1866.*]

Chap. 30. AN ACT TO AMEND CHAPTER SEVENTY-FIVE, OF THE REVISED CODE,
ENTITLED "NOTARIES."

Powers of notaries public.

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 notaries public shall have

- power to take and to certify the acknowledgments or proof of powers of attorney, mortgages, deeds and other instruments of writing, to take depositions and to administer oaths and affirmations in matters incident or belonging to the duties of this office, and to take affidavit to be used before a court, judge or other officer, within the State:
- Provided,* That nothing herein contained shall be construed to allow the privy examination of *femes covert* to be taken otherwise than by law specially directed.

Proviso.

SEC. 2. *Be it further enacted,* That the fees of notaries public, for each certificate and seal, shall be fifty cents, and in other matters shall receive, as regulated by chapter one hundred and two, Revised Code, entitled salaries and fees.

Fees of notaries public.

SEC. 3. *Be it further enacted,* That this act shall go into effect from and after its ratification. [*Ratified the 9th day of March, A D, 1866*]

SALARIES AND FEES.

Chap. 31.

AN ACT TO REGULATE SALARIES AND FEES.

Salaries and fees of various officers specified.

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 hereinafter named, shall annually receive salaries and compensations as follows, to wit: The Governor of the State, four thousand dollars; Counsellors of State, the same compensation which is allowed to a member of the General Assembly, for every day he may attend on public business, and for

every thirty miles traveling to and from the city of Raleigh on public business; the Judges of the Supreme and Superior Courts, twenty-five hundred dollars; Public Treasurer, two thousand dollars; Chief Clerk of the Treasurer, fifteen hundred dollars; Secretary of State, one thousand two hundred and fifty dollars, and fees allowed in chapter one hundred and two, Revised Code; Private Secretary of the Governor, one thousand dollars, and the fees allowed in chapter one hundred and two, Revised Code; Attorney General, one hundred dollars for his attendance on each regular term of the Supreme Court, and twenty dollars for each term of the Superior Court of any county he shall attend, and the fees allowed in chapter one hundred and two, Revised Code; each Solicitor of the State, twenty dollars, for every term of the Superior Court he shall attend, and the fees allowed in chapter one hundred and two, Revised Code; Reporter of the decisions of the Supreme Court, six hundred dollars and fees allowed in chapter one hundred and two, Revised Code; Public Librarian, six hundred dollars; Messenger in Governor's office, three hundred and sixty-five dollars; Clerk of the Supreme Court, five hundred dollars salary and forty cents for recording as heretofore, besides the fees allowed in chapter one hundred and two, Revised Code; Clerks of the Superior and County Courts, Clerks and Masters in Equity, Jurors and Witnesses, fifty per cent. in addition to the fees allowed in chapter one hundred and two, Revised Code: *Provided*, That the salaries and fees herein before fixed, are to be regarded as payable in currency of the United States, and may be hereafter reduced by the General Assembly, but this reduction shall not be below the present relative value of gold to said currency, and shall in that case be payable in gold.

SEC. 2. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this act, or with such provisions of chapter one hundred and two, Revised

Conflicting
laws repealed.

Code, as are not superceded by this act, be and the same are hereby repealed.

SEC. 23. *And be it further enacted*, That this act shall be in force from its ratification, and the legal effect and operations shall not be controlled by the thirty-fifth section of chapter fifty-two, Revised Code. [*Ratified the 27th day of February, A. D., 1866.*]

AN ACT REGULATING FEES IN THE SUPREME COURT.

Chap. 32.

Clerk 50 per cent. additional.

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 Clerk of the Supreme Court shall receive fifty per cent. in addition to the fees and salary allowed in section twenty-five, chapter one hundred and two, of the Revised Code, and that any thing in the act of the present session entitled "an act to regulate salaries and fees," so far as affects the said clerk's salary and fees is hereby repealed. And that the Marshall of said court shall receive three dollars per day for his attendance on said court.

Marshal \$3 per diem.

SEC. 2. *And, be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 10th day of March, A. D., 1866.*]

AN ACT CONCERNING SALARIES AND FEES.

Chap. 33.

Certain salaries and fees regulated by chap. 102, Revised Code.

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 except so far as the salaries and fees of the various officers of the State are fixed by the General Assembly, they shall be regulated by chapter one hundred and two, of the Revised Code, entitled salaries and fees, and that all laws and clauses of laws, coming in conflict with this act, be and the same are hereby repealed. [*Ratified the 7th day of March, A. D., 1866.*]

MISCELLANEOUS.

AN ACT TO ABOLISH THE OFFICE OF SUPERINTENDENT OF COMMON SCHOOLS, TREASURER OF THE LITERARY FUND, AND FOR OTHER PURPOSES. Chap. 34.

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 offices of Superintendent of Common Schools for the State, and Treasurer of the Literary Fund, be and the same are hereby abolished. Abolishes certain offices.

SEC. 2. *Be it further enacted,* That all money, stocks, bonds and funds of said Literary Fund, shall be deposited in the Public Treasury, and be kept distinct and apart from all other public funds, subject to the orders of the President and Directors of the Literary Fund, and shall be paid out and delivered, by the Treasurer of the State, to the order of the Board, certified and subscribed by the Secretary, and countersigned by the President. Literary Fund to be deposited in public treasury.

SEC. 3. *Be it further enacted,* That the said President and Directors shall have power to loan the Public Treasurer, for the use of the State, any portion of said funds, or any dividends or profits thereof which may accrue; and the Public Treasurer shall be accountable therefor, as for other public funds. Powers given Directors of the literary fund.

SEC. 4. *Be it further enacted,* That in addition to the power heretofore conferred on said President and Directors, in relation to the swamp lands, they shall be authorized to sell the same, in whole or in part, on such terms as they may deem best to secure the improvement thereof, by giving an equitable proportion of the lands improved, to the parties completing the drainage, at their own cost. Directors authorized to dispose of swamp lands.

SEC. 5. *Be it further enacted,* That so much of section twenty-seven, chapter sixty-six, of the Revised Code, as makes it obligatory on the Court of Pleas and Quarter Sessions of the several counties to elect at least five su- Repeals parts of ch. 66, sec. 27, Rev. Code.

perintendents of common schools in their counties, be hereby repealed, and the court (a majority of the justices being present) shall elect at least one superintendent

Justices empowered to levy tax for support of common schools.

SEC. 6. *Be it further enacted*, That section thirty-second, chapter sixty-six, of the Revised Code, shall be amended so that the justices of the Court of Pleas and Quarter Sessions shall have power to levy and collect taxes, at their discretion, for the support and maintenance of common schools in their respective counties, and for aid to subscription schools, which they are hereby empowered to give.

County school committees given discretionary powers.

SEC. 7. *Be it further enacted*, That the school committees of the counties are hereby empowered, at their discretion, to grant aid to the extent they may be authorized by the court, to subscription schools, the teachers of which have the qualifications prescribed for teachers of common schools, and to allow such schools to be carried on in the school rooms of their districts.

Duty of school committees.

SEC. 8. *Be it further enacted*, That it shall be the duty of the school committees to take charge of and keep in repair the school-rooms of their respective districts, and they may allow the same to be occupied, if they deem it necessary to secure their preservation.

Repeals conflicting laws.

SEC. 9. *Be it further enacted*, That all laws inconsistent with this act be, and the same are hereby repealed.

SEC. 10. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 10th day of March A. D., 1866.*]

Chap. 35. AN ACT TO ESTABLISH WORK HOUSES OR HOUSES OR CORRECTION IN THE SEVERAL COUNTIES OF THE STATE.

Justices empowered to establish work-houses, etc.

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 justices of the several courts of pleas and quarter sessions, a majority being present and concurring therein, may, when they deem it

necessary, establish within their respective counties, one or more fit and convenient houses of correction, with workshops and other suitable buildings for the safe keeping, correcting, governing and employing of offenders legally committed thereto. They may also, to that end, procure machinery and material suitable for such employment in said houses or on the premises; and moreover attach thereto a farm or farms; and all lands purchased for the purposes aforesaid, shall vest in the directors hereinafter provided for, and their successors in office. The said justices shall also have power to make, from time to time, such rules and regulations as they may deem proper, for the kind and mode of labor, and the general management of the said houses.

SEC. 2. *Be it further enacted*, That the county court shall, annually, appoint not less than five nor more than nine directors, (and wardens of the poor may act as such) for each house of correction which may be established, whose duty it shall be to superintend and direct the manager hereinafter named in the discharge of his duties; to visit said houses at least once in every three months, to see that the laws, rules and regulations relating thereto are duly executed and enforced, and that the persons committed to his charge are properly cared for, and not abused or oppressed. They shall keep a journal of their proceedings, and publish annually an account of their receipts and expenditures, in like manner as the court of wardens of the poor are required to do; they shall further make a quarterly report to their respective county courts of the general condition of their charge, and of the receipts and expenditures of the institution. They shall also make such by-laws and regulations for the government thereof as shall be necessary, which shall be reported to and approved by the said court. The directors shall be paid for the services rendered, by the county trustee, in the manner provided in chapter eighty-six, section twenty-two.

County court
to appoint di-
rectors; duties,
etc.

Justices to ap-
pointed a bon-
ded manager.
His duties, etc.

SEC. 3. *Be it further enacted*, That the justices of the several courts of pleas and quarter sessions, a majority being present, shall appoint a manager for each house or establishment, who shall give a bond, with two or more able sureties, in such sum as may be required, payable to the State of North Carolina, conditioned for the faithful discharge of his duties. He shall hold his office during the pleasure of the court, and be at all times under the supervision of the directors; and in case of his misconduct, of which they shall be the sole judges, he may be forthwith removed by them and a successor appointed, who shall discharge the duties of the office until another manager shall be appointed by the court. It shall be the duty of the manager to receive all persons sent to the house of correction, to keep them during the time of their sentence, and to employ and to control them according to the rules and regulations established therefor. He shall have the direction and control over the subordinate officers, assistants and servants, who may be appointed by the directors. He shall make monthly reports to the directors of his management of the institution and his receipts and expenditures.

Compensation

SEC. 4. *Be it further enacted*, That the said court shall direct what compensation the manager and such subordinate officers, assistants and servants, as shall be appointed, shall receive, and shall provide the payment thereof.

Justices em-
powered to
levy tax.

SEC. 5. *Be it further enacted*, That the justices of the several courts of pleas and quarter sessions, in addition to the tax for the maintenance of the poor, shall also, at the same time said tax is laid, lay such tax as may be necessary to carry into effect the provisions of this act, which shall be collected and paid to the manager at the same time as other county taxes are directed to be paid; for which, and such other funds as may come into his hands as manager, he shall be accountable, and he shall disburse the same under the authority of the directors.

SEC. 6. *Be it further enacted*, That if any offender shall

abscond, escape or depart from any house of correction without license, the manager shall have power to pursue, retake and bring him back, and to require all necessary aid for that purpose; and when brought back, the manager may confine him to his work by fetters or shackles, or in such manner as he may judge necessary, or may put him in close confinement in the county jail or elsewhere, until he shall submit to the regulations of the house of correction; and for every escape, each offender shall be holden to labor in the house of correction for the term of one month in addition to the time for which he was first committed.

Penalties incurred by absconding offenders.

SEC. 7. *Be it further enacted,* That if any person shall behave well and reform, he may, on the certificate of the manager, be released by the directors, if committed as a vagrant; but if otherwise committed, he may be released by the committing authority, upon the certificate of the manager and directors.

Certain persons released.

SEC. 8. *Be it further enacted,* That whenever any person shall be sentenced to a workhouse, he shall forthwith be committed by the court to the custody of the sheriff, to whom the clerk shall immediately furnish a certified copy of the sentence, in which it shall be stated (if the fact be so) that the offender is committed as a vagrant. The sheriff shall convey the offender to the work house, and deliver him to the manager with the certified copy aforesaid, and take the manager's receipt for the body; which receipt the sheriff shall return to the clerk of the court, with his endorsement of the times when the offender was committed to him and delivered to the manager; and the clerk shall record the same in a book kept for that purpose, and file the original with the papers in the case.

Duties of sheriff's.

SEC. 9. *Be it further enacted,* That the manager shall assign to each person sent to the workhouse the kind of work in which such person is to be employed.

Manager's duties.

SEC. 10. *Be it further enacted,* That the directors shall continue in office until others shall be appointed; and if

Term of office of directors, etc.

any vacancy happen among them, it shall be filled by the residue of the directors

Justices authorized to issue bonds in certain cases.

Sec. 11. *Be it further enacted*, That the justices of the court, a majority being present, may, if deemed advisable by them, issue county bonds to raise money to establish the houses and farms herein provided for.

Duty of chairman of court.

Sec. 12. *Be it further enacted*, That whenever any workhouse or house of correction shall be established in pursuance of the provisions of this act, it shall be the duty of the chairman of the court of pleas and quarter sessions of the county wherein the same shall be established, to certify the fact to the Governor, who shall cause it to be noted in a book kept for that purpose.

Suits to be brought in name of the State.

Sec. 13. *Be it further enacted*, That all suits brought on behalf of the institution shall, unless it be otherwise prescribed, be brought in the name of the State of North Carolina, to the use of the directors of the workhouse, without designating such directors by name.

Sec. 14. *Be it further enacted*, That this act to go into effect from its ratification. [*Ratified the 2d day of March, A. D. 1866*]

Ch. 36. AN ACT FOR THE MORE COMPLETE ORGANIZATION OF THE STATE GOVERNMENT AND FOR OTHER PURPOSES.

Preamble.

WHEREAS, Doubts are entertained whether or not the powers of all officers and agents appointed by the late provisional government ceased with the discontinuance of said government and as said officers and agents may have done many official acts since their powers may be held to have ceased, for the removal of such doubts and for the purpose of validating the acts of such officers and agents, and for the further purpose of more thoroughly re-organizing the civil government of the State,

Acts of certain officers validated.

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

thority of the same, That the acts which may have been done by any of the municipal officers of towns or by any other officers and agents of the late provisional government be held as valid, as they would have been had the powers of such officers and agents been continued in unquestionable force until the appointment and qualification of successors.

SEC. 2. *Be it further enacted,* That where any election shall have been held in any of the incorporated towns, for the election of municipal officers, to fill the vacancies occasioned by the discontinuance of the provisional government, whether such election was held on the day and in the manner prescribed in the charter and corporate laws of the town or not, such elections are hereby legalized, and the officers so elected are hereby invested with all the powers, rights and privileges which would have been conferred upon them had they been elected in strict conformity with the charter and corporate laws of such town.

Certain corporate elections legalized

SEC. 3. *Be it further enacted,* That the clerks of the county and superior courts, sheriffs and registers appointed under the provisional government, are hereby continued in office until their successors shall be qualified.

Provisional clerks & sheriffs continued in office until successors are appointed.

SEC. 4. *Be it further enacted,* That as soon as this General Assembly shall have appointed justices of the peace for the several counties, it shall be the duty of the Governor to issue commissions accordingly to the clerks of county courts in each county, and also an order to the sheriff of each county, together with a copy of this act, for each of said justices, commanding him to notify said justices of the peace to assemble at the court house of their respective counties, on a day to be designated by said sheriffs, not more than ten days from the day when such order shall be delivered to such sheriff.

Governor authorized to issue commissions to justices of peace.

SEC. 5. *Be it further enacted,* That upon the assembling of said justices of the peace, and their qualifications by the clerk of the county court, or by any other person

Justices of the peace to organize special term county court.

authorized by law to administer oaths, they may at once organize a special term of the county court, or appoint some other early day for the holding of a special term of said court, at which term the court and sheriff shall have power to pass upon the returns of election held on the ninth November last, for clerks and sheriffs, and declare the result of the same, receive the bonds from the officers found to be elected, and do all other things not requiring the intervention of a jury, which a county court may do at any regular term thereof.

Magistrates
authorized to
qualify cer-
tain officers.

SEC. 6. *Be it further enacted*, That any two magistrates of a county are hereby authorized to qualify the person elected superior court clerk, for the county, on ninth November, one thousand eight hundred and sixty-five, according to section seventh, chapter nineteenth, of the Revised Code, in like manner as if they had been commissioned so to do by a judge.

Provisional
corporate offi-
cers authori-
zed to hold
elections in
certain cases.

SEC. 7. *Be it further enacted*, That in the incorporated towns, where election, regular or irregular for corporate officers, may not have been held, the late provisional officers may, and they are hereby required, forthwith to appoint an early day for such election, upon five days notice in the newspapers of such town, or by public advertisement in such town where there is no newspaper published therein, and such election shall be conducted, as near as may be in conformity with the charter and corporate laws of the towns, and the municipal officers, who shall be elected at such elections, upon being qualified, shall forthwith enter upon the discharge of their duties as though they had been elected at the time and according to the rules prescribed in the charter, and corporate laws of the town, and they shall hold the offices until their successors shall have been elected and qualified at the next regular election in said town: *Provided*, This act shall not apply to towns in respect to which there has been or shall be special legislation at this session of the General Assembly: *And, provided further*, That nothing

Proviso.

contained in this act shall be so construed as to prevent the holding of the regular terms of the courts of pleas and quarter sessions, and the qualification of officers as now regulated by law.

SEC. 8. *And be it further enacted*, That this act be in force immediately after its ratification. [*Ratified the 1st day of February, A. D., 1866.*]

AN ACT TO PROVIDE FOR THE PAYMENT OF THE STATE DEBT, CONTRACTED BEFORE THE WAR *Chap. 37.*

WHEREAS, It appears by the estimate of the Public Treasurer, that the debt of the State upon coupons now due on bonds, issued under acts passed prior to the twentieth day of May, A. D., one thousand eight hundred sixty-one, is about the sum of two and a half millions dollars, and the coupons falling due, in the year one thousand eight hundred and sixty-six, will amount to about the sum of six hundred and fifty thousand dollars, and that the bonds of the State, due and to become due in the year one thousand eight hundred and sixty-six, amount to the sum of three hundred and sixty-four thousand dollars, making an aggregate sum of three millions five hundred and fourteen thousand dollars, of the public debt, which was contracted before the war, to be provided for during the present fiscal year: Therefore, in order to provide means to enable the Public Treasurer to pay said debts: Preamble.

SECTION 1. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Public Treasurer be, and he is hereby, authorized and directed, to cause to be prepared and to sell bonds of the State, to an amount not exceeding the sum of three million five hundred thousand dollars, for the purpose of paying the said debt, which bonds shall bear date the 1st day of January, one thousand eight hundred and sixty-six, and be made payable thirty-four years thereafter, with coupons bearing Public Treasurer authorized to sell State bonds.

six per cent. interest, payable at such places as the Public Treasurer may prescribe. The said bonds shall be of the denomination of one hundred, five hundred and one thousand dollars, and shall not be disposed of for less than par, and in all other respects shall be issued agreeable to the provisions of the nineteenth chapter of the Revised Code; and the said bonds and the interest accruing thereon shall be exempt from taxation.

Certain State bonds to bear interest.

SEC. 2. *Be it further enacted*, That the bonds of the State, which were issued under acts passed prior to the twentieth day of May, one thousand eight hundred and sixty-one, and which have already become due, or may become due before the first day of January, one thousand eight hundred and sixty-seven, shall bear interest at the rate of six per cent. per annum from the time the same shall have or may become due; and,

SEC. 3. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 10th day of March, A. D., 1866.*]

Chap. 38. AN ACT RELATING TO DEBTS CONTRACTED DURING THE LATE WAR.

Preamble.

WHEREAS, A great many debts, which were contracted during the war, are yet unsettled, said debts having been incurred for property bought at irregular and extravagant prices, or for money of a depreciated value: And, whereas, The late State Convention made it obligatory on this General Assembly to provide a scale of depreciated currency for the settlement of these debts: And, whereas, This General Assembly finds great difficulty in fixing a scale which will secure justice to citizens of all sections of the State: And, whereas, In the opinion of this General Assembly, no scale which will do justice to all sections of the State, can be adopted. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the*

State of North Carolina, and it is hereby enacted by the authority of the same, That in all civil actions which may arise in courts of justice, for debts contracted during the late war, in which the nature of the obligation is not set forth, nor the value of the property, for which such debts were created, is stated, it shall be admissable for either party to show on trial, by affidavit or otherwise, what was the consideration of the contract, and the jury, in making up their verdict, shall take the same into consideration and determine the value of said contract in present currency, in the particular locality in which it is to be performed, and render their verdict accordingly.—

Certain civil actions for debt, how determined.

SEC. 2. *Be it further enacted,* That when any warrant shall be returned before any justice of the peace for debt contracted during the war, said justice of the peace shall give the parties the privilege of setting forth, on oath, the nature of the obligation, with the kind of property, currency or other consideration for which it was created, and the true value of the contract in the present currency in the particular locality where it is to be solved shall govern his judgment: *Provided,* That justices of the peace shall have jurisdiction of all sums less than one thousand dollars, unless specified in the contract it is payable in other than confederate currency: *And, provided further,* That no claim shall be issued upon by a justice of the peace, which will, according to a scale of depreciation of confederate money, after judgment, exceed one hundred dollars.

Certain warrants returned before magistrates, how judgment returned.

Proviso.

SEC. 2. *And be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 12th day of March, A. D., 1866.*]

AN ACT TO ESTABLISH A SCALE OF DEPRECIATION OF CONFEDERATE CURRENCY. *Chap. 39.*

WHEREAS, By an ordinance of the Convention, entitled "An ordinance declaring what laws and ordinances are in force, and for other purposes," ratified on the eighteenth

Preamble.

day of October, in the year of our Lord, one thousand eight hundred and sixty-five, it is made the duty of the General Assembly to provide a scale of depreciation of the confederate currency, from the time of its first issue to the end of the war; and it is further therein declared that "all executory contracts, solvable in money, whether under seal or not, made after the depreciation of said currency before the first day of May, one thousand eight hundred and sixty-five, and yet unfilled (except official bonds and penal bonds payable to the State,) shall be deemed to have been made with the understanding that they were solvable in money of the value of said currency," subject, nevertheless, to evidence of a different intent of the parties to the contract. Therefore,

Scale of depreciation of confederate currency established.

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 following scale of depreciation be and the same is hereby adopted and established as the measure of value of one gold dollar in confederate currency, for each month, and the fractional parts of the month of December, one thousand eight hundred and sixty-four, from the first day of November, one thousand eight hundred and sixty-one, to the first day of May, one thousand eight hundred and sixty-five, to wit:

Scale of depreciation of Confederate Currency, the gold dollar being the unit and measure of value, from November first, one thousand eight hundred and sixty-one, to May first, one thousand eight hundred and sixty-five.

MONTHS.	1861.	1862.	1863.	1864.	1865.
January,	—	\$1.20	\$3.00	\$21.00	\$50.00
February,	—	1.30	3.00	21.00	50.00
March,	—	1.50	4.00	23.00	60.00
April,	—	1.50	5.00	20.00	100.00
May,		1.50	5.50	19.00	—
June,		1.50	6.50	18.00	—
July,		1.50	9.00	21.00	—
August,		1.50	14.00	23.00	—
September,		2.00	14.00	25.00	—
October,		2.00	14.00	26.00	—
November,	\$1.10	2.50	15.00	30.00	—
December,	1.15	2.50	20.00	—	—
Dec. 1st to 10th, incl.	.			35.00	—
“ 10th to 20th, incl.				42.00	—
“ 20th to 30th, incl.				49.00	—

And, whereas, Many grave and difficult disputes may arise between executors, administrators, guardians and trustees, and their legatees, distributees, wards and cestuysque trust, in the settlement of their accounts and trusts, arising from the depreciation of confederate currency, State treasury notes and bank notes, incident to and growing out of the late war: and that law suits and expensive litigation may be obviated,

SEC. 2. *Be it therefore enacted,* That in all such cases, the parties are hereby empowered to form a full and perfect statement of the case on both sides, which case shall be submitted to the determination of one of the judges of the superior courts, chosen by the parties, who is hereby authorized to consider and determine the same, according to equity and good conscience: *Provided,* however, That no part of this section shall be construed to estop or hinder any person from proceeding in the usual course of law, if he shall deem the same necessary. [*Ratified the 12th day of March, A. D., 1866.*]

Preamble.
Disputes between executors, etc., and legatees, etc., how determined.

Provide.

AN ACT CONCERNING NEGROES AND PERSONS OF COLOR OR OF MIXED BLOOD. Chap. 40.

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 negroes and their issue, even where one ancestor in each succeeding generation to the fourth inclusive, is white, shall be deemed persons of color.

Persons of color.

SEC. 2. *Be it further enacted,* That all persons of color, who are now inhabitants of this State, shall be entitled to the same privileges and subject to the same burthen and disabilities as by the laws of the State were conferred on, or were attached to, free persons of color, prior to the ordinance of emancipation, except as the same may be changed by law.

Privileges, burthen, disabilities, etc., of persons of color.

SEC. 3. *Be it further enacted,* That persons of color shall

In suits at law, to what privileges entitled.

be entitled to, all the privileges of white persons in the mode of prosecuting, defending, continuing, removing and transferring their suits at law and in equity; and, likewise, to the same mode of trial by jury, and all the privileges appertaining thereto. And in all proceedings in equity by or against them, their answer shall have the same force and effect in all respects as the answer of white persons.

Duty of master of colored apprentices.

SEC. 4. *Be it further enacted*, That in all cases of apprenticeship of persons of color, under chapter five of the Revised Code, the master shall be bound to discharge the same duties to them as to white apprentices, and the words "as are white" in section three, line three, are hereby repealed, and the word "apprentice" shall be read after the word "such." in said line, and the words "if a white person" in the second line of section six are hereby repealed: *Provided, always*, That in the binding out of apprentices of color, the former master of such apprentices, when they shall be regarded as suitable persons by the court, shall be entitled to have such apprentices bound to them in preference to other persons.

Proviso.

Marriage of former slaves, legitimized.

SEC. 5. *Be it further enacted*, That in all cases where men and women, both or one of whom were lately slaves and are now emancipated, now cohabit together in the relation of husband and wife, the parties shall be deemed to have been lawfully married as man and wife at the time of the commencement of such cohabitation, although they may not have been married in due form of law. And all persons whose cohabitation is hereby ratified into a state of marriage, shall go before the clerk of the court of pleas and quarter sessions of the county in which they reside, at his office, or before some justice of the peace, and acknowledge the fact of such cohabitation, and the time of its commencement; and the clerk shall enter the same in a book kept for that purpose; and if the acknowledgment be made before a justice of the peace, such justice shall report the same in writing to the clerk of the court of pleas and quarter sessions, and the clerk shall

Cohabitation to be acknowledged before county court clerks or magistrates.

enter the same as though the acknowledgment had been made before him; and such entry shall be deemed *prima facie* evidence of the allegations therein contained. For making such entry and giving a certificate of the same, the clerk shall be entitled to a fee of twenty-five cents, to be paid by the party for whom the services are rendered.

SEC. 6. *Be it further enacted*, That if any of such persons shall fail to go before the clerk of the county court, or some justice of the peace of the county in which they reside, and have their marriage recorded before the first of September, one thousand eight hundred and sixty-six, they shall be deemed guilty of a misdemeanor, and punished at the discretion of the court, and their failure for each month thereafter, shall constitute a separate and distinct offense.

Penalty for failure.

SEC. 7. *Be it further enacted*, That all contracts between any persons whatever, whereof one or more of them shall be a person of color, for the sale or purchase of any horse, mule, ass, jennet, neat cattle, hog, sheep or goat, whatever may be the value of such articles, and all contracts between such persons for any other article or articles of property whatever of the value of ten dollars or more; and all contracts executed or executory between such persons for the payment of money of the value of ten dollars or more, shall be void as to all persons whatever, unless the same be put in writing and signed by the vendors or debtors, and witnessed by a white person who can read and write.

Certain contracts void, how made legal.

SEC. 8. *Be it further enacted*, That marriage between white persons and persons of color shall be void; and every person authorized to solemnize the rites of matrimony, who shall knowingly solemnize the same between such persons; and every clerk of a court who shall knowingly issue license for their marriage, shall be deemed guilty of a misdemeanor, and, moreover, shall pay a penalty of five hundred dollars to any person suing for the same.

Marriage between whites and blacks void.

Evidence of certain persons in certain cases allowed. **Y** SEC. 9. *Be it further enacted*, That persons of color, not otherwise incompetent, shall be capable of bearing evidence in all controversies at law and in equity, where the rights of persons or property of persons of color, shall be put in issue, and would be concluded by the judgment or decree of court; and also in pleas of the State, where the violence, fraud or injury alleged shall be charged to have been done by or to persons of color. In all other civil and criminal cases such evidence shall be deemed inadmissible, unless by consent of the parties of record: *Provided*, That this section shall not go into effect until jurisdiction in matters relating to freedmen shall be fully committed to the courts of this State: *Provided, further*, That no person shall be deemed incompetent to bear testimony in such cases, because of being a party to the record or in interest.

Proviso.

Colored witness to be warned by court. SEC. 10. *Be it further enacted*, That whenever a person of color shall be examined as a witness, the court shall warn the witness to declare the truth.

Attempt to commit rape, how punished. **X** SEC. 11. *Be it further enacted*, That any person of color, convicted by due course of law, of an assault with an intent to commit rape upon the body of a white female, shall suffer death.

Criminal laws to affect alike white and colored persons. SEC. 12. *Be it further enacted*, That the criminal laws of the State, embracing and affecting a white person, are hereby extended to persons of color, except where it is otherwise provided in this act, and whenever they shall be convicted of any act made criminal, if committed by a white person, they shall be punished in like manner, except in such cases when other and different punishment may be prescribed or allowed by this act.

Two courts of wardens be appointed. SEC. 13. *Be it further enacted*, That at the time now provided for the election of wardens of the poor, the justices of the court of pleas and quarter sessions of each county, under the rules and regulations now prescribed, may, in their discretion, elect two distinct and independent court of wardens; one of whom shall act as the

wardens of the white poor, and the other as the wardens of the colored poor.

SEC. 14. *Be it further enacted*, That the persons constituting each court shall be qualified as now provided; and the wardens severally, and each court shall have all the powers and authorities now conferred on them, and they and the officers of each court, and all other person whatever, shall be subject to all the duties, liabilities and penalties imposed on them by chapter eighty-six, of the Revised Code.

Powers and authority of wardens of the poor.

SEC. 15. *Be it further enacted*, That the following laws and parts of laws are hereby repealed: First. Certain laws contained in the Revised Code, viz: The entire chapter one hundred and seven, entitled "slaves and free negroes," except sections fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight and sixty-six, and these sections shall be so amended as to read, "persons of color" instead of free negroes in all cases where the latter words occur. Section two of chapter fourteen, entitled "boats and canoes." Sections ten, eleven, twelve, thirteen, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, of chapter thirty-four, entitled, "crimes and punishments." Sections seventeen, nineteen and twenty-one of chapter thirty-seven, entitled "deeds and conveyances." Section four of chapter forty-eight, entitled, "fences." Section twenty-eight, chapters fifty-nine, entitled, "insolvent debtors." Section thirty-nine of chapter eighty-four, entitled "pilds." Sections fifteen, sixteen, seventeen, eighteen, nineteen and twenty, of chapter eighty-six. Secondly. Certain acts passed since the enactment of the Revised Code, to wit: an act ratified on the sixteenth day of February, eighteen hundred and fifty-nine, chapter thirty, entitled "an act for the hiring out of free negroes in certain cases;" an act ratified on the same day, chapter thirty-one, entitled "act act to prevent the sale of spirituous liquors to free persons of color;" an act ratified on

Certain laws, repealed.

the thirty-first day of January, eighteen hundred and sixty-one, chapter thirty-seven, entitled "an act to prohibit emancipation of slaves by will;" an act ratified on the twenty-third day of February, eighteen hundred and sixty-one, chapter twenty-three, entitled "an act to amend the sixteenth and seventeenth sections of chapter thirty-four, Revised Code;" an act ratified on the same day, chapter thirty-four, entitled "an act to amend chapter one hundred and seven, section sixty-six, of the Revised Code, relating to free negroes having arms;" an act ratified on the same day, chapter thirty-five, entitled "an act to change the rules of evidence in indictments for trading with slaves;" an act ratified on the same day, chapter thirty-six, entitled "an act to prevent free negroes from hiring or having the control of slaves;" an act ratified on the twenty-first day of September, eighteen hundred and sixty-one, chapter twenty-six, entitled "an act to amend section fifteen, of the one hundred and seventh chapter, of the Revised Code;" an act ratified on the twentieth day of December, eighteen hundred and sixty-two, chapter sixteen, entitled "an act to authorize the Governor to employ slave labor in erecting fortifications and other works."

Conflicting
acts repealed.

SEC. 16. *Be it further enacted,* That all other acts and parts of acts passed before the present session of the General Assembly, besides those enumerated in the foregoing section, the subjects whereof are revised and re-enacted in this act, or which are repugnant to the provisions herein contained, are hereby declared to be repealed, and of no force and effect from and after the ratification of this act, with the exceptions and limitations hereinafter mentioned.

Provisions,
rights and acts
not affected by
repeal.

SEC. 17. *Be it further enacted,* That the repeal of the acts mentioned in the preceding sections shall not affect any act done, or any right accruing, or accrued, or established, or any suit or proceeding had or commenced in any case before the ratification of this act.

SEC. 18. *Be it further enacted,* That no offence committed

under any of the acts hereby repealed, and before the time when they ceased to be laws of the State, shall be effected by such repeal, except that when any punishment shall have been mitigated by the provisions of this act, such provisions shall be extended and applied to any judgments to be pronounced after the repeal or cessation to have effect: *Provided, however,* That in case of the conviction of any person of color for any such offence, he shall be punished therefor in like manner only as if he were a white man.

Certain previous offenses committed not affected by repeal.

Provide

SEC. 19. *Be it further enacted.* That no suit or prosecution pending at the time of the repeal, for any offence committed, or for the recovery of any penalty or forfeiture incurred under any of the acts repealed, shall be affected by such repeal. [*Ratified this 10th day of March, 1866.*]

Pending suits not affected by repeal.

AN ACT FOR THE RELIEF OF SUCH PERSONS AS MAY SUFFER FROM THE DESTRUCTION OF THE RECORDS AND OTHER PAPERS OF THE SEVERAL COUNTIES OF THIS STATE, AND FOR OTHER PURPOSES. Chap. 41.

WHEREAS, During the late war between the United States and the Confederate States, the courthouse records and other papers of many of the counties of this State were destroyed; and whereas, great injury and inconvenience may happen therefrom to the people, for remedy whereof,

Preamble.

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 whenever the office of any registry shall have been, or may be destroyed by fire or other accident, and the records and other papers thereof be burnt or destroyed, the copies of all such proceedings, instruments and papers as are of record or registry, certified by the proper officer, though without the seal of of-

Copies of records received in evidence.

fee, shall be received in evidence whenever the original or duly certified exemplifications would be.

Copies of destroyed records may be recorded.

SEC. 2. *Be it further enacted*, That all such copies, when the court shall be satisfied of their genuineness, may be ordered to be recorded or registered.

How original papers may be recorded.

SEC. 3. *Be it further enacted*, That all original papers, once admitted to record or registry, whereof the record or registry is destroyed, may, on motion, be again recorded or registered, on such proof as the court shall require. Whenever any conveyance of real estate, or any right or interest therein shall have been lost, the registry thereof being also destroyed, any person claiming under the same, may cause the boundaries thereof to be established in the manner provided for processioning land, or he may proceed in the following manner to establish both the boundaries and nature of his estate: He shall file his petition setting forth the location and boundaries of his land, whose land it adjoins, and the estate claimed therein, and praying to have his own boundaries established, and the nature of his estate declared. All persons claiming any estate in the premises, and those whose lands adjoin, shall be notified of the proceedings, and thereupon, unless they or some of them shall, by answer on oath, deny the truths of the matter alleged, or some of them, the court shall order a surveyor to run and designate the boundaries of the petitioner's land, return his survey, with the plat thereof to court, which, when so affirmed, shall, with the declaration of the court, as to the nature of the estate of the petitioner, be registered and have, as to the persons notified, the effect of a deed for the same, executed by the person possessed of the same, next before the petitioner: *Provided, however*, That in all cases wherein the process of surveying shall be disputed, and the surveyor shall be forbidden to proceed by any person interested, the same proceedings shall be had as in like cases of processioning land. The petitioner shall set forth the whole substance of the conveyance as truly and specifically as he can, and

Provis

if any of the persons notified shall, by answer, deny the truth thereof, the court may cause proper issues to be submitted to a jury concerning the execution and contents of the same, and the true boundaries of the land claimed, and on their verdict and the pleadings, the court shall adjudge the rights of the parties, and declare the contents of the deed, if any deed be found by the jury, and allow the registration of such judgment and declaration, which shall have the force and effect of a deed.

SEC. 4. *Be it further enacted*, That any person desirous of establishing the contents of a will destroyed as aforesaid, there being no copy thereof, may file his petition, setting forth the entire contents thereof, according to the best of his knowledge, information and belief, and all persons having an interest under the same, shall be made parties, and if the truth of such petition be denied, the court may direct proper issues to be made up, and the matter in controversy tried by a jury, whether the will was recorded, and if so recorded, the contents thereof, and the declarations of the court shall be recorded as the will of the testator; any devisee or legatee shall be a competent witness as to the contents of every part of said will, except such as may concern his own interest in the same.

Contents of
destroyed
wills, how es-
tablished.

SEC. 5. *Be it further enacted*, That every person desirous of perpetuating the contents of any destroyed judgments, order or proceedings of court, or any paper admitted to record or registration, or directed to be filed for safe-keeping, other than wills or conveyances of real estate, or some right or interest therein, or any deed or other instrument of writing, required to be recorded or registered but not having been recorded or registered, it being competent to register or record said deed or other instrument at the time of its loss or destruction, may file his petition setting forth the substance of the whole record, deed, proceeding, or paper, which he desires to perpetuate, and if, on the hearing, the court shall declare the existence of such record, deed, or proceeding, or paper, at the time of

Destroyed
judgments, etc
how perpetua-
ted.

the burning of the office wherein the same was lodged or kept, or other destruction thereof, and that the same was there destroyed, and shall declare the contents thereof, such declaration shall be recorded or registered, or filed, according to the nature of the paper destroyed.

Color of title,
how determin-
ed.

SEC. 6. *Be it further enacted*, That every person who shall have been in the continual, peaceable and quiet possession of land, tenements, or hereditaments, situated in the county, claiming, using and occupying them as his own, for the space of seven years, under known boundaries, the title thereto being out of the State, shall be deemed to have been lawfully possessed, under color of title, of such estate therein as has been claimed by him during his possession, although he may exhibit no conveyance therefor: *Provided*, That such possession shall have commenced before the destruction of the registry office, or other destruction as aforesaid, and also that any such person, or any person claiming by, through or under him, will make affidavit and produce such proof as shall be satisfactory to the court that the possession was rightfully taken; and if taken under a written conveyance, that the registry thereof was destroyed by fire or other means, or was destroyed before registry as aforesaid, and that neither the original, or any copy thereof, is in existence: *And, provided further*, That such presumption shall not arise against *femes covert*, infants, persons of non-sane memory, and persons residing out of the State, who were such at the time of possession taken, and were not therefore barred, nor were so barred at the time of the burning of the office or other destruction.

Proviso.

Suits on des-
troyed official
bonds, how
prosecuted.

SEC. 7. *Be it further enacted*, That suits on official or other bonds lodged in any office, which are destroyed with the registry thereof, may be prosecuted by petition against the principal and sureties thereto, and the proceedings shall be as in courts of Equity.

SEC. 8. *Be it further enacted*, That the court may allow other witness tickets to be filed in place of such as

may be destroyed, upon the oath of the witness, or other satisfactory proof. Witness tickets.

SEC. 9. *Be it further enacted*, That where any conveyance, executed by any person, or sheriff, clerk and master, or commissioner of court, has been lost, and the registry thereof destroyed, as aforesaid, and there is no copy thereof, such persons, whether in or out of office, may execute another of like tenor and date, reciting therein that the same is a duplicate, and such deed shall be evidence of the facts therein recited, in all cases wherein the parties thereto are dead, or are incompetent witnesses to prove the same, to the extent as if it was the original conveyance. Lost conveyances, how replaced.

SEC. 10. *Be it further enacted*, That the records of any court, in or out of the State, and all transcripts of such records, and the exhibits filed therewith in any case, shall be admissible to prove the existence and contents of all deeds, wills, conveyances, depositions and other papers, copies whereof are therein set forth or exhibited in all cases where the records and registry of such as were, or ought to have been recorded and registered, or the originals of such as were not proper to be recorded or registered, have been destroyed as aforesaid, although such transcript or exhibits may have been informally certified; and when offered in evidence shall have the like effect as though the transcript or record was the record or transcript of the record of the court whose records are destroyed, and the deeds, wills and conveyances, depositions and other papers therein copied or therewith exhibited, were original. Records of any court admissible to prove deeds.

SEC. 11. *Be it further enacted*, That the copies aforesaid of all such deeds, wills, conveyances and other instruments proper to be recorded or registered, as are mentioned in the preceding section, may be recorded or registered on application to the court, and due proof that the original thereof was genuine. Copies of deed may be recorded on application to Court.

SEC. 12. *Be it further enacted*, That the following rules shall be observed in petitions and motions under this act: Rules to be observed.

The facts stated in every petition or motion shall be verified by affidavit of the petitioner that they are true according to the best of his knowledge, information and belief; the instrument or paper sought to be established by any petition shall be fully set forth in its substance, and its precise language shall be stated when the same is remembered. All persons interested in the prayers of the petition or decree, shall be made parties. No petition to declare the contents of a deed or will, or any matter of record, shall be filed within five years next after the ratification of this act: *Provided, however,* That infants, *femes covert*, persons of non-sane memory and non-residents, may file such petition within one year after the disability is removed. Petitions to establish a registered paper may be filed in the county or superior court, and petitions to establish a record of the county court, superior court, and court of equity, shall be filed in the court where the record is sought to be established. Other petitions may be filed either in the county or superior courts. The costs of every suit under this act shall be paid as the court may decree. Appeals shall be allowed as in all other cases, and where the error alleged shall be an erroneous finding by the superior court, of a matter of fact, the same may be removed on appeal to the supreme court, and the proper judgments directed to be entered below.

Provide.

Act not to restrain.

SEC. 13. *Be it further enacted,* That nothing in this act contained shall be so construed as to restrain the parties from seeking the aid of the courts of equity in any matter proper for its jurisdiction.

To have same effect as originals.

SEC. 14. *Be it further enacted,* That the records and registries allowed by the court in pursuance of this act shall have the same force and effect as original records and registries.

SEC. 15. *Be it further enacted,* That this act shall be in full force and effect from and after the date of its ratification. [*Ratified the 3rd day of February, A. D., 1866.*]

AN ACT TO PUNISH VAGRANCY.

Chap. 42.

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 who may be able to labor has no apparent means of subsistence, and neglects to apply himself to some honest occupation for the support of himself and his family, if he have one; or, if any person shall be found spending his time in dissipation, or gaming, or sauntering about without employment, or endeavoring to maintain himself or his family by any undue or unlawful means, such person shall be deemed a vagrant, and guilty of a misdemeanor. And it shall be the duty of any justice of the peace of the county wherein such person shall be found, upon due proof of such offence, to issue a warrant for the arrest of the offender, to be brought before him or some other justice of the peace, whose duty it shall be, if on examination, such person shall be found a vagrant, to recognize him with good security for his appearance at the first court to be held for said county, whether it be a court of pleas and quarter sessions, or a superior court, to answer such offence. And if he fail to give such recognizance, he shall be imprisoned until the session of said court: *Provided, however,* That if such offender shall, at the said court, enter into a recognizance, in such sum as the court shall prescribe, and continued for his good behavior and industrious, peaceable deportment for one year, he may be discharged on payment of the costs and charges which shall have accrued; but if he shall fail to enter in such recognizance, and pay such costs and charges, he shall be prosecuted as a vagrant, and, upon conviction, the court may fine or imprison him, or both, or sentence him to the workhouse for such time as the court may think fit.

Vagrancy defined and punished.

Duty of magistrates.

Proviso.

SEC. 2. *And be it further enacted,* That this act shall take effect from and after its ratification. [Ratified the 2nd day of March, A. D., 1866.]

Chap. 43.

AN ACT TO IMPROVE THE LAW OF EVIDENCE.

Preamble.

WHEREAS, The inquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and civil cases, should be laid before the persons appointed to decide upon them, and that such persons should exercise their judgments on the credit of witnesses adduced, and on the truth of their testimony; now therefore,

What evidence allowed.

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, as follows,* That no person offered as a witness shall hereafter be excluded by reason of incapacity from interest or crime, from giving evidence either in person or by deposition, according to the practice of the court, on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit or proceeding, civil or criminal, in any court, or before any judge, justice, jury, or other person having, by law, authority to hear, receive and examine evidence; and every person so offered shall be admitted to give evidence, notwithstanding such person may or shall have an interest in the matter in question, or in the event of the trial of the issue, or of the suit or other proceeding in which he is offered as a witness.

Evidence of interested parties admissible.

SEC. 2. *Be it further enacted,* That on the trial of any issue, or of any matter or question, or on any enquiry arising in any suit or other proceeding in court, or before any judge, justice, jury or other person having by law, authority to hear and examine evidence, the parties and the person in whose behalf any suit or other proceeding may be brought or defended, shall, except as hereinafter provided, be competent and compellable to give evidence, either *viva voce*, or by deposition, according to the practice of the court, in behalf of either or any of the parties to said suit or other proceeding.

SEC. 3. *Be it further enacted*, That nothing contained in the second section of this act shall render any person who, in any criminal proceeding, is charged with the commission of an indictable offence, competent or compellable to give evidence for or against himself, or shall render any person compellable to answer any question tending to criminate himself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

Incompetent evidence.

SEC. 4. *Be it further enacted*, That nothing contained in the second section of this act shall apply to any suit or other proceeding in any court of law or equity, instituted in consequence of adultery, or to any action for breach of promise of marriage or for criminal conversation, and nothing contained in the first section of this act shall apply to the attesting witnesses to wills. [*Ratified the 12th day of March, A. D., 1866.*]

Inadmissible evidence.

AN ACT IN RELATION TO CONSTABLES AND OTHER OFFICERS. *Chap. 44.*

SEC. 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, all constables and other officers collecting debts upon judgment and execution issued by a justice of the peace, shall credit said judgment, and sign the same for the amount received at the time of payment.

Constables authorized.

SEC. 2. *Be it further enacted*, That any officer failing to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined at the discretion of the court.

Penalty for failure.

SEC. 3. *And, be it further enacted*, That this act shall take effect from and after its ratification. [*Ratified this 14th day of February, A. D., 1866.*]

Chap. 45. AN ACT TO ATTACH THE COUNTY OF MITCHELL TO THE EIGHTH JUDICIAL CIRCUIT, AND FOR OTHER PURPOSES.

Mitchel Co.,
attach'd to 8th
circuit.

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 county of Mitchell be and the same is hereby attached to the eighth judicial circuit.

Terms of Su-
perior Court.

SEC. 2. *Be it further enacted,* That the spring and fall terms of the superior court of Polk, Rutherford and McDowell shall be hereafter held as follows, to wit: Polk, on the second Monday in March and September; Rutherford, on the third Monday in March and September; and McDowell, on the fourth Monday in March and September.

Terms of *
County Court

SEC. 3. *Be it further enacted,* That the spring and fall sessions of the courts of pleas and quarter sessions of said counties of Polk, Rutherford and McDowell shall be held as follows, to wit: Polk, on the second Monday of March and September; Rutherford, the third Monday of March and September; and, McDowell, on the fourth Monday of March and September.

Terms of
Courts in Mi-
chel and Bun-
combe.

SEC. 4. *Be it further enacted,* That hereafter the spring and fall terms of the superior and county courts of Mitchell and Buncombe, shall be held as follows, to wit: Mitchell, on the sixth Monday after the fourth Monday in April and September; and Buncombe on the seventh Monday after the fourth Monday in April and September; the superior courts of Buncombe to continue two weeks.

Suits to be re-
turned by
sheriff.

SEC. 5. *Be it further enacted,* That all suits and process in the hands of any sheriff or other officer in the State, returnable to any of said courts, county or superior, shall be returned by the said sheriffs or other officers, to the said court, at the time above prescribed for the holding thereof, notwithstanding any command on the face of said writ, or other process to return the same at a different time, under the same pains and forfeitures as are now prescribed for failure to return process in other cases.

SEC. 2. *Be it further enacted*, That this act shall go in to effect from and after its ratification. [*Ratified the 30th day of January, A. D., 1866.*]

AN ACT TO AUTHORIZE THE PUBLIC TREASURER TO COLLECT AND SELL STATE PROPERTY. *Chap. 46.*

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 have power, and he is hereby instructed to collect all money and property of the State not held by some person under authority of law, and to sell said property at such time and place, and under such terms as he may deem best. Treasurer empowered.

SEC. 2. *Be it further enacted*, That the Public Treasurer be authorized to demand the surrender of any property belonging to the State, from any person holding or detaining the same, and to demand and receive the proceeds, and to recover the same, by suit or otherwise, from any person who may have used, sold or destroyed, or otherwise converted to his own use, any money or property belonging to the State, and for which he ought to account; and he is further authorized to settle and compromise, in his discretion, all such claims of the State. To demand certain property.

SEC. 3. *Be it further enacted*. That the Public Treasurer may employ, in carrying into effect the provisions of this act, such agents and attorneys as he may deem fit, fix their compensation, and prescribe their duties, subject to the approval of the Governor. To employ agents and attorneys.

SEC. 4. *Be it further enacted*. That all moneys collected under authority of this act, less the expense of collection, shall be paid into the public treasury, and accounted for as other public moneys, and the Public Treasurer shall make a report to the General Assembly. Money collected to be paid into treasury.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 3rd day of February, A. D., 1866.*]

Chap. 47. AN ACT TO AUTHORIZE THE PUBLIC TREASURER TO MAKE SPECIAL DEPOSITS.

Repeal.

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 eleventh section, chapter one hundred and twelve of the Revised Code, which makes it obligatory on the Public Treasurer to make deposits of the public money monthly in the banks of the State, be hereby repealed. -

Special deposits authorized.

SEC. 2. *Be it further enacted.* That the Treasurer is authorized to make special deposits of said money with the cashier of the Bank of North Carolina.

SEC. 3. *And be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 10th day of March, A. D., 1866.*]

Chap. 48. AN ACT FOR THE BETTER PROTECTION OF THE MILLING AND MANUFACTURING INTERESTS IN THE STATE.

Persons destroying dams etc., penalty.

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 person or persons who shall cut away, destroy or otherwise injure any dam or dams, or parts thereof, or shall obstruct or damage any race, canal or water channel erected, opened, or constructed for the purpose of furnishing water for the operations of any mill, factory or machine works, shall be liable to be indicted in either the county or superior court of the county in which the offence shall have been committed, and upon conviction shall be fined or imprisoned, at the discretion of the court, or both, and shall also be further liable to an action in either of said courts for damages by the person or company thus injured.

SEC. 2. *And, be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 12th day of March, A. D., 1866.*]

AN ACT TO AUTHORIZE THE WARDENS OF THE POOR, IN CASE *Chap. 49.*
 ANY INDIGENT PERSON BECOMES CHARGEABLE TO A COUNTY
 POSSESSED OF ANY ESTATE WHICH IS INSUFFICIENT FOR
 THE SUPPORT OF SUCH INDIGENT PERSON, TO INSTITUTE
 PROCEEDINGS TO SUBJECT THE SAME TO THE INDEMNITY OF
 THE COUNTY WHOSE DUTY IT IS MADE BY LAW TO PROVIDE
 FOR THE MAINTENANCE OF THE POOR THEREOF.

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,* Concerning certain indigent persons. That whenever any indigent person becomes chargeable to a county for maintenance and support in accordance with the provisions of chapter eighty-six of the Revised Code, owning any estate, that it shall be the duty of the wardens of the poor of any county liable to pay the expenses of such indigent person, to cause the same to be sold for its indemnity or reimbursement in the manner provided in the chapter of said code entitled Idiots and Lunatics.

SEC. 2 *Be it further enacted,* That this act shall take effect, and be in force from and after its ratification. [*Ratified the 19th day of February, A. D., 1866.*]

AN ACT FURTHER SUSPENDING THE OPERATION OF THE *Chap. 50.*
 STATUTE OF LIMITATION

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 all cases whereby by any law or rule of the courts, the lapse of time is made a bar of the claims or of remedies at law or in equity, or made the presumption of the satisfaction or abandonment of legal rights of any kind whatever, the time between the 20th day of May, eighteen hundred and sixty-one and the first day of January, eighteen hundred and sixty-seven shall not be counted. [*Ratified this 21st day of February, A. D., 1866.*]

Suspends operations of statute of limitation between May 1, 1861, & Jan. 1, 1867.

Chap. 51. AN ACT TO ESTABLISH A BOARD OF COMMISSIONERS OF NAVIGATION FOR THE PORT OF OCRACOCKE AND MATERAS INLET, AND ITS WATERS.

Boards of navigation 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 Christopher O'Neal, Anson Howard and Edward Farrow, of the county of Hyde, and Robert Wallace and W. Roberts, of Carteret County, are hereby appointed as a board of commissioners of navigation for the port of Ocracoke and its waters; and Amasa Simpson, Homer W. Styson, John Peal, Benjamin T. Fulcher and Charles Foster, of Hyde County, to be a board for Materas Inlet and its waters; and, when vacancies occur in any of the boards, by refusals to act, by resignations or otherwise, the remaining members of such board shall fill the same.

Repeal.

SEC 2. *Be it further enacted,* That so much of the twenty-fifth section of chapter eighty-five, of the Revised Code, as requires the appointment of the commissioners by the courts of pleas and quarter sessions of the said counties be and the same is hereby repealed.

SEC 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 12th day of March A. D., 1866*]

Chap. 51. AN ACT TO LEGALIZE THE TRANSFER OF REGISTERED BONDS OF THIS STATE TO BEARER.

Legalize the transfer.

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 party holding a coupon bond of this State which has been registered, may transfer the same to bearer, attested by the public treasurer, and the effect of such transfer shall be to restore the bond to the condition in which it was before registration. And

the Treasurer shall keep a record of such transfer to bearer; and all such transfers heretofore made to bearer, ^{Treasurer to keep record of transfers.} are hereby legalized and declared to be valid. That the Treasurer is authorized to charge and receive one dollar ^{Fees.} for each bond he may hereafter transfer to bearer, in compliance with the provisions of this act.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 10th day of March, A. D., 1866.*]

AN ACT TO EXTEND THE TIME ALLOWED TO WIDOWS TO ENTER THEIR DISSSENT TO THE LAST WILL AND TESTAMENT OF THEIR HUSBANDS. *Chap. 53.*

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 widows of all testators whose last wills and testaments have been admitted to probate in this State since the first day of January, one thousand eight hundred and sixty-two, and before the first day of May, one thousand eight hundred and sixty-five, whose real estate has not been sold, be, and they are hereby allowed, six months from and after the ratification of this act, to enter their dissent to the same. ^{Widows allowed 6 months to enter dissent to wills.}

SEC. 2. *Be it further enacted,* That in all cases where the widow shall dissent from the last will and testament of her husband, as provided in the foregoing section, she shall be entitled to the same rights of dower as if her husband had died intestate: *Provided,* That no widow shall be entitled to the provisions of this act where the estate of her husband has been finally settled. ^{Entitled to rights of dower.}

SEC. 3. *And, be it further enacted,* That this act shall take effect and be in force from and after its ratification. [*Ratified the 22nd day of February, A. D., 1866.*]

Chap. 54. AN ACT TO AUTHORIZE CERTAIN CHEROKEE INDIANS TO REMAIN PERMANENTLY IN NORTH CAROLINA.

Preamble.

WHEREAS, By an act of the thirty-third Congress of the United States, second session, chapter two hundred and four, section third, the sum of forty-two thousand two hundred and ninety dollars and sixty-nine cents is appropriated for the use and benefit of the Cherokee Indians residing in the State of North Carolina, and embraced in the roll of John C. Mully, the payment of which is dependant on the consent of the State of North Carolina that such Indians may remain permanently in the State,

Cherokee Indians permitted to remain in the 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 the Cherokee Indians who are now residents of the State of North Carolina, shall have the authority and permission to remain in the several counties of this State where they now reside; and shall be permitted to remain permanently therein so long as they may see proper to do so, any thing in the treaty of eighteen hundred and thirty-five to the contrary notwithstanding.

SEC. 2. *And, be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified this the 19th day of February, A. D. 1866.*]

Chap. 55. AN ACT TO EXTEND THE TIME FOR REGISTERING DEEDS AND OTHER CONVEYANCES

Deeds, etc., valid if registered within given time.

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 grants of land in the State, all deeds of conveyance, all powers of attorney and every other instrument of writing which is required or allowed to be registered within a given time, and have not been

proved and registered within such time may be proved and registered within three years from the ratification of this act, under the same rules, regulations and restrictions as heretofore appointed by law; and when so proved and registered shall be as good and valid as if they had been duly proved and registered: *Provided*, That nothing herein contained shall be construed to extend to mortgages and conveyances in trust and to marriage settlements. [*Ratified the 7th day of February, A. D., 1866.*]

AN ACT MORE EFFECTUALLY TO SECURE THE MAINTENANCE OF BASTARD CHILDREN, AND THE PAYMENT OF FEES AND COSTS ON CONVICTION IN CRIMINAL CASES. Chap. 56.

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 all pleas of the *County court* where a person may be fined or sentenced to pay a fine, and in all cases arising under chapter twelve of the Revised Code, entitled "bastard children," when the putative father shall be charged with costs or the payment of money for the support of a bastard child, and such person or putative father shall, by law, be subject to be committed to prison in default of paying the same, it shall be competent for the court to sentence such person or putative father to the house of correction for such time not exceeding twelve months, as the court may deem proper: *Provided, however,* That such person or putative father, at his discretion, instead of being committed to prison or to the house of correction, may bind himself as an apprentice to any person whom he may select, for such time and at such price as the court may direct. The binding shall be by indenture in open court, and the price obtained shall be paid to the county trustee; and the person thus bound shall be treated and regarded as an apprentice in all matters, except education. Prov. Co.

SEC. 2. *Be it further enacted,* That this act shall go into

Clause of chap
59, sec. 2, Re-
vised Code
repealed.

effect on the first day of April, eighteen hundred and sixty-six, at which time so much of the first section of chapter fifty-nine, of the Revised Code, as allows persons committed for the maintenance of bastard children charged upon them, or persons committed for fine and costs of criminal prosecutions, to be discharged on taking the oath of insolvent debtors, shall be, and the same is hereby repealed. [*Ratified the 2nd day of March, A. D., 1866.*]

Chap. 57. AN ACT TO PUNISH PERSONS PURSUING AND INJURING HORSES AND OTHER LIVE STOCK, WITH INTENT TO STEAL THEM.

Persons injur-
ing live stock
guilty of mis-
demeanor.

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 pursue, kill or wound any horse, mule, ass, jenny, cattle, hog, sheep or goat, the property of another, with the intent unlawfully and feloniously to convert the same to his own use, he shall be deemed guilty of a misdemeanor, and on conviction, shall be punishable, in all respects, as if convicted of larceny, though such animal may not have come into the actual possession of the person so offending. And all persons commanding, counselling, advising, aiding or abetting any of such unlawful acts, shall be punished in like manner, and may be prosecuted alone, or with the principal actor. [*Ratified the 2nd day of March, A. D., 1866.*]

Chap. 58. AN ACT TO PREVENT ENTICING SERVANTS FROM FULFILLING THEIR CONTRACTS OR HARBORING THEM.

Persons en-
ticing servants
from employ-
er, may be
sued.

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, after the ratification of this act, any person shall entice, persuade and procure any

servant by indenture, or any servant who shall have contracted in writing, to serve his employer, to unlawfully leave the service of his master or employer; or, if any person shall knowingly and unlawfully harbor and detain, in his own service, and from the service of his master or employer, any servant who shall unlawfully leave the service of such master or employer; then, in either case, such person and servant may be sued, singly or jointly, by the master, and on recovery, he shall have judgment for the actual double value of the damages assessed. [Ratified the 2nd day of March, A. D., 1866.]

AN ACT TO SECURE TO AGRICULTURAL LABORERS THEIR PAY
IN KIND. *Chap. 59.*

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 whenever servants and laborers in agriculture shall, by their contracts in writing, already or hereafter made, be entitled, for wages, to a part of the crops cultivated by them, such part shall not be subject to sale under executions, against their employers, or the owners of the land cultivated. Laborers part of crops secured against sale under executions.

SEC. 2. *And be it further enacted,* That this act shall be in force from and after its ratification. [Ratified the 2nd day of March, A. D., 1866.]

AN ACT TO PREVENT WILFUL TRESPASSES ON LANDS AND STEALING
ANY KIND OF PROPERTY THEREFROM. *Chap. 60.*

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, after being forbidden to do so, shall enter on the premises of another without a license therefor; and if any person after being thus forbidden, shall so enter, he shall be deemed guilty Persons forbidden not to enter on land.

of a misdemeanor. And if any person, not being the present owner or *bona fide* claimant of such premises, shall wilfully and unlawfully enter thereon, and carry off, or be engaged in the act of carrying off, any wood or other kind of property whatsoever, growing, or being thereon, the same being the property of the owner of the premises, or under his control, keeping or care, such person shall, if the act be done with felonious intent, be deemed guilty of larceny, and punished as for that offence. And if not done with such intent, shall be deemed guilty of a misdemeanor: *Provided, however,* That any person who may make a written affidavit before a justice of the peace of the county, that any of his cattle or other live stock, (which shall be specially described and set forth in such affidavit) has strayed away, and he has good reason to believe that it is on the premises of another or other persons, then such justice may, in his discretion, allow such person to enter on said premises with one or more servants, without firearms, in the day time (Sunday excepted,) between the hours of sunrise and sunset, and make search for his estray for such limited time as to said justice shall appear reasonable; but the only effect of such license shall be to protect the persons entering, from indictment therefor, and then only, provided the license shall have been made *bona fide*, and without any damage except such as was necessary to conduct the search. [*Ratified the 2nd day of February, A. D., 1866.*]

Chap. 61.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE RELIEF OF LANDLORDS."

SEC. 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 provisions in the act entitled "an act for the relief of landlords," ratified on the twenty-six day of January, in the year eighteen hundred

Act for relief
of landlords
amended.

and sixty-three, and amended by an act entitled an act to amend an act entitled "an act for the relief of landlords," ratified on the twenty-eighth day of May, eighteen hundred and sixty-four, shall be extended to all cases in which any grants or leases have been made of lands heretofore claimed as abandoned lands under any orders of the Treasury Department of the United States, or of the Bureau of Refugees, Freedmen and Abandoned Lands, or of any officer of either of them, and upon the restoration of said lands, the said grants or leases have been or may be assigned or transferred by either of the said departments or any officer thereof. And the assigns and transfers shall be entitled to all the benefits of the provisions of the above recited acts.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 6th day of March, A. D., 1866.*]

AN ACT TO OUTLAW FELONS WHO FLEE FROM JUSTICE.

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 in all cases where any two justices of the peace, or any judge of the supreme or superior courts, shall, on written affidavit, filed and retained by such justice or judge, receive information that a felony has been committed by any person, and that such person flees from justice, conceals himself and evades arrest and service of the usual process of the law, the said judge or justice of the county where such person is supposed to lurk and conceal himself, are hereby empowered and required to issue proclamation against him, reciting his name, if known, thereby requiring him forthwith to surrender himself; and also to empower and require the sheriff of the county to take such power with him as he shall think fit and necessary for going in search and pur-

Felons in certain cases outlawed.

suit of and effectually apprehending such fugitive from justice ; which proclamation shall be published at the door of the court house and such other places as the said justices shall direct ; and if any person, against whom proclamation hath been thus issued, continue to stay out, lurk and conceal himself, and do not immediately surrender himself, any citizen of the State may capture, arrest and bring him to justice, and in cases of flight or resistance by him, after being called on and warned to surrender, may slay him without accusation or impeachment of any crim

SEC. 2. *And be it further enacted,* That this act shall be in force from its ratification. [*Ratified the 1st day of March, A. D., 1866*]

hap. 63. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO ESTABLISH THE OFFICE OF AUDITOR OF PUBLIC ACCOUNTS," PASSED AT THE SESSION OF THE GENERAL ASSEMBLY HELD A. D. 1862 AND 1863, AND RATIFIED THE TWENTIETH DAY OF DECEMBER, A. D. 1862, AND FOR OTHER PURPOSES.

Abolishes the office of auditor public accounts.

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 establish the office of Auditor of Public Accounts," passed at the session of the General Assembly held in the year one thousand eight hundred and sixty-two, and ratified twentieth day of December one thousand eight hundred and six-two, be and the same is hereby in all things repealed.

Duties of auditor devolves on comptroller.

SEC. 2. *Be it further enacted,* That all the duties which by virtue of the said act devolved on the Auditor of Public accounts shall hereafter devolve upon the Comptroller of the State.

Salary of comptroller.

SEC. 3. *Be it further enacted,* That the salary of the Comptroller of the State shall be fifteen hundred dollars,

besides the fees of office, to be paid as directed in chapter one hundred and two of the Revised Code.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 14th day of February, A. D., 1866.*]

AN ACT TO PUNISH SEDITIOUS LANGUAGE, INSURRECTIONS AND REBELLIONS IN THE STATE. Chap. 64.

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 by words spoken, written or printed, shall endeavor to excite in any person whatever a spirit of insurrection, conspiracy, sedition or rebellion against the government of the State, such person so offending shall, on conviction thereof, stand in the pillory one hour, receive one or more public whippings, not less than thirty-nine lashes each, and be imprisoned twelve months.

Conspiracy and sedition to be punished by whipping and standing in pillory.

SEC. 2. *Be it further enacted*, That if any person shall be found in a state of rebellion or insurrection against the government of the State, or shall agree to join any conspiracy, rebellion or insurrection against the same, or shall procure or persuade others to join or enlist therein, or shall knowingly and wilfully aid, assist or encourage any person engaged therein or engaged in a conspiracy to make such rebellion or insurrection, every person so offending and being thereof convicted, shall suffer death. [*Ratified the 27th day of February, A. D., 1866.*]

Rebels and conspirators against the government to suffer death



RESOLUTIONS OF A PUBLIC NATURE,
PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH CAROLINA,
AT ITS
SPECIAL SESSION OF 1866.

RESOLUTIONS IN FAVOR OF DISABLED SOLDIERS.

WHEREAS, A number of officers and soldiers from North Carolina engaged, upon her call, in the late civil war, have lost their limbs in the service, and are unable, from want of means, to supply themselves with artificial ones: And whereas, It is considered an eminent work of charity and of justice to assist all such with the common funds of the State to procure necessary limbs, and thus to restore them as far as practicable, to the comfortable use of their persons, to the enjoyment of life and to the ability to earn a subsistence: Therefore, it is Preamble.

Resolved, That his Excellency, the Governor, is hereby empowered and requested to make a contract with some manufacturer of artificial limbs to supply the need of the State at an early day. And to this end, his Excellency is empowered to institute such enquiries and adopt such rules as may be deemed by him most expedient to ascer-

Governor
empowered to
make contract
for artificial
limbs for dis-
abled soldiers.

tain the extent of the need, and the best mode of supplying it with properly fitted limbs. *And,*

Be it further resolved, That the expenses incurred by his Excellency in executing this purpose of the General Assembly shall be paid upon his warrant, out of any moneys in the Treasury not otherwise appropriated. [*Ratified the 23rd day of January, A. D., 1866.*]

RESOLUTION AMENDATORY OF THE RESOLUTION FOR SUPPLYING ARTIFICIAL LIMBS TO MAIMED SOLDIERS, RATIFIED TWENTY-THIRD JANUARY, 1866.

Directs Governor to act in conformity with report of committee.

Resolved, That the General Assembly doth concur in the report submitted by the joint select committee appointed to enquire into the expediency of modifying or amending the resolution for supplying maimed soldiers with artificial limbs, ratified on the twenty-third day of January last; and doth hereby direct the Governor to act in conformity with said report in executing said resolution. [*Ratified the 23rd day of February, A. D., 1866.*]

A RESOLUTION IN FAVOR OF CERTAIN DISABLED SOLDIERS.

Treasurer authorized to pay.

Provide.

Resolved, That the Public Treasurer be, and is hereby authorized, to pay to all disabled soldiers that have on their own account purchased artificial limbs, the amount paid by his Excellency, the Governor, for such limbs, in the contract made by him for the benefit of maimed soldiers: *Provided,* The soldiers can establish the fact to the satisfaction of the Public Treasurer that he has purchased said limb and would have been entitled to an artificial limb under a resolution passed at this session of the General Assembly, entitled "a resolution to furnish disabled soldiers with artificial limbs." [*Ratified the 10th day of March, A. D., 1866.*]

RESOLUTION IN FAVOR OF DISABLED SOLDIERS.

WHEREAS, This General Assembly has, by resolution, Preamble. authorized the Governor of the State to furnish artificial legs to those officers and soldiers of this State who have lost legs in the late Confederate service: And, whereas, many officers and soldiers who lost legs in said service have procured artificial ones at their own expense. Therefore, be it

Resolved, That whenever any such officer or soldier has, Governor authorized. at his own proper charge, procured and paid for an artificial leg, for his own use, and the same shall be made to appear on satisfactory evidence to the Governor, it shall be his duty and he is hereby authorized and directed, instead of the limbs to which said party would be entitled, to cause to be paid to him a sum equal to that which shall be paid by the Governor for similar limbs, and for this end to draw on the Treasurer for such sums as from time to time may be necessary. [*Ratified the 12th day of March, A. D., 1866.*]

RESOLUTION IN FAVOR OF CERTAIN DISABLED SOLDIERS.

Resolved, That the courts of pleas and quarter sessions County court authorized to levy tax. of the several counties of this State, a majority of justices being present, are hereby authorized to levy and collect, as taxes, such amounts of money as may by them be deemed necessary for the relief of the destitute disabled soldiers of their respective counties; said money to be distributed under the direction of said court.

Resolved, That the chairman of each court of pleas and quarter sessions in the State be and he is hereby required Chairman of court to furnish statement to forward to the Governor of the State, on or before the first day of November next, a concise statement of the names and number of the disabled soldiers who are citizens of their respective counties, showing the number of

those who have lost legs, arms or are otherwise disabled in separate lists, together with a list of the destitute families or dependants of those who have died, with such other facts as may be of importance in investigating their claims to State aid; and the Governor shall report the same to the General Assembly at its next session. [*Ratified the 10th day of March, A. D., 1866.*]

RESOLUTION FOR DISTRIBUTING COPIES OF THE REVISED CODE AND
OTHER ACTS OF THE GENERAL ASSEMBLY.

Sec'y of State
directed to
distribute
public docu-
ments.

Resolved, by the General Assembly, That the Secretary of State be and he is hereby directed to distribute one copy each of the Revised Code and second volume of the Revised Statutes and Acts of the General Assembly, passed since the adoption of the Revised Code, for the use of their respective offices, to each of the clerks of the courts of pleas and quarter sessions, clerks of the superior courts and clerks and masters in equity, of those counties to which the same has never been distributed or where the same has been destroyed by the burning of the court house or public records, or been lost or destroyed on account of raids or other unavoidable cause during the late war between the Northern and Southern States, from any surplus copies thereof belonging to the State, not necessary to be retained in his office for public use: *Provided,* That he shall not distribute said laws except to said clerks of newly formed counties where no distribution has heretofore been made, unless the clerks applying for the same shall first certify under the seal of their office that the said laws for which they may apply has never been distributed heretofore for the use of their respective offices or else have been destroyed or lost as aforesaid.

Governor
authorized to
furnish Sec'y
of State copies
Revised Code.

Resolved further, That the Governor be and he is hereby authorized and requested to furnish the Secretary of State a sufficient number of the Revised Code and the second

volume of the Revised Statute that have been placed in the hands of booksellers for sale or elsewhere for safe keeping as may be necessary for distribution under the foregoing resolutions. [*Ratified the 19th day of February, A. D., 1866.*]

RESOLUTIONS ACCEPTING A DONATION OF LANDS BY THE CONGRESS OF THE UNITED STATES UNDER THE ACT APPROVED JULY SECOND, 1862.

WHEREAS, By an act of the Congress of the United States, approved July the second, one thousand eight hundred and sixty-two, entitled "an act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and mechanic arts," there was granted to the several States an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each Senator and Representative in Congress to which the States are respectively entitled by the appointment under the census of eighteen hundred and sixty; and land script is directed to be issued accordingly, which shall be sold by the several States and the proceeds invested in stocks to constitute a perpetual fund for the endowment, support and maintenance of, at least, one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. And,

WHEREAS, By another act of Congress, approved April fourteenth, one thousand eight hundred and sixty-four, a further time of two years from that date is allowed to the several States within which to express their accep-

tance of the benefits of the act aforesaid, according to the condition thereof: And, whereas, By virtue of the said acts of Congress, the State of North Carolina is entitled to land scrip to the amount of two hundred and seventy thousand acres upon expressing her acceptance as aforesaid.

Accepts benefit of act of Congress.

Resolved, therefore, by the General Assembly of the State of North Carolina, That this State doth hereby accept the benefits of the said act of Congress, approved July second, eighteen hundred and sixty-two, in all respects according to the terms and conditions thereof.

Governor directed to notify.

Resolved, further, That his Excellency, the Governor, be and he is hereby authorized and requested, immediately to signify to the President of the United States and the Secretary of the Department of the Interior, the acceptance of the said donation of land by this State for the purposes and on the conditions mentioned in said act, and to transmit copies of this preamble and resolutions to the President of the Senate and Speaker of the House of Representatives of the United States. [*Ratified the 22nd day of February, A. D., 1866*]

RESOLUTION IN FAVOR OF THE CHEROKEE INDIANS IN THIS STATE.

Appropriates \$100.

Resolved, That the sum of one hundred dollars be and the same is hereby appropriated out of any money in the treasury, to be paid by the Public Treasurer upon the order of the Cherokee Indian Chief, "Bushyhead," for the purpose of defraying said Chief's expenses to Washington City.

Treasurer authorized to hold in trust certain moneys due Cherokee Indians.

Resolved, further, That the Public Treasurer is hereby authorized to receive and hold in trust for the benefit of said Cherokee Indians, from the United States any and all moneys that may be due said Cherokee Indians from the government of the United States, and pay to said

Cherokee Indians or their legally accredited agent annually, the interest thereon at six per cent.

Be it further resolved, That the one hundred dollars herein appropriated be deducted out of any money that may be received on account of said Indians from the United States government. *[Ratified the 2nd day of March, A. D., 1866.]*

Appropriation to be deducted.

RESOLUTION PROVIDING FOR EXTRA COPIES OF THE REPORT OF THE PUBLIC TREASURER.

Resolved, That hereafter two hundred copies of the Report of the Public Treasurer be printed for exchange with the Treasurers of the several States and Territories; the residue to be distributed under the direction of the Treasurer. *[Ratified the 25th day of January, A. D., 1866.]*

Authorizes the printing of 200 copies of Treasurers report.

JOINT RESOLUTIONS DEFINING THE DUTY OF THE GOVERNOR WITH REGARD TO THE DISTRIBUTION OF AN ACT PASSED BY THIS GENERAL ASSEMBLY, ENTITLED "AN ACT FOR THE MORE COMPLETE REORGANIZATION OF THE STATE GOVERNMENT AND FOR OTHER PURPOSES," RATIFIED FEBRUARY FIRST, 1866.

WHEREAS, Doubts may arise as to the intent and meaning of the fourth section of an act ratified on the first day of February, one thousand eight hundred and sixty-six, entitled "an act for the more complete reorganization of the State Government and for other purposes." Therefore,

Preamble.

Be it resolved, That so much of the fourth section of said act as relates to the distribution thereof shall be deemed to be executed when a copy shall be delivered to the clerks of each of the superior and county courts and the sheriffs of the several counties. *[Ratified the 14th day of February, A. D., 1866.]*

Concerning distribution of act.

RESOLUTION TO APPOINT COMMISSIONERS ON THE CONDITION OF THE
ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

Governor
authorized to
appoint.

Resolved, That the Governor be authorized to appoint two commissioners and an additional one, if deemed by him necessary, to make examination of the condition and management of the Albemarle and Chesapeake Canal Company, and report the result thereof with such recommendations as may be proper to the General Assembly or the Convention, which may first hereafter be in session. [*Ratified the 5th day of February, A. D., 1866.*]

RESOLUTION CONCERNING CHEROKEE INDIANS.

Secretary of
Interior re-
quested to
hold certain
funds donated
to Cherokee
Indians.

Resolved, That the Secretary of the Interior be requested to hold the funds set apart by Congress to pay the Cherokee Indians embraced in the roll of John C. Mullay, as a permanent fund for the use and benefit of these Indians who are permitted to remain in North Carolina; and that he pay to said Indians the accrued interest thereon annually. [*Ratified the 19th day of February, A. D., 1866.*]

RESOLUTION AUTHORIZING CERTAIN PROCEEDINGS AGAINST THE CAPE
FEAR NAVIGATION COMPANY.

Attorney
General in-
structed.

Resolved, That the Attorney General of the State make enquiry into the complaint of boat owners and merchants of Wilmington; and in case it be found that the company complained of (The Cape Fear Navigation Company) has no authority to impose the tolls in question, either by reason of a want of power from the charter or in consequence of a forfeiture of such power for any cause, that the Attorney General be further instructed to file a bill or information in the nature of a *quo warranto* or other proper process to declare a forfeiture of its franchises.

Resolved, That the Attorney General may institute proceedings either in the supreme court of the State, or direct them to be instituted in the superior court for New Hanover county, at his option. And in the latter case the solicitor for that circuit is instructed to prosecute the same. In either alternative, the result is to be reported to the Governor. [*Ratified the 21st day of February, A. D., 1866.*]

Attorney
General may
institute pro-
ceedings.

A RESOLUTION TO PRINT THE ACTS OF THE SECRET SESSIONS OF
1862-'63 AND OF 1864-'65.

Resolved, That the Secretary of the State be instructed to have the acts passed in the secret sessions of eighteen hundred and sixty-two—sixty-three, and eighteen hundred and sixty-four—sixty-five, printed with the acts already ordered to be printed for those sessions. [*Ratified the 24th day of February, A. D., 1866.*]

Secretary of
State instruc-
ted.

RESOLUTION IN REFERENCE TO "SKETCHES OF LOWER NORTH
CAROLINA."

Resolved, That one hundred and forty-three dollars be and the same is hereby appropriated to the payment for the binding of two thousand volumes of "Ruffin's Sketches of Lower North Carolina," to be paid by the Treasurer on the warrant of the Governor.

Appropriates
\$143 for bind-
ing.

Resolved, That one hundred copies of said work be placed at the disposal of the Governor, ten copies placed in the State Library and ten in each of the College libraries at Chapel Hill, Wake Forrest, Davidson and Trinity Colleges, and the remainder be distributed equally to the members of the Legislature for distribution among their constituents. [*Ratified the 3rd day of March, A. D., 1866.*]

Copies of work
how disposed
of.

RESOLUTION FOR THE RELIEF OF THE UNIVERSITY OF NORTH
CAROLINA.

Appropriates
\$7,000.

✓

Resolved, That the sum of seven thousand dollars be and the same is hereby appropriated for the use of the University out of any money in the Treasury not otherwise appropriated, and the Public Treasurer is hereby directed to pay the same to the University. [*Ratified the 14th day of February, A. D., 1866.*]

RESOLUTION IN RELATION TO THE PUBLIC PRINTING AND BINDING.

Concerning
certain bind-
ing and stitch-
ing.

Resolved, That the Secretary of State be and he is hereby required to have all the binding and stitching contemplated by the report executed at the Asylum for the deaf and dumb and the blind. [*Ratified the 7th day of March, A. D., 1866.*]

RESOLUTION TO REPAIR THE STATE HOUSE AND TO HAVE SUCH OTHER
REPAIRS MADE AS MAY BE NECESSARY.

Governor directed to have
State House
repaired.

Resolved, That the Governor be directed to have the State House repaired and any other work done on the same which he may deem necessary to put the building in good order, and that he may draw on the Treasurer for the necessary expense, not to exceed six hundred dollars. [*Ratified the 12th day of March, A. D., 1866.*]

RESOLUTION AUTHORIZING THE PUBLIC TREASURER TO EMPLOY AN
ASSISTANT CLERK.

Treasurer au-
thorized to
employ clerk.

Resolved, That the Public Treasurer be authorized to employ a clerk to assist in the duties of his office during the present session, and that a sum not to exceed one hundred dollars be appropriated to that object. [*Ratified the 30th day of January, A. D., 1866.*]

RESOLUTION INSTRUCTING THE PUBLIC TREASURER TO PAY OVER TO THE TRUSTEE OF THE COUNTY OF RANDOLPH TWO HUNDRED AND SIXTY-DOLLARS (\$260).

WHEREAS, A court of oyer and terminer was held in Preamble. October last in the county of Randolph lasting two whole weeks, the costs of which to the county was eight hundred and fifty-six dollars and thirty-six cents: And, whereas, Every dollar in the hands of the county trustee has been exhausted in payment of said court charges, and there is still due more than two hundred dollars: And, whereas, The convention, in its revenue bill, ordained that all forfeitures and fines heretofore paid to the county trustee, to defray the county expenses should be paid into the Treasury of the State: And, whereas, At said court the fines and taxes accruing were two hundred and sixty dollars, which sum, by every consideration of justice and equity, should be expended in defraying the expenses of said court of oyer and terminer: Therefore, be it

Resolved, That the Public Treasurer of the State pay A ppropriates \$260. over to the trustee of said county or his order the sum of two hundred and sixty dollars out of any moneys in the treasury not otherwise appropriated.

Be it resolved further, That the Public Treasurer be and Treasurer au-
thorized to
refund certain
moneys. is hereby authorized to refund to the county Trustee of any county of the State in which courts of oyer and terminer have been held since the passage of said revenue ordinance, any taxes, fines, and forfeitures heretofore paid into the office of the county trustee, for county purposes, but which, under said Ordinance have been or may be paid into the State Treasury by the sheriffs of the counties. [*Ratified the 10th day of March. A. D., 1866.*]

RESOLUTION CONCERNING THE PUBLIC SQUARE.

Resolved, That the sum of one hundred dollars be and Appropriates \$100. is hereby appropriated for cleaning up and otherwise improving the capitol square; and the Public Treasurer

is hereby authorized to pay the same upon the order of the keeper of the public building. [*Ratified the 7th day of March, A. D., 1866.*]

RESOLUTION TOUCHING THE AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, RATIFIED AT THIS SESSION OF THE GENERAL ASSEMBLY, KNOWN AS THE THIRTEENTH ARTICLE.

Adopts the amendment to constitution of U. S.

Resolved, by the General Assembly of the State of North Carolina, That the amendment to the constitution of the United States adopted and ratified by the General Assembly at its present session, in the following words, to wit:

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime; whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation. Has been adopted and ratified in the sense given to it by the Honorable William H. Seward, Secretary of State of the United State, to wit: That it does not enlarge powers of Congress to legislate on the subject of freedmen within the States. [*Ratified the 18th day of December, A. D., 1866.*]

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
March 20th, 1866.

I, ROB'T. W. BEST, Secretary of State in and for the State of North Carolina, do hereby certify that the foregoing are true copies of the original Acts and Resolutions on file in this office. Given under my hand, this 20th day of March, 1866.

ROB'T. W. BEST,
Secretary of State.





